State Water Resources Control Board

April 21, 2026

Mr. Robert LeMoine
Director of Environmental Services
Southern California Edison Company
Sent via Email: Robert.F.LeMoine@sce.com

Sabrina Service Spillway Retrofit Project
Southern California Edison Company
Inyo County
Middle Fork Bishop Creek, Sabrina Lake Dam

NOTICE OF APPLICABILITY FOR SABRINA SERVICE SPILLWAY RETROFIT PROJECT

Dear Mr. LeMoine:

On March 12, 2026, the State Water Resources Control Board (State Water Board) received Southern California Edison Company's (SCE's) Notice of Intent (NOI) to enroll the Sabrina Service Spillway Retrofit Project (Project) under the *General Waste Discharge Requirements for Discharges of Dredged or Fill Materials to Waters of the State and Partial Clean Water Act Section 401 Water Quality Certification and Partial Denial of the Corps' 2026 Nationwide Permits, Order No. WQ 2025-0066-DWQ* (General Order, Enclosure A). [1] SCE's NOI notes that the Project will be covered by the United States Army Corps of Engineers' (USACE) Nationwide Permit (NWP) 3(a) – Maintenance.

State Water Board staff reviewed SCE's NOI and supporting materials provided on March 12, 2026, and determined that the Project meets the requirements of the General Order. The Project is hereby enrolled under the General Order, and SCE may proceed with the Project in accordance with this Notice of Applicability (NOA) and all conditions of the General Order following any additional applicable federal and/or state approvals, including but not limited to USACE notification of coverage of the Project under NWP No. 3(a).

[1] https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2026/nwp2026-general-order.pdf

Please note, General Order Section VI.D.12.c requires that: “For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to the Water Board for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.” The NOI states that the Project may require focused dewatering during excavation and spillway repair. A detailed Dewatering Plan must be submitted and approved before any dewatering occurs as noted in the Requirements section below.

SCE is responsible for complying with all applicable General Order requirements. Failure to comply with the General Order constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the General Order.

Project Description

The Project is located at the Sabrina Lake Dam on Middle Fork Bishop Creek in Inyo County, approximately 13 miles southwest of the City of Bishop. Sabrina Lake Dam is part of the Bishop Creek Hydroelectric Project (Federal Energy Regulatory Commission (FERC) Project No. 1394). Sabrina Lake Dam is a 70-foot-high and 900-foot-long timber-faced rockfill dam equipped with a main service spillway, an auxiliary spillway, and a low-level outlet. Lake Sabrina operates as a regulating reservoir for five downstream powerhouses along Bishop Creek. The main service spillway, located to the west of the dam, is an uncontrolled concrete gravity spillway with an ogee crest and a concrete heel block[2]. The main service spillway is 40-foot-long with a crest elevation of 9,131.46 feet above mean sea level (msl) and conveys overflow into a downstream ravine that reconnects with Bishop Creek approximately 200 feet below the dam. (See Enclosure B: Project Maps and Pictures.)

The Project’s purpose is to restore the structural integrity of the service spillway’s concrete heel block to meet FERC’s Engineering Guidelines and California Department of Water Resources’ Division of Safety of Dams requirements. Project activities will occur within and immediately adjacent to the existing service spillway footprint. Activities include potholing[3], excavation, installation of reinforced concrete tied into the existing structure, curing, and backfilling. Dry work conditions will be achieved by lowering the

[2] A concrete heel block is a reinforced concrete structural element placed at the upstream base (heel) of a spillway or dam to provide stability, improve load distribution, and reduce uplift and seepage forces.

[3] Potholing is a non-destructive excavation method used to expose and verify the precise location, depth, and condition of underground utilities or subsurface structures prior to construction or excavation activities. Potholing is typically performed using vacuum excavation or hand tools to minimize the risk of damaging existing infrastructure. For this Project, potholing will be performed to confirm the dimensions of the existing service spillway heel block (upstream side) and to evaluate subgrade soil and rock conditions, including the depth to competent bedrock. It is also being conducted to check for standing or flowing groundwater.

reservoir level before construction, with focused dewatering used only if subsurface water (e.g., groundwater) is encountered.

During construction, concrete debris, unsuitable excavated material, and any removed riprap or structural components will be stored in designated staging areas and either reused or transported to approved offsite disposal locations in accordance with applicable local, state, and federal requirements. The staging areas include an existing disturbed site along Highway 168 between the Forks Campground and the Intake 2 Campground and the Lake Sabrina Boat Landing parking lot. Temporary access features (access bridge and work platform) will be installed to facilitate safe equipment movement while minimizing disturbance. These features will be removed after construction, and all temporarily disturbed areas will be restored to preconstruction conditions. Vegetation work will be limited to essential trimming of shrubs and herbaceous vegetation; no tree removal is proposed.

California Environmental Quality Act

In its General Order, the State Water Board determined that projects authorized by the General Order, including projects eligible for coverage under the USACE NWP No. 3(a), are exempt from review under the California Environmental Quality Act (CEQA). The Project activities are not expected to have a significant effect on the environment, and the State Water Board has determined that the Project is categorically exempt from CEQA under California Code of Regulations, title 14, section 15301 (Class 1 – Existing Facilities). Additionally, the State Water Board finds that no exceptions to this exemption apply to the Project activities approved by this NOA.

The State Water Board will file a Notice of Exemption with the Office of Land Use and Climate Innovation, State Clearinghouse, within five days of issuance of this NOA. (Cal. Code Regs., tit. 14, § 15062.)

Project Fee

This NOA is conditioned on total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28. An application fee of $4,212 was received on March 13, 2026. The 2025-2026 Application Fee for Category A: *Fill and Excavation*[4] *Discharges* is $4,212, No additional payment is required at this time. Annual fees will continue to be charged until a Notice of Project Complete Letter is issued by the Deputy Director of the Division of Water Rights (Deputy Director). Failure to notify the State Water Board of Project completion may result in continued billing of annual fees.

[4] "Excavation" refers to removing sediment or soil in shallow waters or under no flow conditions, typically for purposes other than navigation. Examples include, but are not limited to, trenching for utility lines; other earthwork preliminary to discharge; removing sediment to increase channel capacity; and other flood control and drainage maintenance activities (e.g., debris removal, vegetation management and removal, detention basin maintenance and erosion control of slopes along open channels and other drainage facilities). (Cal. Code Regs., tit. 23, § 2200.)

Authorized Impacts
Excavation and fill activities authorized by this NOA are limited to the amounts described in the NOI: 0.15 acres/125.33 cubic yards/168 linear feet of temporary impacts[5] to a streambed. These impacts correspond to temporary spillway repair and reinforcement work areas, installation and removal of a temporary access bridge and work platform components, potholing, and vegetation and debris removal in Middle Fork Bishop Creek.

Requirements
SCE shall comply with all applicable conditions of the General Order, including but not limited to the following:

- Pursuant to section VI.D.11 of the General Order, SCE shall implement the Project in conformance with the information provided in its March 12, 2026 NOI, including all attachments. This includes implementation of the Avoidance and Minimization and Best Management Practices listed in Attachment C – Environmental Requirements: Avoidance and Minimization Measures and Attachment D – Temporary Impact Restoration Plan of its NOI. Any proposed changes to the Project design described in the NOI must be submitted to and approved by the Deputy Director prior to implementation.
- Pursuant to section VI.D.3 of the General Order, SCE shall submit a Commencement of Construction notification to the Deputy Director at least seven (7) days prior to starting initial ground disturbance activities.
- Pursuant to section VI.B.15.d.vi of the General Order, SCE shall store hazardous materials including chemicals, fuels, and lubricating oils at least 100 feet away from any delineated waters of the state and shall store such materials in appropriate containers with appropriate secondary containment.
- Pursuant to section VI.B.15.d.x of the General Order, SCE shall ensure all equipment and vehicle fueling and storage occur at least 100 feet from any waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.
- Pursuant to section VI.D.12.c and VI.B.17.f of the General Order, SCE shall submit, for review and consideration of approval by the Deputy Director, a Dewatering Plan (if dewatering is necessary) and a Water Quality Monitoring Plan at least 30 days prior to commencing any dewatering, in-water work, or stream diversions. The Dewatering Plan shall detail design, methods, best management practices, flow diversion measures, and contingencies for non-compliance or unanticipated groundwater. The Water Quality Monitoring Plan shall identify applicable water quality objectives in the *Water Quality Control Plan for the Lahontan Region* that SCE will monitor during the Project, monitoring locations, frequency, methods, and reporting protocols to track and report any Project-related discharges.
- Pursuant to section VI.A.4 of the General Order, SCE shall submit a Request for Notice of Project Complete Letter to the Deputy Director within 30 days following

[5] Temporary disturbances would result from ground disturbing activities and vegetation removal activities.

completion of all Project activities. Upon approval of the request, the Deputy Director will issue a Notice of Project Complete Letter to SCE.

If you have questions regarding this NOA, please contact James Noss, Project Manager, by email to: James.Noss@waterboards.ca.gov or by phone call to: (916) 327-3117. Written correspondence should be mailed to:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: James Noss
P.O. Box 2000
Sacramento, CA 95812-2000.

Sincerely,

Eric Oppenheimer
Executive Director

Enclosures:

Enclosure A: General Waste Discharge Requirements for Discharges of Dredged or Fill Materials to Waters of The State and Partial Clean Water Act Section 401 Water Quality Certification and Partial Denial of the Corps' 2026 Nationwide Permits, Order No. WQ 2025-0066-DWQ
Enclosure B: Project Maps and Pictures

ec: Ms. Debbie-Ann Reese, Secretary
Federal Regulatory Energy Commission
Via e-filing to FERC Docket for FERC Project No. 1394

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ENCLOSURE A:
General Waste Discharge Requirements for Discharges of Dredged or Fill Materials to Waters of The State and Partial Clean Water Act Section 401 Water Quality Certification and Partial Denial of the Corps' 2026 Nationwide Permits, Order No. WQ 2025-0066-DWQ

GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF DREDGED OR FILL MATERIALS TO WATERS OF THE STATE AND PARTIAL CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND PARTIAL DENIAL OF THE CORPS' 2026 NATIONWIDE PERMITS
ORDER NO. WQ 2025-0066-DWQ

Effective Date: Effective Date of the Corps' 2026 Nationwide Permits

Reg. Meas. ID: 461880

SWRCB ID: SB25036GN

Program Type: Fill/Excavation

Project: 2026 State Water Board Nationwide Permits General Order (General Order)

Applicant: U.S. Army Corps of Engineers (Corps)

Applicant Contact:
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State Water Board Contact Person:
If you have any questions, please call State Water Resources Control Board (State Water Board) contact listed above or contact your local Regional Water Quality Control Board using the Clean Water Act Section 401 Program Staff Directory (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf).

