

---

**San Francisco Bay Regional Water Quality Control Board**

June 4, 2014  
CIWQS Place ID 792443

**Sent via electronic mail: No hardcopy to follow**

Suisun Resource Conservation District  
2544 Grizzly Island Road  
Suisun, CA 94585  
Attention: Mr. Steven Chappell  
[SChappell@SuisunRCD.org](mailto:SChappell@SuisunRCD.org)

California Division of Fish and Wildlife  
2109 Arch-Airport Road, Suite 100  
Stockton, CA 95206  
Attention: Mr. James Starr  
[Jim.Starr@wildlife.ca.gov](mailto:Jim.Starr@wildlife.ca.gov)

Department of Water Resources  
Division of Environmental Services  
3500 Industrial Blvd.  
Sacramento, CA 956913  
Attention: Ms. Kristin Garrison  
[Kristin.Garrison@water.ca.gov](mailto:Kristin.Garrison@water.ca.gov)

U.S. Bureau of Reclamation  
801 I Street, Suite 140  
Sacramento, CA 95814  
Attention: Mr. Gregory Krzys  
[gkrzys@usbr.gov](mailto:gkrzys@usbr.gov)

**Subject: Conditional Water Quality Certification for the Suisun Marsh Exterior  
Levee Maintenance Dredging Program, Solano County**

Dear Ladies and Messrs.:

We have reviewed the water quality certification application submitted by the Suisun Resource Conservation District (SRCD) on behalf of the California Department of Fish and Wildlife (CDFW), the Department of Water Resources (DWR), U.S. Bureau of Reclamation (Reclamation), and SRCD (Applicants) for the proposed exterior levee maintenance dredging program (Project) in Suisun Marsh. We have determined that the Project, as proposed, will not violate State water quality standards, and accordingly issue conditional Clean Water Act Section

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

401 water quality certification for the Project. You have applied for U.S. Army Corps of Engineers (Corps) authorization under a Letter of Permission pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act (33 U.S.C. § 403).

### **Project Location**

The project is located in Suisun Marsh, which is bounded to the west by Interstate 680, Highway 12 to the north, Shiloh Road and Collinsville Road to the east, and Suisun Bay to the south (Figure 1). For management purposes, the Marsh is divided into four regions, plus the major Montezuma Slough, which is the boundary between several regions (Figure 2). The dredging program applies to approximately 133.47 of the 199.82 miles of exterior levees that separate the managed wetlands of Suisun Marsh from bays, sloughs, and dredger cuts. The remaining 66.35 miles of exterior levees, defined as “no dredging segments,” have adjacent vegetated berms greater than 50 feet wide, making dredging at these locations impractical. Figure 3 delineates both the active dredging levee segments and the no dredging segments.

### **Project Description**

This Project is one component of the Suisun Marsh Habitat Management, Preservation, and Restoration Plan (SMP), a comprehensive 30-year plan designed to address the management of the varied resources within the Marsh. Other components, such as ditch and levee maintenance activities not involving dredging outboard of exterior levees, managed wetland habitat maintenance, water control structure maintenance, and salinity monitoring are regulated under a separate water quality certification dated June 27, 2013, issued for the Corps’ Regional General Permit Number 3.

The Project purpose is to provide higher quality fill material for exterior levee repairs, and to improve drainage in cut channels, by removing accumulated silt that impairs managed wetland drainage and water control structure tidal operations. The exterior levee system protects thousands of acres of State and private land managed for wildlife habitat, endangered species habitats, Delta water quality, and physical infrastructure such as dwellings, structures, gas wells, power transmission lines, petroleum pipelines, and County roads. Material currently used for levee repairs comes mainly from interior ditch cleaning and pond bottom grading of managed wetlands. This material is typically of poor quality for exterior levee use because it is high in organic matter/peat, requiring more frequent levee maintenance, causing an increase in managed wetland subsidence, and weakening existing levee foundations. Sediment in the adjacent tidal sloughs comprises primarily silts and clays, significantly better material for levee integrity and long-term durability than the peaty soils from managed wetlands.