Table of Contents

I. Background and Summary

This Waste Discharge Requirements (WDRs) and Clean Water Act section 401 Water Quality Certification (General Order), which includes attachments A through D, conditionally certifies 19 and denies 38 of the U.S. Army Corps of Engineers (Corps) Nationwide Permits (NWPs). Certification is partially granted to NWPs 1, 3(a), 4, 5, 6, 9, 10, 11, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58 subject to this General Order's terms and conditions. Attachment D Lists Certified Nationwide Permits. All other NWPs are denied.

This General Order also serves as waste discharge requirements for projects that would qualify for enrollment in a NWP, but are not required to obtain a federal permit or license because the affected waters are not waters of the U.S.

The State Water Board's Certification of the 2021 NWPs remains in effect until the effective date of the Corps' final NWPs, which is anticipated in 2026.

II. Findings

1. This Order is adopted pursuant to section 401 of the Clean Water Act and as waste discharge requirements under the California Porter-Cologne Water Quality Control Act (Cal. Water Code §§ 13000, et seq.). Because this General Order also serves as WDRs, the conditions contained herein continue to have full force and effect independent of any federal license or permit. Discharges to waters of the state are prohibited except when in accordance with Water Code section 13264.

2. Any violation or threatened violation of the conditions of this General Order may be subject to any remedies, penalties, or sanctions as provided for under state and federal law, including the Clean Water Act and the Porter-Cologne Water Quality Control Act.

3. This General Order does not provide coverage under the Construction General Permit. As applicable, dischargers shall maintain compliance with conditions described in, and required by, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002). For ground disturbing activities that do not require enrollment in Order No. 2022-0057-DWQ, project plans included with the Notice of Intent (NOI) shall include appropriate erosion and sediment control measures as described in section VI.B (Stormwater Condition 18) below.

4. This General Order does not authorize any act which results in the take of a threatened, endangered or candidate species under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this General Order, the discharger 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 discharger is responsible for meeting all requirements of the applicable endangered species act for the project authorized under this General Order.

5. This General 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.

6. This General Order includes monitoring and reporting requirements pursuant to Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, is reasonable to the need and benefits of obtaining the reports. The reports confirm that the best management practices required under this General Order are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges also ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.

7. This General Order regulates the discharge of dredged or fill material to waters of the state that may impact water quality in disadvantaged and tribal communities. Pursuant to Water Code section 13149.2, the anticipated water quality impacts within the scope of the State Water Board's authority are the discharge of dredged or fill material to waters of the state and the possibility of discharges associated with related activities, such as discharges of sediment, uncured concrete, or oil and grease. This General Order incorporates available measures within the scope of the State Water Board's authority to address the anticipated impacts of the permitted activities. As set forth in Section VI, this General Order imposes construction conditions, mitigation conditions, water quality monitoring, and reporting and notification requirements that ensure enrollees are required to avoid, minimize, and lastly, mitigate, for any impacts to waters.

8. The State Water Board has considered the factors in Water Code section 13241 in establishing the requirements in this General Order.

9. The ability to discharge waste is a privilege, not a right, and adoption of this General Order shall not be construed as creating a vested right to continue discharging waste (Wat. Code, § 13263, subd. (g).)

III. Summary of NWPs

The Corps issues NWPs to authorize certain activities that require Corps permits under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbor Act of 1899. NWPs authorize a variety of activities, including navigation, recreation, utilities, bank stabilization, response, and remediation activities. Attachment D of this General Order summarizes each certified NWP.

More information about the NWPs are available under docket ID number COE-2025-002 on the Federal Register website (https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits) (90 Fed. Reg. 26,100).

The NWPs include general conditions that modify, suspend, or revoke NWPs for specific activities or within specific geographic regions. In addition, districts or divisions add other conditions, called regional conditions, to the general conditions. In 2026, the Corps is expected to issue 57 NWPs (56 reissued and one new), with modifications to the general conditions and definitions.

IV. Project Location

An individual project authorized by the State Water Board under this General Order may occur anywhere within California except as restricted herein. The nine California Regional Water Quality Control Boards (Regional Water Boards) are the: North Coast Regional Water Board, San Francisco Regional Water Board, Central Coast Regional Water Board, Los Angeles Regional Water Board, Central Valley Regional Water Board, Lahontan Regional Water Board, Colorado River Regional Water Board, Santa Ana Regional Water Board and San Diego Regional Water Board. A map showing the jurisdictional boundaries of each board can be found on the State Water Board's Website (https://www.waterboards.ca.gov/waterboards_map.html).

V. Description of Direct Impacts to Waters of the State

Projects proposed under the Corps' NWPs cover a wide variety of activities. A complete list of activities, including Corps' supplemental decision documents, is available on the Federal Register for the Nationwide Permits (docket ID number COE-2025-002).

Direct impacts to waters of the state may include temporary fill activities such as placement of temporary stream crossings, or permanent impacts such as placement of permanent structures in waterways. These activities may result in temporary impacts to water quality or may result in a permanent loss of waters. Impacts are generally of limited scope individually. To ensure that project impacts do not cumulatively cause adverse impacts to waters or interfere with compliance with water quality standards or objectives, this certification includes only a subset of those permits as listed in Attachment D.

VI. Conditions

This General Order provides reasonable assurance that projects authorized under this General Order will comply with state and federally approved water quality requirements, provided that the following conditions are adhered to.

A. General Conditions

1. This action is subject to remand, amendment, or vacatur by judicial or administrative adjudication, including review pursuant to Water Code section 13330, and California Code of Regulations, Title 23, chapter 28, Article 6 commencing with section 3867.

2. This General 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 General Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations.

    a. Fees are not required for NWPs 1, 4, 9, 10, and 11 or the equivalent discharges to non-federal waters of the state under this General Order. Fees are required for NWPs 3(a), 5, 6, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58 or the equivalent discharges to non-federal waters of the state under this General Order. The fee amount is determined as required by the California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3). Annual fees apply based on the fee schedule in effect at the time of billing. Annual billing will continue until the project, including monitoring, is complete and the State Water Board receives an acceptable request for a Notice of Project Completion. Fees are periodically adjusted. Dischargers should confirm the correct fee amount prior to submitting an NOI.

4. Activities permitted under this General Order shall not result in 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.

5. Projects authorized under this General Order shall be designed to avoid and minimize impacts to waters of the state to greatest practicable extent.

6. 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 the water quality control plans by any applicable Regional Water Board or any applicable State Water Board water quality control plan or policy (including the California Ocean Plan). The source of any such discharge must be eliminated as soon as practicable.

7. The discharger shall grant Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), 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 General Order.

c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Order.

d. Sample or monitor for the purpose of assuring General Order compliance.

8. The discharger shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this General Order shall be provided to any consultants, contractors, and subcontractors working on this project. Copies of this General Order shall remain accessible from the project site for the duration of the project. All personnel performing work on the project shall be familiar with the content of this General Order and how to access a copy from the project site.

9. If the project discharges to waters of the U.S., this General Order shall not apply to projects for which any NWP conditions or regional conditions have been waived by the Corps' District Engineer. If the project discharges to waters of the state that are not also waters of the U.S., the discharger must comply with all conditions in the NWP that would have been applicable if the discharge was to a water of the U.S.

10. This General Order shall not apply to projects requiring compensatory mitigation for permanent impacts to waters except as provided in NWPs 3(a), 12, 14, 57 and 58 section VI.F.

11. Projects impacting histosols, fens, bogs, peatlands, in wetlands contiguous with fens and vernal pools are prohibited.

12. If issued, the discharger shall submit a signed copy of the Department of Fish and Wildlife's lake and streambed alteration agreement to the Water Board prior to any discharge to waters of the state.

13. Unless granted by a variance by the Lahontan Regional Water Board Executive Officer or there is an emergency that threatens the public health or welfare, there shall be neither removal of vegetation nor disturbance of existing ground surface conditions between October 15 of any year and May 1 of the following year. This prohibition period applies to the Lake Tahoe Hydrologic Unit and above the 5,000-foot elevation in Mono County within the Lahontan Region. If stated in the NOA, this prohibition period will also apply to the Truckee River, Little Truckee River, East Fork Carson River, West Fork Carson River, East Walker River, and West Walker River Hydrologic Units and above the 5,000-foot elevation in Alpine, and Inyo Counties within the Lahontan Region.

14. The State Water Board or Regional Water Quality Control Boards (collectively Water Boards) shall determine whether the activity is eligible for enrollment under this General Order. A discharger may choose to apply for an individual water quality certification or individual waste discharge requirements.

B. Construction Conditions

1. All materials and supplies necessary for implementing these construction conditions must be on-site and ready for use at the start of the construction activity and must remain in supply and ready for implementation throughout the construction process. All non-structural best management practice (BMP) materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of construction.

2. Construction material, debris, rubbish, spoils, soil, silt, sawdust, rubbish, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to aquatic life that is discharged as a result of project related activities shall be prevented from entering waters of the state. Spoils from excavations shall not be stored in waters of the state.

3. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion prior to the start of construction. Such identification must be properly maintained until construction is completed and the soils have been stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of project disturbance are prohibited.

4. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.

5. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow are not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.

6. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.

7. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary crossing structure.

8. Unless authorized for restoration, material excavated to prepare a site for placement of the permitted fill material must be properly disposed of in an upland area. The disposal site must be located at a sufficient distance away from flowing or standing water such that the excavated material does not erode or move in any way into any water of the state. The disposal area shall be identified in the project NOI.

9. **Topsoil:** For any excavation, including utility line trenches, the top 6 to 12 inches of topsoil shall be removed and stockpiled separately during construction. Following installation, the topsoil shall be replaced and seeded with native vegetation.

10. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designated, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

11. **Dust Abatement:** Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, are detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Water Board staff.

12. **Use of Mechanized Equipment:** Activities permitted under this General Order shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting and other mechanical impacts. Equipment shall be operated and maintained in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to water bodies or wetlands. Appropriate project specific BMPs shall be specified by the discharger and shall be provided as part of the project description included in the NOI.

13. **Piers or Piles:** Piers or piles placed in the stream channel to support a linear transportation structure over a creek channel must be aligned parallel with the direction of flow to prevent erosive eddies.

14. Culvert Replacement and Maintenance

a. Cured in Place Pipe (CIPP) is prohibited where it could cause detrimental physiological responses to human, plant, animal, or aquatic life, or cause discharges to waters of the state that do not comply with water quality objectives or goals.

b. Replacement of culverts acting as grade control structures is prohibited. A vertical gap between the outlet of the culvert and the immediate downstream invert of the stream channel indicates that the culvert likely functions as a grade control structure.

c. Projects proposing to replace culverts must repair any existing scour or head-cutting actively discharging sediment, caused by prior culvert design.

d. Any replacement or existing culvert left in place by a repair or maintenance project shall be in alignment and at the same grade and orientation with the stream channel upstream and downstream of the culvert to ensure hydrologic connection of the stream channel and reduce plugging, overtopping and scour potential.

e. Replacement of a culvert with a similarly sized culvert is allowable unless there is visual indication that the existing culvert is undersized. Visual indications of undersized culverts include, but are not limited to: sediment aggradation upstream of the culvert; evidence of flow over the top of the culvert (e.g., erosional rills in dirt road surfaces or erosion of shoulders adjacent to paved road surfaces), erosion of the fill cell between the culvert and the road surface, scour pools at the culvert outlet, or erosion of creek banks immediately downstream of the culvert.

f. Culverts with solid bottoms (e.g., cylindrical culverts or box culverts) may be replaced with arch culverts or free-span bridges, if the existing culvert is not acting as a grade control structure.

g. The culvert must not be located in a meander bend of the stream channel.

h. Replacement culverts must be sized to convey a 100-year flow event with debris, without pressurizing flow passing through the culvert. The 100-year flow event should be modeled under climate change projections, if available.

15. Toxic and Hazardous Materials

a. Activities permitted under this General Order shall not discharge toxic substances in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life.

b. Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to

surface waters, ground waters, or land is prohibited. If concrete washout is necessary at the site, washout containment shall be used to prevent any discharge. Wastewater may only be disposed of by delivery to a sanitary waste-water collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.

c. Appropriate BMPs must be implemented throughout project activities to prevent and control potential leaks/spills/drainage of potentially hazardous materials such as: non-petroleum hydraulic fluid; epoxies; paints and other protective coating materials; cement concrete or asphalt concrete; and washings and cuttings thereof.

d. Activities permitted under this General Order shall not discharge waste classified as "hazardous" as defined in California Code of Regulations title 22, section 66261 and Water Code section 13173. Appropriate BMPs for hazardous substances shall be included in project plans provided in the NOI. These BMPs shall include, at a minimum:

i. All personnel handling fuels and other hazardous materials shall be properly trained.

ii. Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during project implementation.

iii. All mechanized equipment shall be maintained in good operating order and inspected on a regular basis.

iv. All on site fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.

v. Unless approved by the Water Boards, all equipment shall be fueled, maintained, and/or parked overnight in an upland area at least 100 feet from any delineated waters of the state.

vi. Unless approved by the Water Boards, hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any delineated waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.

vii. Pumps or other stationary equipment operating within 100 feet of a waterbody or wetland shall utilize appropriate secondary containment systems to prevent spills.

viii. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely treated using appropriate materials and equipment.

ix. Spill containment supplies shall be on site in all work areas in sufficient quantities to allow immediate remediation of fuel, oil, hydraulic fluid or similar leaks and spills.

x. A staging area for equipment and vehicle fueling and storage shall be designated at least 100 feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.

e. Projects that create new or affect existing wetland areas shall be designed to include features or management measures to reduce the production of methylmercury in the wetland, including minimizing the wetting and drying of soils by keeping wetlands flooded and sediment control measures to reduce the transport of total mercury or methylmercury out of the wetland.

16. Invasive Species and Soil Borne Pathogens

a. The discharger is responsible for ensuring that all project personnel follow proper weed control practices, and that appropriate weed prevention measures are included in project plans.

b. Any straw, hay or other unprocessed plant material used for any purpose must be certified or documented as being weed free.

c. Soil borne pathogens are any nematodes, or any bacterial, protozoan, viral or fungal pathogens that can cause disease or death to native plants, agricultural crops or ornamental plants (e.g., *Phytophthora ramorum*, the cause of sudden oak syndrome, and *Phytophthora lateralis*, the cause of Port Orford cedar root disease). Any equipment entering or leaving the project area from an area of known soil borne pathogen infestation shall be thoroughly cleaned using methods appropriate for the known pathogen before entering or leaving the project area. The fungus that causes Valley Fever, *Coccidioides spp.,* is not considered a soil borne pathogen in this certification.

17. In-Water Work

a. In-water work must not cause or contribute to an exceedance of water quality objectives in any receiving waters. Work in delineated waters commences at the initiation of the regulated activity and concludes when the activity is finished, and all restoration of the affected work area is complete. The term “in-water work” means activities in any delineated waters of the state that are permitted under this General Order, regardless of the presence or absence of flowing or standing water.

b. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to waters of the state.

c. Except for the following conditions, equipment must not be operated in standing or flowing waters without site-specific approval in a Notice of Applicability (NOA):

i. All construction activities must be effectively isolated from water flows to the greatest extent possible. This may be accomplished by working in the dry season or dewatering the work area in the wet season. When work in standing or flowing water is required, structures for isolating the in-water work area and/or diverting the water flow must not be contaminated by construction activities. All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion. Structures used to isolate the in-water work area and/or diverting the water (e.g., coffer dam, geotextile silt curtain) must not be removed until all disturbed areas are stabilized.

ii. Cofferdams and water barrier construction must be adequate to prevent seepage into or from the work area to the greatest extent feasible.

iii. Flow diversions must be conducted in a manner that prevents pollution and/or siltation and in a manner that restores pre-project flows (except for variation in flows due to seasonality, upstream diversions, etc.) upon completion of the activity. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion. Diversions must be designed, installed, and maintained to reduce erosion. Pre-project flows must be restored to the affected surface water body upon completion of work at that location.

d. All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods shall be removed immediately upon completion of activities for which diversions are needed.

e. If groundwater dewatering is required for the project, the discharger shall consult with the Water Board to determine if additional permits are required. If additional Water Board permits relating to dewatering are required, the designated Water Board staff contact identified in the project's NOA must be notified and copied on pertinent correspondence pertaining to those other required permits.

f. Temporary diversions or impoundments of water, cofferdams, or similar structures used to temporarily dewater work areas may be authorized provided that the project description submitted by the discharger in the NOI includes a draft dewatering plan and complies with the following conditions:

i. The draft dewatering plan shall describe the dewatering design, methods, and equipment; identify the location of intake and discharge points; specify the anticipated duration of dewatering activities; identify appropriate BMPs to protect water quality during installation, operation, maintenance, and removal of dewatering structures; and demonstrate compliance with Section VI.B.17.

ii. The discharger shall submit any revisions to the dewatering plan to the Water Board for acceptance at least thirty (30) days[1] prior to any discharge to the affected water body.

iii. All temporary dewatering activities shall comply with the reporting and monitoring conditions in Sections VI.D.10 and VI.D.12.

18. **Stormwater:** Dischargers that require enrollment in the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002) shall maintain compliance with that Order. Compliance with that Order constitutes compliance with Erosion and Sediment Control Conditions 18.a.i-ii and Stormwater Management Condition 18.b.i-ii, below.

    For ground disturbing activities that do not require enrollment in Order No. 2022-0057-DWQ, project plans included with the NOI shall include the appropriate erosion and sediment control and stormwater management conditions described below.

    a. Erosion and Sediment Control

    i. No later than 24 hours prior to the start of a likely rain event, the discharger shall ensure that disturbed areas that drain to waters of the state are protected with correctly installed erosion control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, straw) or revegetated with propagules (seeds, cuttings, divisions) of locally collected native plants. The likely rain event is defined as any weather pattern that is forecast to have a fifty (50) percent or greater probability of producing precipitation in the project area, as predicted by the National Weather Service. The discharger shall obtain on a daily basis a printed copy of the precipitation forecast information (and keep for record).

    ii. The timing for installation of the post-construction stormwater BMP subdrains, soils, mulch, and plants shall be scheduled to ensure that the installed bioretention areas do not receive runoff from exposed or disturbed areas that have not been landscaped. The constructed post-project stormwater BMPs shall not receive site runoff until all project

[1] Unless otherwise specified, all references to “days” in this General Order refer to calendar days.

landscaping is planted, and effective erosion control measures implemented to ensure that the stormwater features are protected from sediment accumulation.

b. Stormwater Management:

i. Disturbed areas must be temporarily stabilized to prevent erosion and accidental discharge into waters of the state no later than 24 hours prior to any likely precipitation event. A likely precipitation event is any weather pattern that is forecast to have a fifty (50) percent probability of producing precipitation in the project area, as predicted by the National Weather Service. If commencement of a precipitation event is predicted to begin less than 24 hours after the forecast is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.

ii. No individual construction activity that could discharge sediment or other pollutants may be initiated if that activity and its associated erosion control measures cannot be completed prior to the onset of precipitation. After any rain event, the discharger shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sedimentation problems and take corrective action as needed. Seventy-two-hour weather forecasts from the National Weather Service shall be consulted prior to start-up of any phase of the project that may result in sediment-laden runoff to the project site, and construction plans made to meet this condition.

C. Mitigation for Temporary Impacts

1. The discharger 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 of waters of the state as described in an approved restoration plan. The restoration plan shall be submitted with the NOI for written approval by Water Board staff. The restoration plan shall provide the following: a schedule; plans for grading disturbed areas to pre-project contours; a planting palette with plant species native to the project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g., watering, weeding, and replanting).