Implementation of the dredging program will allow private landowners (represented by SRCD), CDFW, and DWR to dredge material from tidal areas adjacent to the exterior levees of Suisun Marsh and use it for levee maintenance and repair. Up to a maximum of 100,000 cubic yards (cy) of material could be dredged from a maximum surface area of 19.83 acres (90,490 linear feet) in major and minor tidal sloughs, dredger cuts, and bays on an annual basis. This equates to a maximum total of 1,000,000 cy of dredged material for the duration of the 10-year Corps Letter of Permission. The annual allotment for dredging within each region of the Suisun Marsh Plan will be allocated between State and private properties, depending on levee needs, and volume

limitations determined by habitat types in adjacent waterways. Dredging will be limited to a maximum of 2.1 cy per linear foot of channel.

Affected Waterways – Dredging will occur in the following tidal aquatic habitats located adjacent to the levees to be maintained:

- Bays – Open water areas that extend offshore from levees or the water side of tidal emergent vegetation. Major bays in the Suisun Marsh region include Suisun, Grizzly, and Honker Bays to the Contra Costa County line, and Little Honker Bay.
- Major Sloughs – Montezuma and Suisun Sloughs are classified as major. These two sloughs have a combined acreage of 2,212 acres and consist of both shallow and deep channels.
- Minor Sloughs – Minor sloughs include Cordelia, Goodyear, Chadbourn, Peytonia, Boynton, Hill, Cut off, Cross, Nurse, First Mallard, Second Mallard, and Denverton. Minor sloughs are made up of shallow channel habitats and have a combined acreage of 1,108 acres.
- Dredger Cuts – These areas are tidally inundated, manmade borrow ditches adjacent to the toe of the existing exterior levees, isolated from the adjacent minor and major sloughs by vegetated berms. Dredger cuts are distributed throughout the Marsh and are very shallow channels.

The following table shows the proposed annual dredge volume per waterway type in each Marsh region.

**Proposed Dredging Volume per Waterway Type and Marsh Region**

Waterway Type	Region 1 Volume (cy)	Region 2 Volume (cy)	Region 3 Volume (cy)	Region 4 Volume (cy)	Montezuma Slough Volume (cy)	Total Volume (cy)
Bays	0	0	100	4,000	0	4,100
Major Sloughs	2,100	10,700	0	0	16,000	28,800
Minor Sloughs	21,600	8,900	3,000	2,400	0	35,900
Dredger Cuts	6,300	2,700	4,500	10,500	7,200	31,200
<b>Total</b>	<b>30,000</b>	<b>22,300</b>	<b>7,600</b>	<b>16,900</b>	<b>23,200</b>	<b>100,000</b>

Dredged material will be used for major levee maintenance, which involves topping the levee crown and backslope, and minor levee maintenance, which involves only topping the levee crown. Approximately 50% of the annually dredged material will be used for major levee maintenance and 50% will be used for minor levee maintenance. Levees requiring more extensive repairs fall outside the scope of the Project and will be regulated via individual project certifications.

Dredging Program Administration - SRCD will act as the first-line gatekeeper for dredging applications. Landowners will submit dredging request applications to SRCD and CDFW in the early part of each year (January 1 through April 30). The applications will need to contain all necessary information to determine compliance with the Program, including a detailed map of the proposed site, dimensions of the levee, the cubic yardage requested, description of the dredging source site conditions (waterway type and region), photo documentation of current conditions, type of equipment proposed to conduct the work, and GPS coordinates of the extent of the proposed project. SRCD will sort the applications within each of the Marsh's regions to compare the sum of the landowners' annual dredging requests with the annual regional dredging caps. SRCD will also review all applications for completeness and check the past history of dredging program participation at each site. In March of each year, SRCD, CDFW, and the regulatory agencies will meet to discuss annual summary report for the previous year so that they can determine whether the modifications to the program are necessary before the next years' work and administration are initiated.

Between May 1 and May 30, SRCD and CDFW will conduct inspections of applicants' sites to assess current conditions, account for any special considerations such as listed species' restrictions, ensure avoidance of sensitive areas, and review proposed dredging methods for suitability. SRCD will preliminarily allocate dredging volumes to the applicants and submit these recommended volumes and locations in an annual dredging work plan approval request to the Water Board per Condition 1 of this certification. Water Board staff will review the work plan and provide written concurrence.

Dredging work activities will be completed between August 1 and November 30 of each year, or between September 1 and November 30 if adjacent to designated exterior levee segments to avoid impacts to breeding California clapper rails. SRCD will conduct post-construction inspections and collect work-completed reports from each of the permittees. Prior to January 31, SRCD will submit annual dredging activity summary reports to Water Board staff as described in Condition 6.