2. In cases where implementation actions in the restoration plan cannot be reasonably conducted within one year, or where the adverse temporary impacts result in temporary loss of aquatic resource function(s), the discharger may be required to provide compensatory mitigation to offset temporal loss of waters of the state. Examples of additional mitigation include, but are not limited to, enhancement activities such as increasing the presence of native species and reducing dominance of non-native/invasive species, native willow stalking, planting of native riparian vegetation and trash removal.

3. The Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Water Board staff that the performance standards have not been met or are not likely to be met within the monitoring period.

D. Application for Coverage and Termination

The following sections describe the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment B, including specifications for photo and map documentation. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment B, which must be signed by the Legally Responsible Party or authorized representative. The following notifications and reports are required, as applicable:

1. All document submittals shall comply with the signatory requirements set forth in Attachment C of this General Order.

2. **Enrollment:** The administrative process for authorization by this General Order varies according to NWP, as follows:

    a. Dischargers shall submit an NOI for certification under NWPs 3(a), 5, 6, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58 at least 45 days before any project activity. The NOI shall describe all proposed direct project impacts and project design steps taken to first avoid, and then minimize, impacts to waters of the state to the maximum extent practicable. The NOI shall also include a delineation report. Impact sites must be identified, mapped and accompanied by photo documentation of each proposed impact site. Photographs shall be taken from a consistent vantage point and at a comparable field of view that will be used for photo documentation submitted with the Request for Notice of Project Completion, to allow for accurate comparison of pre and post project conditions. The NOI must also comply with the requirements and instructions in Attachment A.

    b. Upon receipt of an NOI, Water Board staff will evaluate the NOI and determine its completeness.

        i. Within thirty (30) days of NOI receipt, incomplete NOIs will be returned with a description of the information required for the NOI to be determined complete.

        ii. After receipt of a complete NOI, the Water Board will issue one of the following:

            1. A Notice of Exclusion that describes the reason the project is ineligible for General Order enrollment. Dischargers that receive a Notice of Exclusion may not proceed with their project until a certification or WDR is obtained.

2. An NOA. Dischargers may not proceed with their project until an NOA has been issued by the Water Board.

3. If the Water Board does not issue a Notice of Exclusion or NOA within forty-five (45) days of receipt of a complete NOI, the Discharger may proceed with the project according to all applicable General Order conditions.

iii. In order for an application to be determined complete, the following items must be provided in sufficient detail to inform a permitting decision:

1. Information required in the NOI Form (Attachment A), including applicant information, the location of the proposed project and a description of impacts;

2. Proof of payment of the applicable fee (Section VI.A.3.a);

3. NOI signed by the Legally Responsible Party;

4. A delineation report; pre-project photos of the project area and proposed impact sites; maps which clearly identify the project site and proposed impacts (Section VI.D.2.a);

5. A restoration plan for projects which propose temporary impacts (Section VI.C.1);

6. Mitigation information to offset proposed permanent impacts, as described in the applicable NWP section (Section IV.F);

7. Any applicable drawings or design plans, as identified in the applicable NWP section (Section IV.F); and

8. A dewatering plan for any projects which propose site dewatering (Section VI.B.17.f.i).

c. Other than the accidental discharge of hazardous materials reporting, dischargers with projects authorized under NWPs 1, 4, 9, 10, and 11 need not submit other notifications or reports to the Water Board. Dischargers shall comply with all other applicable General Order conditions.

3. **Commencement of Construction:** The discharger shall submit a Commencement of Construction Notice at least seven (7) days prior to start of initial disturbance activities.

4. **Notice of Project Completion:** A request for a Notice of Project Completion shall be submitted to the Water Board within thirty (30) days following completion of all project activities including post-construction monitoring of restoration sites. Upon approval of the request, the Water Board will issue a Notice of Project Complete to

the discharger. Dischargers are responsible for payment of annual fees until the Water Board issues a Notice of Project Completion. Because of the timing of the annual billing cycle, a final invoice may be issued after the Notice of Project Completion, depending on the billing date and the date of notice issuance.

5. **Annual Reporting:** If required in the NOA, the discharger shall submit an Annual Report each year on the date specified in the NOA. Annual reporting shall continue until a Notice of Project Completion is issued to the discharger. If the project is completed in less than one year, the discharger shall submit at least one annual report.

6. **Transfer of Property Ownership:** Authorization by this General Order is not transferable in its entirety or in part to any person or organization except in accordance with the following terms:

    a. The discharger must notify the Water Board of any change in ownership or interest in ownership of the project area by submitting a Transfer of Property Ownership Report. The discharger and purchaser must sign and date the notification and provide such notification to the Water Board at least fourteen (14) days prior to the transfer of ownership. The purchaser must also submit a written request to the Water Board to be named as the discharger in a revised order.

    b. Until such time as this Order has been modified to name the purchaser as the discharger, the discharger named on the NOI shall continue to be responsible for all requirements set forth in this Order.

7. **Transfer of Long-Term Best Management Practices Maintenance:** If maintenance responsibility for post-construction best management practices is legally transferred, the discharger must submit to the Water Board a copy of such documentation and must provide the transferee with a copy of a Long-Term Best Management Practices Maintenance Plan that complies with manufacturer or designer specifications. The discharger must provide such notification to the Water Board with a Transfer of Long-Term Best Management Practices Maintenance Report at least fourteen (14) days prior to the transfer of best management practices maintenance responsibility.

8. **Accidental Discharges of Hazardous Materials.**[2] Following an accidental discharge of a reportable quantity of hazardous material, sewage, or an unknown material, the following applies (Wat. Code § 13271):

[2] "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

a. As soon as (A) 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:

1. First call – 911 (to notify local response agency)

2. Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911

3. Lastly, follow the required OES procedures as set forth in: Summary of Laws and Regulations for Hazardous Material Spill / Release Reporting (https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/Summary-Spill-Release-Feb2014.pdf)

b. Following notification to OES, the discharger shall notify the Water Board as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

c. Within seven (7) days of notification to the Water Board, the discharger must submit an Accidental Discharge of Hazardous Material Report to the Water Board.

9. Violation of Compliance with Water Quality Standards: The discharger shall notify the Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

a. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.

b. This notification must be followed within four (4) days by submission of a Violation of Compliance with Water Quality Standards Report.

10. In-Water Work:

a. The discharger shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions.

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environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administrating 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 and Saf. Code § 25501.)

Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

b. Within ten (10) days following completion of in-water work or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to the Water Board.

11. Modifications to Project: Project modifications may require an amendment to an enrolled project's NOA. The discharger shall provide advance notice to the Water Board if project changes, as described in the application materials, affect compliance with this General Order or the NOA, including changes that result from subsequent permit conditions imposed by any local, state or federal regulatory authority, by submitting a Modifications to Project Report.

12. Water Quality Monitoring

a. General: During construction in waters, visual monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, or uncured concrete).

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

c. In-Water Work or Diversions: For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to the Water Board for approval at least thirty (30) days before any discharges to water. Water quality monitoring shall be conducted in accordance with the approved plan.

d. Post-Construction: If the proposed project includes ground disturbance, the discharger shall visually inspect the project site during the rainy season (October 1 – April 30) until a Notice of Project Completion is issued to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the project site. If water quality pollution occurs, the discharger shall contact the Water Board staff member overseeing the project within three (3) days. The Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required for any necessary site remediation.

E. Nationwide Permit-Specific Impact Size Limits

1. **NWP 3(a) – Maintenance; and NWP 14 – Linear Transportation Projects:** Total impacts (temporary plus permanent) and permanent impacts to waters of the state are subject to the project size limits and restrictions below. This General Order does not authorize any activities seeking coverage under NWP 3 category (b) (removal of accumulation of sediments and debris), or NWP 3 category (c) (temporary structures, fills, and work necessary to conduct maintenance activity).

    a. **Individual Project Impact Size Limits to Waters of the State:**

        i. **Permanent Impact Acreage:** The project shall not result in more than one hundredth (0.01) of an acre of permanent impacts to waters of the state.

        ii. **Total Impact Acreage:** The project shall not result in more than two-tenths (0.2) of an acre of total impacts to waters of the state.

        iii. **Permanent Impact Length:** The project shall not result in more than 100 linear feet of permanent impacts to waters of the state.

        iv. **Total Impact Length:** The project shall not result in more than 300 linear feet of total impacts to waters of the state.

2. **NWP 12 – Oil or Natural Gas Pipeline Activities; NWP 57 – Electric Utility Line and Telecommunication Activities; and NWP 58 – Utility Line and Activities for Water and Other Substances**: Permanent and temporary impacts to waters of the state are subject to the project size limits and restrictions below.

    a. **Individual Project Impact Size Limits to Waters of the State:**

        i. **Permanent Impact Acreage:** The project shall not result in more than five thousandths (0.005) of an acre of permanent impacts to waters of the state.

        ii. **Temporary Impact Acreage:** The project shall not result in more than one half (0.5) of an acre of total impacts to waters of the state.

        iii. **Permanent Impact Length:** The project shall not result in more than 50 linear feet of permanent impacts to waters of the state.

        iv. **Temporary Impact Length:** The project shall not result in more than 400 linear feet of total impacts to waters of the state.

        v. **Vehicle Travel Through Dry Wash**: Vehicle travel through dry washes or other ephemeral waters of the state for the purpose of site access may be included in the calculation of total project impacts. However,

related impacts will not be included in the impact limits defined in sections VI.E.2.a.i through iv., above.

3. **NWP 13 – Bank Stabilization**: Permanent and total (temporary plus permanent) impacts to waters of the state are subject to the project size limits and restrictions below.

    a. **Individual Project Impact Size Limits to Waters of the State:**

        i. **Permanent Impact Acreage:** The project shall not result in more than one tenth (0.1) of an acre of permanent impacts to waters of the state.

        ii. **Total Impact Acreage:** The project shall not result in more than two tenths (0.2) of an acre of total impacts to waters of the state.

        iii. **Permanent Impact Length:** The project shall not result in more than 200 linear feet of permanent impacts to waters of the state.

        iv. **Total Impact Length:** The project shall not result in more than 300 linear feet of total impacts to waters of the state.

F. Nationwide Permit-Specific Compliance

1. **NWP 3(a) – Maintenance:** This General Order authorizes impacts resulting from the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, subject to the size limits in section VI.E. and all other applicable General Order conditions, including:

    a. **NWP 3(a) Prohibitions:**

        i. **Lahontan Water Board:** Any NWP 3(a) activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.

        ii. **Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.

        iii. **Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.

        iv. **Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening, or improvements. Grading of throughcut roads (any road

having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

v. **Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.

vi. **Gabions:** Use of gabions ("rock gabions" and similar wire basket structures) in or along waters of the state is prohibited.

vii. **Riprap Installation:** New riprap installed as part of the maintenance of existing structures shall not increase the footprint of the structure in jurisdictional waters by more than fifteen (15) percent or place new fill across the complete width of the active channel in a manner that creates a new grade control structure in the channel.

viii. **Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.

ix. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.

x. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.

b. **NWP 3(a) Compensatory Mitigation Requirements:** Compensatory mitigation is required to offset permanent impacts to waters of the state, unless the discharger has demonstrated that the project authorized by this General Order was designed to restore or improve the ecological function of the impacted aquatic resource. When compensatory mitigation is required, the discharger shall provide the following:

i. A draft compensatory mitigation plan at a level of detail sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to the project considering the overall size and scope of impact.

ii. Compensatory mitigation at a minimum of a one-to-one mitigation ratio, measured in area or length. The Water Board will require a higher overall mitigation ratio where necessary to ensure replacement of lost aquatic resource functions.

iii. Subject to Water Board approval, the mitigation may be satisfied using any of the following compensatory mitigation methods: restoration, enhancement, establishment, and/or preservation.[3]

iv. Compensatory mitigation shall be provided through a mitigation bank or in-lieu fee program, where feasible. If no mitigation bank or in-lieu fee program options are available, mitigation may be provided through on-site or off-site permittee responsible mitigation, subject to Water Board approval.

v. No discharge of dredged or fill material to waters of the state shall occur prior to Water Board approval of a final mitigation plan.

2. **NWP 12 –Oil or Natural gas Pipeline Activities:** This General Order authorizes the following activity types only when associated with the construction, maintenance, or repair of oil or natural gas pipelines. This General Order authorizes projects for which one or more NWP has been authorized subject to the size limits in section VI.E. and all other applicable General Order conditions, including:

   a. **NWP 12 Prohibitions:**

      i. **Lahontan Water Board:** Any NWP 12 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.

      ii. **Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.

      iii. **Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.

      iv. **Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening or improvements. Grading of throughcut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

[3] Restoration should generally be the first option considered because the likelihood of success is greater and the impacts to potentially ecologically important uplands are reduced compared to establishment, and the potential gains in terms of aquatic resource functions are greater, compared to enhancement and preservation.

v. **Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.

vi. **Gabions:** Use of gabions ("rock gabions" and similar wire basket structures) in or along waters of the state is prohibited.

vii. **Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.

viii. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.

ix. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.

b. **NWP 12 Directional Drilling:** The following conditions shall apply to all drilling operations under waters of the state.

i. The discharge of bentonite, drilling muds, lubricants or any drilling compounds into waters of the state is prohibited. A draft HDD or drilling plan shall be submitted for approval by Water Board staff at least thirty (30) days before drilling activities under waters of the state. No HDD or other drilling operations under waters of the state shall commence until the HDD plan is approved by Water Board staff.

ii. Release of bentonite, drilling muds, lubricants through fractures in the streambed or bank substrate during drilling is referred to as a "frack-out". Because of the potential for frack outs to occur, the HDD or drilling plan shall include a frack out response plan. The frack-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations.

iii. For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that could be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structure.

iv. An environmental monitor shall provide monitoring for compliance with the HDD or drilling plan throughout drilling operations under waters of the state.

v. Any HDD or other drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frack-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for frack-out.

vi. All drilling muds or compounds shall be contained and properly disposed of after drilling activities are completed.

vii. If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from the top of the bank of streams or wetland/riparian boundary, where feasible; if site specific conditions warrant storing spoils less than 25 feet from the top of the bank of streams or wetland/riparian boundary this request must be provide in the HDD or drilling plan submitted to the Water Board prior to any drilling activities with potential impacts to waters of the state. Spoils shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized (e.g., tackifiers, mulch, or detention).

c. **NWP 12 Authorized Permanent Impacts:**

i. **Facility Replacements:** such as underground lines, foundations, and other activities associated with pipelines or their access roads (e.g., wet crossings, culverts, bridge abutments) and appurtenances (e.g., valves, flanges, fittings, end modules, end terminals) located more than 30 feet from the original location. May also include structure removals.

ii. **Access Road Crossing Repair, Improvements, and Upgrades:** the replacement or repair of existing culverts and associated outlets/headwalls, bridge abutments, or other road crossings, repairs, or resurfacing in waters of the state. The repair of existing or installation of new minor non-grouted riprap, armoring or other erosion control measures to protect existing access roads or existing structures from scour or erosion.

iii. **New Access Road Crossings/Structures/Outfalls and Widening of Existing Roads:** includes new structures, outfalls, bridge abutments, road repairs or resurfacing, installation of new culverts or associated outlets, and erosion control/dissipation devices to protect the existing access roads. For example, the installation of concrete or non-grouted riprap on an existing access road to create a low-water (Arizona) crossing. Also includes the minor widening of existing roads.

iv. **Structure Upgrades:** includes the installation of similar facilities with upgrades (e.g., new caissons), upgrades to larger facilities or facilities of different composition. Also includes the installation of new caissons,

non-grouted riprap, or other armoring to protect existing structures from scour and erosion.

v. **Underground Linear Activities:** excavation for inspection or repair of underground facilities, installation of new pipes across streams, placement of structures or erosion control to protect under-stream pipes, and installation of new valves or other appurtenances.

vi. **Other:** includes facility drainage system repair, maintenance, or installation of existing facilities and other bank stabilization efforts.

d. **NWP 12 Specially Designated Temporary Impacts**

i. **Culvert Relocation:** Relocating culverts within 30 feet of the original location is considered a temporary impact if the new replacement structure does not expand the footprint beyond ten (10) percent of the original footprint, and the original footprint is completely restored.

ii. **Roadside Ditches:** Impacts to roadside ditches are considered temporary if the roadside ditch has the following characteristics:

1. the feature is artificially constructed (i.e., man-made).

2. the feature is not in or part of a stream channel or other waters of the state, or in a stream channel or other waters of the state that has been relocated in uplands.

3. the feature would not cause or contribute to an impairment of downstream beneficial uses; and

4. the feature is restored following construction such that the pre-construction course, condition and capacity are retained to the maximum extent practicable.

e. **NWP 12 Compensatory Mitigation Requirements:** The discharger shall adhere to the process below for any proposed projects that would result in permanent impacts to waters of the state:

i. By January 30 of each year, the discharger shall submit to the State Water Board a draft mitigation plan that includes elements as outlined in Dredge or Fill Procedures, § IV.A.1.h; Appendix A: State Supplemental Dredge or Fill Guidelines, Subpart J, § 230.94(c)(5)-(6) and the following:

1. A report of permanent impacts incurred through December 31 of the previous year as detailed in Attachment B; and

2. Proposed mitigation bank or in-lieu fee program credit purchase to offset the previous year's permanent impacts.

   The following mitigation ratios apply towards the purchase of establishment or reestablishment credits. If enhancement or preservation credits are proposed, mitigation ratios will be determined on an individual project basis:

   a. In-kind, in watershed = 1:1 mitigation ratio

   b. In-kind, outside of watershed = 2:1 mitigation ratio

   c. Out-of-kind, in watershed = 3:1 mitigation ratio

   d. Out-of-kind, outside of watershed = 4:1 mitigation ratio

   These ratios apply only if credits are purchased within eighteen months of permanent impacts, otherwise mitigation ratios may be increased to account for temporal loss.

3. By June 1, the discharger shall submit to the State Water Board proof of credit purchase that offset the previous year's permanent impacts.

3. **NWP 13 – Bank Stabilization:** This General Order authorizes temporary and permanent impacts resulting from NWP 13 Bank Stabilization projects that prioritize a bioengineered approach and incorporate rock riprap only where bioengineered methods are infeasible due to site-specific constraints (e.g., hydraulic forces, infrastructure proximity, or geotechnical instability) and as part of a mixed measure approach. Bank Stabilization projects are subject to the size limits in Section VI.E.3, and all other applicable General Order conditions, including:

   a. **Bioengineered and Mixed Measure Use:**

      i. **Bioengineered Measures:** Vegetative stabilization measures, such as live staking, brush mattresses, vegetated soil lifts, coir logs, or native revegetation.

      ii. **Mixed Measures:** If vegetated bioengineered measures alone are not feasible due to high volume or velocity flow or where severe scour occurs in the channel, or if vegetation cannot adequately take hold, mixed measures in areas with a combination of both bioengineered measures and rock riprap (riprap with live stakes planted between the individual rocks throughout the stabilization area) shall be used.

b. NWP 13 Prohibitions:

i. Any activities not listed under Section VI.F.3.a, above, are prohibited under this General Order. If a project includes work not listed in Section F.3.a., the discharger must obtain an individual permit from the Regional Board.

ii. **Lahontan Water Board**: Any NWP 13 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.

iii. **Riparian Tree Removal**: Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.

iv. **Roads**: Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening, or improvements. Grading of through-cut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

v. **Gabions**: Use of gabions (“rock gabions” and similar wire basket structures) in and along waters of the state is prohibited.

vi. **Grouted Riprap**: Use of grouted riprap in waters of the state is prohibited.

vii. **Geotextiles**: Gravel filters/blankets are preferred over geotextiles. If geotextiles are used, only 100% biodegradable geotextiles shall be used within waters of the state. Biodegradable geotextiles shall not contain synthetic materials, including photodegradable plastics or nylon.

viii. **Hydromodification:** The discharger shall provide information analyzing potential upstream and downstream hydromodification impacts. The discussion must address potential effects on channel stability, sediment transport, and the potential to cause, worsen, or fail to reduce channel incision. If the analysis shows that the project will have significant impacts on the hydrology and geomorphology of the stream, the project is ineligible for General Order coverage.

c. **NWP 13 Authorized Permanent Impacts:**

   i. **Streambank Stabilization Structures:** Includes the installation, repair, or replacement of permanent bank stabilization features such as riprap toe protection, vegetated soil lifts, coir logs, brush mattresses, and other biotechnical treatments designed to prevent erosion or channel migration.

   ii. **Channel Regrading and Keyways**: Permanent regrading of eroded or unstable banks to achieve stable slope geometry (e.g., 2:1 slope), including excavation of keyways for anchoring stabilization materials such as rock toes, coir logs, or live plant installations.

   iii. **Native Vegetation Establishment**: Includes permanent revegetation of streambanks with native riparian trees, shrubs, and herbaceous species for the purposes of long-term erosion control, aquatic resource restoration, and water quality protection.

d. **NWP 13 Specially Designated Temporary Impacts**

   i. **Temporary Dewatering and Channel Access**:
   Use of cofferdams, diversion channels, or temporary stream crossings for construction access or isolation of work areas.

e. **NWP 13 Mitigation Requirements**: Mitigation is required to offset adverse impacts to waters of the state. When using a fully bioengineered approach, including native plantings, wood habitat structures, rock and other approved materials, mitigation may not be required, upon Water Board approval. When mitigation is required, the discharger shall provide the following:

   i. A draft mitigation plan at a level of detail sufficient to accurately evaluate whether mitigation offsets the adverse impacts attributed to the project considering the overall size and scope of impact.

   ii. No discharge of dredged or fill material to waters of the state shall occur prior to Water Board approval of a final mitigation plan.
   The discharger shall implement the approved final mitigation plan.