Dredging Equipment/Methods – Two methods of dredging are proposed: 1) land-based long reach excavator working from the crowns of the levees, and 2) floating barge-mounted excavator or clamshell bucket dredge working from the water. Dredging from a floating barge has the additional advantages of providing water access to the site and allowing the removal of sediment from deeper areas of the sloughs and channels due to increased reach and distance from the levee crown.

Regardless of the equipment/method used for dredging, the dredged material, after initial placement on the levee, will be smoothed and compacted with the excavator or clamshell bucket, creating a uniform layer that may range from 1 to 2 feet deep. After 2 to 3 months of drying time, the dredged material will be disked and graded to integrate it with the soil in the existing levee.

Navigational Dredging Sources of Material - Navigational dredging projects in the San Francisco Bay and Delta regions may also provide a source of levee maintenance material provided it is adequately characterized for physical and chemical suitability (e.g., it is fined grained, with minimal organic carbon and has pollutants at or below background concentrations). Sediment characterization will take place under the direction of the Dredged Material Management Office,

which consists of several State and federal regulatory agencies, including the Water Board, with jurisdiction over dredging and dredged material disposal and beneficial reuse. The major constraints to importing dredged material from outside the Marsh are limited draft and waterside access for barge offloading onto the levees, and the added cost of transporting and offloading imported material.

Fish Screen Dredging - There are sixteen fish screens that are part of the water control structures located in the Marsh. The screens experience significant siltation problems. Silt is deposited around these screens, which impedes the operation of the screens and screen-cleaning brushes. Every few years a relatively small amount of material must be removed from the fish screen basins (about 20 to 100 cubic yards each) by dredging. (This amount is included in the total 1,000,000 cubic yards proposed for dredging in the Marsh for the duration of the Project). Alternative measures (e.g., trying to move silt by hand) have been ineffective. Dredging around fish screens will be done during low tide to minimize in-water work and minimize turbidity. Dredged sediment will be placed on the crown or landside slope of the exterior levee adjacent to the fish screen. In instances where material cannot be used adjacent to the dredging site, the material may be used on other levees within Suisun Marsh, following the same environmental commitments as identified in the SMP.

## **Impacts**

The Project could impact up to a maximum of 19.83 acres or 90,446 linear feet (17.13 linear miles) of waters of the U.S. and State per year. These waters provide habitat for several federal and State threatened and endangered species that could be adversely impacted by dredging.

Dredging activities will be tracked by SRCD to ensure dredging does not occur more often than once every 3 years on any single levee segment and does not remove material deeper than 4 feet (relative to the pre-dredge sediment surface elevation) per dredging cycle.

Benthic Disturbance - Dredging will disturb benthic habitat and remove sediment-dwelling invertebrate prey organisms which provide forage for many fish species in Suisun Marsh. NOAA National Marine Fisheries Service (NMFS) defines recovery as the later phase of benthic community development following disturbance, when species that inhabited the area prior to disturbance begin to re-establish. Rates of recovery can vary from several months to several years based on various location-specific physical factors. Because dredging will not occur at the same location more than once in a 3-year period, on a rolling basis, some level of benthic invertebrate recovery will occur between dredging events. Benthic monitoring proposed in the SMP (SMP Biological Assessment Appendix E) will provide further information regarding dredging impacts to benthic communities and their rates of recovery.

Wetland Fill - Major levee repair will not result in the widening of the exterior levee toe on the inboard (managed wetland) side; therefore no dredged material will be intentionally discharged into wetlands considered waters of the U.S. or waters of the State. Material used for backslope stabilization during major levee maintenance could, however, incidentally impact waters of the U.S. and State, but impacts would be temporary.

The U.S. Fish and Wildlife Service (USFWS) and NMFS issued Biological Opinions on June 10, 2013, and July 3, 2013, respectively, in response to the Biological Assessments submitted by Reclamation. The Applicants submitted an incidental take permit (ITP) application to CDFW on February 21, 2014. The ITP is currently under preparation. The Applicants will provide a copy of the ITP to Water Board staff immediately after CDFW issues it.

### **Avoidance, Minimization, and Mitigation Measures**

The following is a summary (partial list) of the measures that the Applicants will perform to avoid and minimize impacts as conditions of this certification.

#### Timing Restrictions

- Dredging will be performed during the window of August 1 through November 30 when certain special status fish species (delta smelt and listed salmonids) are less likely to be in the Marsh.
- To avoid the disturbance of California clapper rails, activities within or adjacent to designated tidal marsh areas would be avoided during the breeding season from February 1 through August 31.