4. **NWP 14 – Linear Transportation Projects:** This General Order authorizes projects for which one or more NWP has been authorized as long as NWP specific size limits in section VI.E. are not exceeded. This General Order authorizes impacts resulting from the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, subject to the size limits in section VI.E.1 and all other applicable General Order conditions, including:

a. NWP 14 Prohibitions:

i. **Lahontan Water Board:** Any NWP 14 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.

ii. **Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.

iii. **Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.

iv. **Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening, or improvements. Grading of throughcut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

v. **Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.

vi. **Gabions:** Use of gabions (“rock gabions” and similar wire basket structures) in or along waters of the state is prohibited.

vii. **Riprap Installation:** New riprap installed as part of the maintenance of existing structures shall not increase the footprint of the structure in jurisdictional waters by more than fifteen (15) percent or place new fill across the complete width of the active channel in a manner that creates a new grade control structure in the channel.

viii. **Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.

ix. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.

x. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.

b. **NWP 14 Compensatory Mitigation Requirements:** Compensatory mitigation is required to offset permanent impacts to waters of the state, unless the discharger has demonstrated that the project authorized by this General Order was designed to restore or improve the ecological function of the impacted aquatic resource. When compensatory mitigation is required, the discharger shall provide the following:

   i. A draft compensatory mitigation plan at a level of detail sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to a project considering the overall size and scope of impact.

   ii. Compensatory mitigation at a minimum of a one-to-one mitigation ratio, measured in area or length. A higher overall mitigation ratio shall be used where necessary to ensure replacement of lost aquatic resource functions.

   iii. Subject to Water Board approval, the mitigation may be satisfied using any of the following compensatory mitigation methods: restoration, enhancement, establishment, and/or preservation.

   iv. Compensatory mitigation shall be provided through a mitigation bank or in-lieu fee program, where feasible. If no mitigation bank or in-lieu fee program options are available, mitigation may be provided through on-site or off-site permittee-responsible mitigation, subject to Water Board approval.

   v. No discharge of dredged or fill material to waters of the state shall occur prior to Water Board approval of a final mitigation plan.

5. **NWP 36 – Boat Ramps:**

   a. **Lahontan Water Board:** Any NWP 36 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.

   b. To prevent the release of uncured cement components into water, use of concrete in areas where ramps may be submerged before the concrete is fully cured is prohibited.

6. **NWP 57 — Electric Utility Line and Telecommunication Activities:** This General Order authorizes the following activity types only when associated with the construction, maintenance, or repair of electrical utility lines. This General Order authorizes projects for which one or more NWP has been authorized subject to the size limits in section VI.E. and all other applicable General Order conditions, including:

a. **NWP 57 Prohibitions:**

   i. **Lahontan Water Board:** Any NWP 57 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.

   ii. **Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.

   iii. **Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.

   iv. **Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening or improvements. Grading of throughcut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

   v. **Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.

   vi. **Gabions:** Use of gabions (“rock gabions” and similar wire basket structures) in or along waters of the state is prohibited.

   vii. **Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.

   viii. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.

   ix. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.

b. **NWP 57 Directional Drilling:** The following conditions shall apply to all drilling operations under waters of the state.

   i. The discharge of bentonite, drilling muds, lubricants or any drilling compounds into waters of the state is prohibited. A draft HDD or drilling plan shall be submitted for approval by Water Board staff at least thirty (30) days before drilling activities under waters of the state.
   No HDD or other drilling operations under waters of the state shall commence until the HDD plan is approved by Water Board staff.

ii. Release of bentonite, drilling muds, lubricants through fractures in the streambed or bank substrate during drilling is referred to as a “frack-out”. Because of the potential for frack outs to occur, the HDD or drilling plan shall include a frack out response plan. The frack-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations.

iii. For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan.
The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that could be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structure.

iv. An environmental monitor shall provide monitoring for compliance with the HDD or drilling plan throughout drilling operations under waters of the state.

v. Any HDD or other drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frack-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for frack-out.

vi. All drilling muds or compounds shall be contained and properly disposed of after drilling activities are completed.

vii. If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from the top of the bank of streams or wetland/riparian boundary, where feasible; if site specific conditions warrant storing spoils less than 25 feet from the top of the bank of streams or wetland/riparian boundary this request must be provide in the HDD or drilling plan submitted to the Water Board prior to any drilling activities with potential impacts to waters of the state. Spoils shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized (e.g., tackifiers, mulch, or detention).

c. NWP 57 Authorized Permanent Impacts:

i. Facility Replacements: such as poles, underground lines, foundations for overhead utility line towers, and other activities associated with utility lines or their access roads (e.g., wet crossings, culverts, bridge abutments) and appurtenances
(e.g., guy wires, anchors, grounding wires, valves, flanges, fittings, end

modules, end terminals) located more than 30 feet from the original location. May also include structure removals.

ii. **Access Road Crossing Repair, Improvements, and Upgrades:** the replacement or repair of existing culverts and associated outlets/headwalls, bridge abutments, or other road crossings repairs or resurfacing in waters of the state. The repair of existing or installation of new minor non-grouted riprap, armoring or other erosion control measures to protect existing access roads or existing structures from scour or erosion.

iii. **New Access Road Crossings/Structures/Outfalls and Widening of Existing Roads:** includes new structures, outfalls, bridge abutments, road repairs or resurfacing, installation of new culverts or associated outlets, and erosion control/dissipation devices to protect the existing utility access roads. For example, the installation of concrete or non-grouted riprap on an existing utility access road to create a low-water (Arizona) crossing. Also includes the minor widening of existing roads.

iv. **Utility Structure Upgrades:** includes the installation of similar poles with upgrades (e.g., new caissons), upgrades to larger poles or poles of different composition, conversion of overhead to underground, etc. Also includes the installation of new caissons, non-grouted riprap, or other armoring to protect existing structures from scour and erosion, and new minor line extensions.

v. **Underground Linear Activities:** excavation for inspection or repair of underground facilities, installation of new pipes/cables across streams, placement of structures or erosion control to protect under-stream pipes/cables, and installation of new valves or other appurtenances.

vi. **Other:** includes facility drainage system repair, maintenance, or installation of existing facilities such as substations and other bank stabilization efforts.

d. NWP 57 Specially Designated Temporary Impacts

i. **Poles or Culvert Relocation:** Relocating poles or culverts within 30 feet of the original location is considered a temporary impact if the new replacement structure doesn't expand the footprint beyond ten (10) percent of the original footprint, and the original footprint is completely restored.

ii. **Roadside Ditches:** Impacts to roadside ditches are considered temporary if the roadside ditch has the following characteristics:

1. the feature is artificially constructed (i.e., man-made);

2. the feature is not in or part of a stream channel or other waters of the state, or in a stream channel or other waters of the state that has been relocated in uplands;

3. the feature would not cause or contribute to an impairment of downstream beneficial uses; and

4. the feature is restored following construction such that the pre-construction course, condition and capacity are retained to the maximum extent practicable.

e. **NWP 57 Compensatory Mitigation Requirements:** The discharger shall adhere to the process below for any proposed projects that would result in permanent impacts to waters of the state:

i. By January 30 of each year, the discharger shall submit to the State Water Board a draft mitigation plan that includes elements as outlined in Dredge or Fill Procedures, § IV.A.1.h; Appendix A: State Supplemental Dredge or Fill Guidelines, Subpart J, § 230.94(c)(5)-(6) and the following:

1. A report of permanent impacts incurred through December 31 of the previous year as detailed in Attachment B; and

2. Proposed mitigation bank or in-lieu fee program credit purchase to offset the previous year's permanent impacts.

The following mitigation ratios apply towards the purchase of establishment or reestablishment credits. If enhancement or preservation credits are proposed, mitigation ratios will be determined on an individual project basis:

a. In-kind, in watershed = 1:1 mitigation ratio

b. In-kind, outside of watershed = 2:1 mitigation ratio

c. Out-of-kind, in watershed = 3:1 mitigation ratio

d. Out-of-kind, outside of watershed = 4:1 mitigation ratio

These ratios apply only if credits are purchased within eighteen months of permanent impacts, otherwise mitigation ratios may be increased to account for temporal loss.

3. By June 1, the discharger shall submit to the State Water Board proof of credit purchase that offset the previous year's permanent impacts.

7. **NWP 58 – Utility Line Activities for Water and Other Substances:** This General Order authorizes the following activity types only when associated with the construction, maintenance, or repair of utility lines for water and other substances. This General Order authorizes projects for which one or more NWP has been authorized subject to the size limits in section VI.E. and all other applicable General Order conditions, including:

    a. **NWP 58 Prohibitions:**

        i. **Lahontan Water Board:** Any NWP 58 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.

        ii. **Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.

        iii. **Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.

        iv. **Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening or improvements. Grading of throughcut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

        v. **Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.

        vi. **Gabions:** Use of gabions (“rock gabions” and similar wire basket structures) in or along waters of the state is prohibited.

        vii. **Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.

        viii. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.

        ix. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.

b. NWP 58 Directional Drilling: The following conditions shall apply to all drilling operations under waters of the state.

i. The discharge of bentonite, drilling muds, lubricants or any drilling compounds into waters of the state is prohibited. A draft HDD or drilling plan shall be submitted for approval by Water Board staff at least thirty (30) days before drilling activities under waters of the state.
No HDD or other drilling operations under waters of the state shall commence until the HDD plan is approved by Water Board staff.

ii. Release of bentonite, drilling muds, lubricants through fractures in the streambed or bank substrate during drilling is referred to as a “frack-out”. Because of the potential for frack outs to occur, the HDD or drilling plan shall include a frack out response plan.
The frack-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations.

iii. For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that could be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structure.

iv. An environmental monitor shall provide monitoring for compliance with the HDD or drilling plan throughout drilling operations under waters of the state.

v. Any HDD or other drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frack-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for frack-out.

vi. All drilling muds or compounds shall be contained and properly disposed of after drilling activities are completed.

vii. If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from the top of the bank of streams or wetland/riparian boundary, where feasible; if site specific conditions warrant storing spoils less than 25 feet from the top of the bank of streams or wetland/riparian boundary this request must be provide in the HDD or drilling plan submitted to the Water Board prior to any drilling activities with potential impacts to waters of the state. Spoils shall be

stored behind a sediment barrier and covered with plastic or otherwise stabilized (i.e., tackifiers, mulch, or detention).

c. NWP 58 Authorized Permanent Impacts:

i. **Facility Replacements:** underground lines, foundations, and other activities associated with pipelines or their access roads (e.g., wet crossings, culverts, bridge abutments) and appurtenances (e.g., valves, flanges, fittings, end modules, end terminals) located more than 30 feet from the original location.
May also include structure removals.

ii. **Access Road Crossing Repair, Improvements, and Upgrades:** the replacement or repair of existing culverts and associated outlets/headwalls, bridge abutments, or other road crossings repairs or resurfacing in waters of the state. The repair of existing or installation of new minor non-grouted rip rap, armoring or other erosion control measures to protect existing access roads or existing structures from scour or erosion.

iii. **New Access Road Crossings/Structures/Outfalls and Widening of Existing Roads:** includes new structures, outfalls, bridge abutments, road repairs or resurfacing, installation of new culverts or associated outlets, and erosion control/dissipation devices to protect the existing access roads. For example, the installation of concrete or non-grouted riprap on an existing access road to create a low-water (Arizona) crossing. Also includes the minor widening of existing roads.

iv. **Structure Upgrades:** includes the installation of similar facilities with upgrades (e.g., new caissons), upgrades to larger facilities or facilities of different composition. Also includes the installation of new caissons, non-grouted riprap, or other armoring to protect existing structures from scour and erosion.

v. **Underground Linear Activities:** excavation for inspection or repair of underground facilities, installation of new pipes across streams, placement of structures or erosion control to protect under-stream pipes, and installation of new valves or other appurtenances.

vi. **Other:** includes facility drainage system repair, maintenance, or installation of existing facilities and other bank stabilization efforts.

d. NWP 58 Specially Designated Temporary Impacts

i. **Culvert Relocation:** Relocating culverts within 30 feet of the original location is considered a temporary impact if the new replacement structure doesn't expand the footprint beyond ten (10) percent of the original footprint, and the original footprint is completely restored.

ii. **Roadside Ditches:** Impacts to roadside ditches are considered temporary if the roadside ditch has the following characteristics:

1. the feature is artificially constructed (e.g., man-made).

2. the feature is not in or part of a stream channel or other waters of the state, or in a stream channel or other waters of the state that has been relocated in uplands.

3. the feature would not cause or contribute to an impairment of downstream beneficial uses; and

4. the feature is restored following construction such that the pre-construction course, condition and capacity are retained to the maximum extent practicable.

e. **NWP 58 Compensatory Mitigation Requirements:** The discharger shall adhere to the process below for any proposed projects that would result in permanent impacts to waters of the state:

i. By January 30 of each year, the discharger shall submit to the State Water Board a draft mitigation plan that includes elements as outlined in Dredge or Fill Procedures, § IV.A.1.h; Appendix A: State Supplemental Dredge or Fill Guidelines, Subpart J, § 230.94(c)(5)-(6) and the following:

1. A report of permanent impacts incurred through December 31 of the previous year as detailed in Attachment B; and

2. Proposed mitigation bank or in-lieu fee program credit purchase to offset the previous year's permanent impacts.

The following mitigation ratios apply towards the purchase of establishment or reestablishment credits. If enhancement or preservation credits are proposed, mitigation ratios will be determined on an individual project basis:

a. In-kind, in watershed = 1:1 mitigation ratio

b. In-kind, outside of watershed = 2:1 mitigation ratio

c. Out-of-kind, in watershed = 3:1 mitigation ratio

d. Out-of-kind, outside of watershed = 4:1 mitigation ratio

These ratios apply only if credits are purchased within eighteen months of permanent impacts, otherwise mitigation ratios may be increased to account for temporal loss.

3. By June 1, the discharger shall submit to the State Water Board proof of credit purchase that offset the previous year's permanent impacts.

VII. California Environmental Quality Act (CEQA)

The State Water Board has determined that the projects authorized by this General Order are exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15601. Specifically, the issuance of this General Order and the activities described herein meet the exemption criteria under the California Code of regulations, title 14, section(s) listed in the table provided in Attachment D List of Certified Nationwide Permits. Additionally, the State Water Board concludes that no exceptions to the CEQA exemptions apply to the issuance of this General Order.

The State Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) days from the issuance of this Order (Cal. Code Regs., tit. 14, § 15062).

VIII. Public Notice

In accordance with Water Code section 13167.5 and California Code of Regulations, title 23, chapter 28, article 6, section 3861, the State Water Board provided public notice of this General Order from October 17, 2025, to December 2, 2025.

The State Water Board received one comment letter from the California Department of Transportation. The commenter expressed support for expanding the General Order from certification of Corps' projects to WDRs for activities exclusively within waters of the state. Additional comments addressed coverage of non-CEQA-exempt projects, increased impact size limits, greater flexibility in compensatory mitigation options, and revisions to restoration plan requirements.

The WDR approach was included in the draft and remains in the final General Order. As a response to comments, clarifications were also made to the list of items required for a complete application to improve consistency and transparency in submittal requirements.

The draft's proposed expansion to include non-CEQA-exempt projects was modified to cover only CEQA-exempt projects.

IX. General Order Expiration

Except for reporting obligations and enforcement purposes, authorization under this General Order shall extend until the NWPs expire. Projects authorized under a previous certification of the Corps' Nationwide Permits (Order No. 2020-0039-EXEC and Order No. WQ 2021-0048-DWQ) that have commenced or are under contract to commence within one year of the effective date of this General Order may proceed with project activities. If a project has not commenced or is not under contract to commence by one

year after the effective date of this General Order, an application for a new water quality certification or waste discharge requirements, including any applicable fees, is required.

X. Petitions for Reconsideration

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

XI. Denied Nationwide Permits

Clean Water Act section 401 water quality certification for the following NWPs are denied, unless they qualify for coverage under another applicable general certification: 2, 3(b), 3(c), 7, 8, 15, 16, 17, 18, 19, 21, 23, 24, 25, 27, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 55, 59, and NWP A.
The State Water Board does not have reasonable assurance that the denied NWPs will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the Clean Water Act and appropriate requirements of state law. (See 33 USC § 1341.)
Clean Water Act section 401 certification action on projects authorized by these denied NWPs will be considered on an individual, project-specific basis, or if eligible, may enroll under another applicable general certification.

XII. Conclusion

I hereby issue the General Order for the State Water Board Certified Corps' Nationwide Permits (file number SB25036GN) certifying that as long as all of the conditions listed in this General Order are met, any discharges authorized by NWPs 1, 3(a), 4, 5, 6, 9, 10, 11, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58 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). The State Water Board will file a Notice of Exemption (NOE) at the SCH within five (5) business days of issuance of this General Order.

In addition to a section 401 certification, this General Order serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Authorization under this General Order is contingent on: (a) compliance with the conditions of this General Order and the attachments to this General Order; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies and the Regional Water Boards' Water Quality Control Plans.