Construction Practices - Best management practices (BMPs) to avoid and minimize impacts to the aquatic environment will include the following:

- Dredging will not occur in areas that have been tidally restored.
- A berm will be constructed on the channel-side of the levee crown to prevent runoff into adjacent aquatic areas (e.g., bays, major and minor sloughs, and dredger cuts).
- Both emergent and submerge aquatic vegetation will be avoided during dredging activities. No dredging will be allowed in areas that would disturb or remove vegetation.
- Dredging will not be allowed in channels separated from the levees by vegetated berms greater than 50 feet wide. In these areas, the primary source of material for maintenance will come from the adjacent managed wetlands or will be imported from areas outside the Marsh.

Mitigation - Permanent and temporary impacts related to the current operation and maintenance of managed wetlands in the proposed Project area, including maintenance of exterior levees, have been offset by the Suisun Marsh Mitigation Agreement of 2005. Under the agreement, the Applicants continue to preserve, manage, and maintain 2500 acres of managed and tidal wetlands in Suisun Marsh as conservation areas.

Water Board staff finds that the Project proponents have taken appropriate steps to avoid, minimize, and mitigate impacts, as required by the San Francisco Bay Basin Water Quality Control Plan (Basin Plan).

### **California Environmental Quality Act (CEQA)**

USFWS, Reclamation, and CDFW published a final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Suisun Marsh Habitat Management, Preservation, and Restoration Plan on December 6, 2011. On December 22, 2011, CDFW filed a Notice of Determination of CEQA compliance (SCH#2003112039). The Water Board, as a responsible agency under CEQA, has considered the EIS/EIR and finds that the Project, as described above and conditioned by this certification, will not have significant environmental effects that are within the Water Board's purview and jurisdiction.

### **Certification and General Waste Discharge Requirements**

I hereby issue an order certifying that any discharge from the referenced project, as conditioned by this Certification and Order, will comply with the applicable provisions of CWA sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification. The following conditions are associated with this certification:

1. The Applicants shall submit an annual dredging work plan to the Water Board at least 60 days prior to the start of dredging activity. Each annual work plan shall include, but not be limited to, the following for each dredging site:
  - A detailed map of the proposed site
  - Dimensions of the levee
  - Proposed dredge volume
  - Description of the dredging source site conditions (waterway type and region)
  - Photo documentation of current conditions
  - Results of pre-dredge emergent and submerged vegetation surveys showing absence of vegetation in dredging footprint
  - Type of equipment proposed to conduct the work
  - GPS coordinates of the extent of the proposed project
  - Clapper rail surveys, if applicable per condition 7

Dredging shall not commence until Water Board staff has issued written concurrence that the annual work plan is consistent with the Project as described in the application and this certification.

2. Annual dredging volumes shall be allocated between State and private properties, depending on levee maintenance needs, as follows:

**Annual Dredging Volume Limits per Waterway Type and Marsh Region**

Waterway Type	Region 1 Volume (cy)	Region 2 Volume (cy)	Region 3 Volume (cy)	Region 4 Volume (cy)	Montezuma Slough Volume (cy)	Total Volume (cy)
Bays	0	0	100	4,000	0	4,100
Major Sloughs	2,100	10,700	0	0	16,000	28,800
Minor Sloughs	21,600	8,900	3,000	2,400	0	35,900
Dredger Cuts	6,300	2,700	4,500	10,500	7,200	31,200
<b>Total</b>	<b>30,000</b>	<b>22,300</b>	<b>7,600</b>	<b>16,900</b>	<b>23,200</b>	<b>100,000</b>

3. Screening Procedures for Imported Dredged Material: Data characterizing the quality of all navigational dredged material (e.g., Bay sediments) proposed for use on Marsh exterior levees shall be submitted to Water Board staff for review and approval prior to placement. This review shall be coordinated through the Dredged Material Management Office (DMMO). Sediment characterization shall follow the protocols for bulk sediment chemistry analysis specified in:

- The DMMO guidance document “Guidelines for Implementing the Inland Testing Manual in the San Francisco Bay Region” (Corps Public Notice 01-01, or most current version); and,
- The Water Board May 2000 staff report “Beneficial Reuse of Dredged Materials: Sediment Screening and Testing Guidelines,” or most current revised version.

Only material that meets wetland surface quality chemistry screening guidelines as defined in the Water Board May 2000 staff report listed above may be used for levee rehabilitation and maintenance. Modifications to these procedures may be approved on a case-by-case basis pending the Applicants’ ability to demonstrate that the dredged material is unlikely to adversely impact water quality and the beneficial uses of adjacent water bodies.

4. Dredging shall be limited to a maximum of 2.1 cy per linear foot of channel, a depth of 4 feet below the pre-dredge sediment surface elevation, and shall not occur more than once every three years, on a rolling basis, on any single levee segment, as delineated by the levee segment boundaries shown in Figure 3.
5. No emergent or submerged aquatic vegetation shall be removed during dredging activities.
6. The Applicants shall submit annual dredging activity summary reports no later than January 31 of the year following the year in which the dredging activity takes place. The annual reports shall describe dredging and dredged material placement activities performed during the previous calendar year and shall include, but not be limited to the following:
  - Total annual landowner-requested dredging volume



- Total authorized volume
  - Breakdown of dredging activities by region and waterway type, including a map of levee segments maintained by dredging and pre- and post-dredging/placement photos for each levee segment
  - Actual dredging work completed, with volume calculations based on the measurement of post construction placed material on the levee crown and backslope.
  - Additional site-specific information for each levee segment as appropriate
7. Dredging activities in all regions of the Marsh shall be limited to the work windows established by CDFW, NMFS, and USFWS in their Biological Opinions on the Suisun Marsh Plan, unless written authorization by the appropriate agencies to work outside these windows is provided to Water Board staff in advance of the out-of-window work starting. This condition is a conditional requirement to submit a technical report pursuant to Water Code section 13267.

As shown in the following table, the applicable work window for this dredging project is August 1 through November 30 of any year, unless dredging will occur adjacent to tidal marsh where nesting California clapper rails may be present, in which case the work window is September 1 through November 30.

<b>Species of Concern</b>	<b>Work Window Period</b>	<b>Consulting Agency</b>
Chinook Salmon	June 1 through November 30	NMFS, CDFW <sup>1</sup>
Steelhead Trout	June 1 through November 30	NMFS
Delta Smelt	August 1 through November 30	USFWS, CDFW
California Clapper Rail <sup>2</sup>	September 1 through November 30	USFWS, CDFW

<sup>1</sup>If a federal agency and CDFW are both listed, CDFW generally defers to the federal agency

<sup>2</sup>To avoid disturbing California clapper rails during the February 1 through August 31 breeding season

8. This certification does not allow for the take, or incidental take, of any special status species. The Applicants are required, as prescribed in the State and federal endangered species acts, to consult with the appropriate agencies prior to commencement of the project. The Applicants shall use the appropriate protocols, as approved by DFW, NMFS, and/or USFWS, to ensure that project activities do not adversely impact Preservation of Rare and Endangered Species, a beneficial use of San Francisco Bay and its tributaries as set forth in the Basin Plan.
9. The Applicants shall adhere to Project-applicable Terms and Conditions and Reasonable and Prudent Measures in the *Biological Opinion on the Proposed Suisun Marsh Habitat Management, Preservation, and Restoration Plan and the Project-Level Actions*, dated June 10, 2013 (Ref. No. 08ESMFOO-2012-F-0602-2) issued for the Project by USFWS.
10. The Applicants shall adhere to Project-applicable Terms and Conditions and the Reasonable and Prudent Measures in the *Biological Opinion on the Suisun Marsh Long-*

*Term Habitat Management, Preservation, and Restoration Plan*, dated July 3, 2013 (Tracking No. 2012-2390) issued for the Project by NMFS, and the Conservation Recommendations in the Essential Fish Habitat Consultation also issued for the Project by NMFS on July 3, 2013.