Date	Phil Crader, Deputy Director Division of Water Quality

ENCLOSURE B:
PROJECT MAPS AND PICTURES

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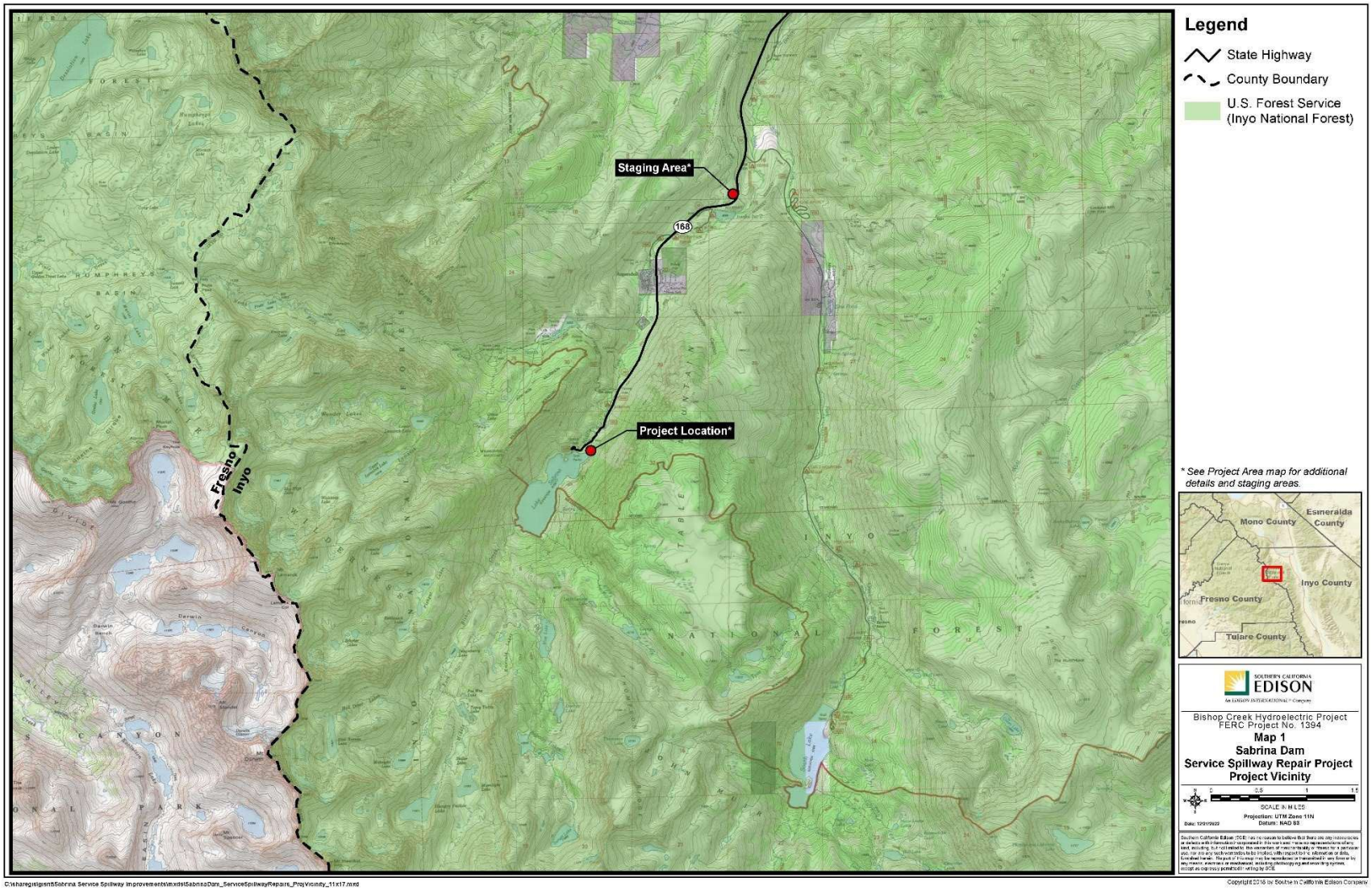

Figure 1: Sabrina Spillway Retrofit Project Vicinity Map

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PROJECT MAPS AND PICTURES

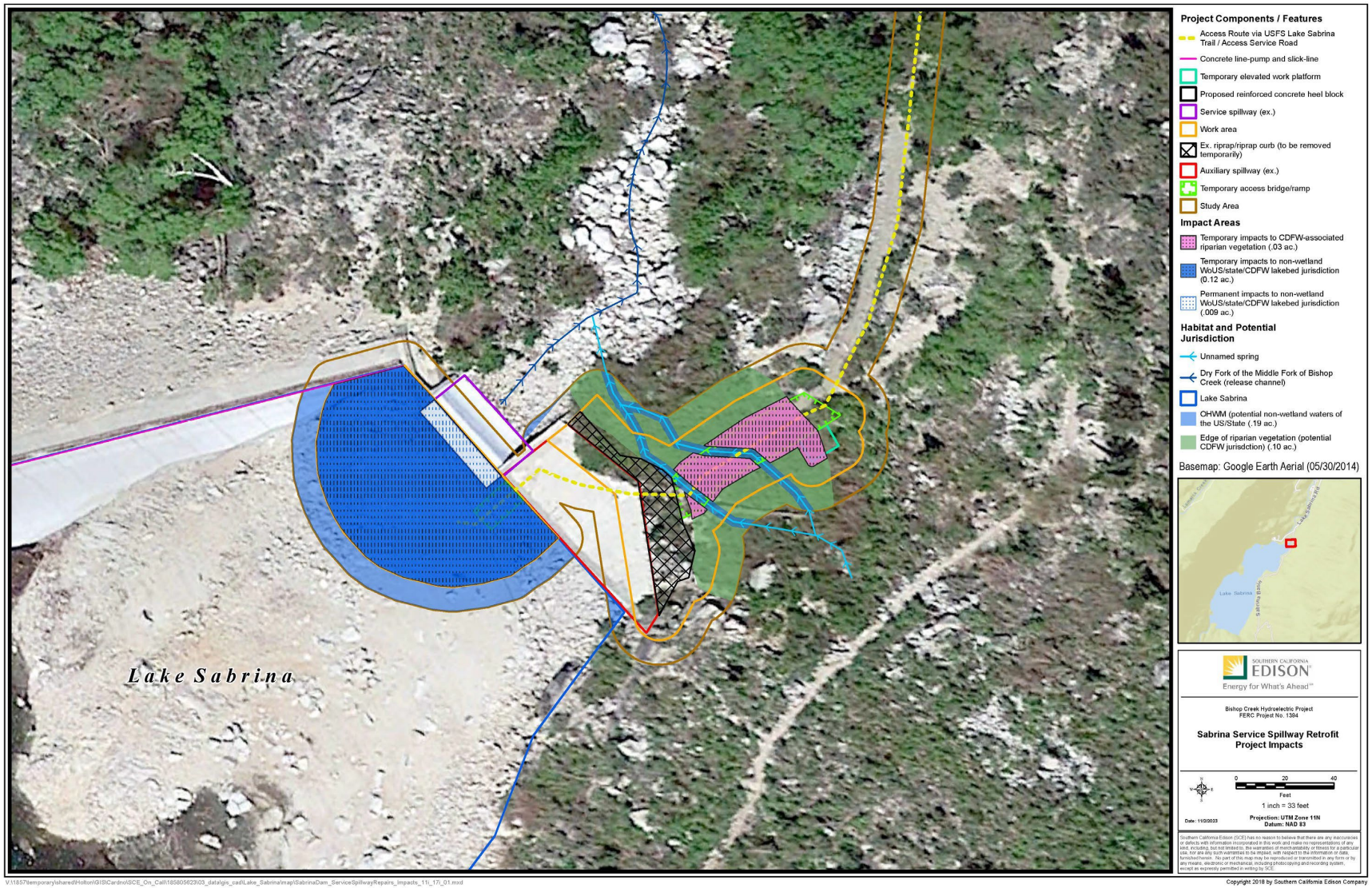

Figure 2: Sabrina Spillway Retrofit Project Location Map

ENCLOSURE B:
PROJECT MAPS AND PICTURES

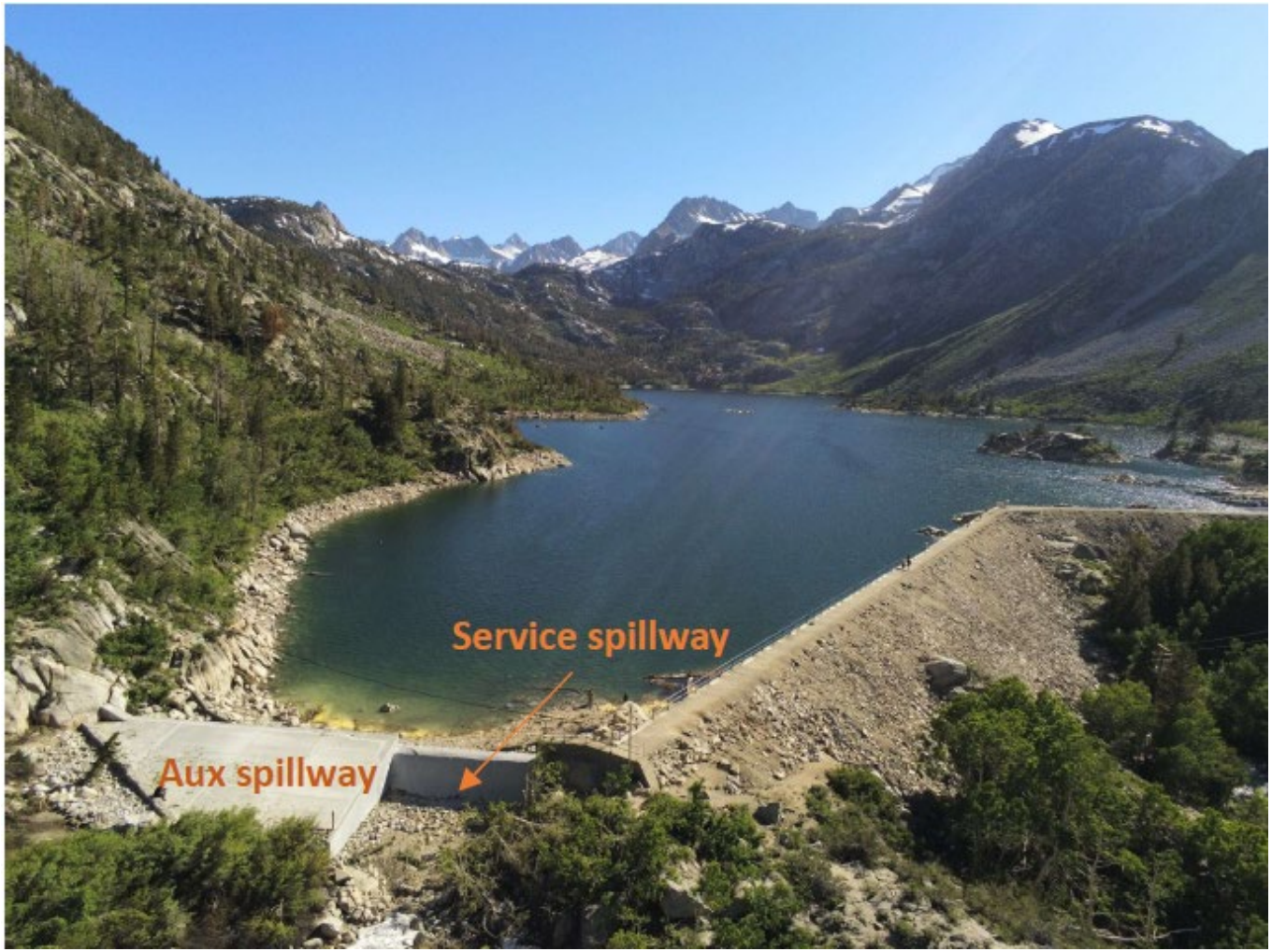

Figure 3: Existing Sabrina Spillway