11. The Applicants shall submit an electronic copy of the CDFW Incidental Take Permit to Water Board staff immediately after it is issued and adhere to the conditions for the Project.
12. Dredging around fish screens shall be conducted within 1.5 hours of Mean Lower Low Water to minimize in-water work and minimize turbidity. After completion of dredging, fish screens shall be opened as the tide returns, to allow residual suspended sediment to be drawn into the adjacent managed wetlands. In instances where the dredged material from fish screen maintenance cannot be placed on the crown or landside slope of the exterior levee adjacent to the fish screen, it may be used on other levees within the Marsh.
13. Dredging shall be avoided within 200 feet of storm drain outfall and urban runoff discharge locations, unless pre-dredge contaminant testing (i.e., bulk sediment chemistry) is conducted in coordination with the DMMO per Condition 3 above.
14. Dredging shall not occur in areas where tidal wetland habitat restoration has been performed.
15. Releases of discharge water from managed wetlands shall cease for at least 3 days following dredging and dredged material placement on adjacent exterior levees.
16. No dredging or construction related wastes, debris, petroleum products, or hazardous materials shall be allowed to enter into waters of the State, or be placed where they may be washed by rainfall or runoff, or otherwise discharge into waters of the State. When dredging and levee maintenance construction activities are completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into waters of the State.
17. A berm shall be constructed on the channel-side of the levee crown sufficient to prevent runoff into adjacent aquatic habitats.
18. The Applicants or their representative shall notify Water Board staff immediately by telephone and e-mail whenever an adverse condition occurs as a result of this activity. An adverse condition includes, but is not limited to, a violation or threatened violation of conditions of this certification, or a release of petroleum products or toxic chemicals to waters of the State. Pursuant to Water Code section 13267, a written notification of adverse condition shall be submitted to the Water Board within 30 days of occurrence. The written notification shall identify the adverse condition, describe the action necessary to remedy the condition, and specify a timetable, subject to the modifications of the Water Board, for remedial actions.

19. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
20. This certification action is not intended and shall not be construed to apply to any discharge from 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 23 CCR Subsection 3855(b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
21. This certification is valid through December 31, 2024. The SRCD is the applicant acting on behalf of numerous public and private landowners in the Suisun Marsh. At this time, the specific dredging locations, volumes, and participating landowners for the 10-year dredging program have not been identified, and the SRCD is not financially capable of prepaying the full application fee. Therefore, dredging more than 100,000 cy will require one or more amendments to the certification and payment of additional fees assessed per the increased volume of dredging according to the dredge and fill certification fee schedule in place at the time each amendment is approved. The cumulative sum total fee for the 10-year project, which would have a maximum dredge volume of 1,000,000 cy, shall not exceed the maximum fee in effect at the time each amendment is approved.
22. Certification is conditioned upon full payment of the required fee as set forth in 23 CCR Section 3833. The total fee required for certification of the first phase of the subject project (i.e., of up to 100,000 cy) is \$15,944, based on the fee schedule in effect in July 2013 when Water Board staff determined the application to be complete. Water Board staff received payment in full on May 13, 2014.


## **Conclusion**

This certification applies to the project as proposed in the application materials. Please be advised that failure to implement the project as proposed is a violation of this water quality certification. Any violation of water quality certification conditions is subject to administrative civil liability pursuant to Water Code sections 13268 and 13350. Failure to meet any condition of a certification may subject the Applicants to civil liability imposed by the Water Board to a maximum of \$5,000 per violation day for violations of section of Water Code 13267 technical report requirements and \$5,000 per violation day or \$10 for each gallon of waste discharged in violation of this certification.

We anticipate no further action on this request. Should new information come to our attention that indicates a water quality problem with this project, the Water Board may issue waste discharge requirements pursuant to 23 CCR section 3857.

If you have any questions, please contact Elizabeth Christian at (510) 622-2335 or by email to [echristian@waterboards.ca.gov](mailto:echristian@waterboards.ca.gov).

Sincerely,



Digitally signed by Naomi  
Feger  
DN: cn=Naomi Feger, o=SF  
Bay Water Board,  
ou=Planning Division Chief,  
email=nfeger@waterboard  
s.ca.gov, c=US  
Date: 2014.06.04 12:03:08  
-07'00'

For Bruce H. Wolfe  
Executive Officer

Attachments:

- Figure 1. Suisun Marsh Dredging Program Project Location Map
- Figure 2. Suisun Marsh Regions
- Figure 3. Suisun Marsh Levee Segments

cc w/attachments (*all via email*):

State Water Resources Control Board ([Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov))

US EPA, WTR-8 ([R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov))

USACE, SF Regulatory Branch (David Wickens, [David.M.Wickens@usace.army.mil](mailto:David.M.Wickens@usace.army.mil))

US FWS (Ryan Olah, [Ryan\\_Olah@fws.gov](mailto:Ryan_Olah@fws.gov))

NMFS (Gary Stern, [Gary\\_Stern@noaa.gov](mailto:Gary_Stern@noaa.gov))

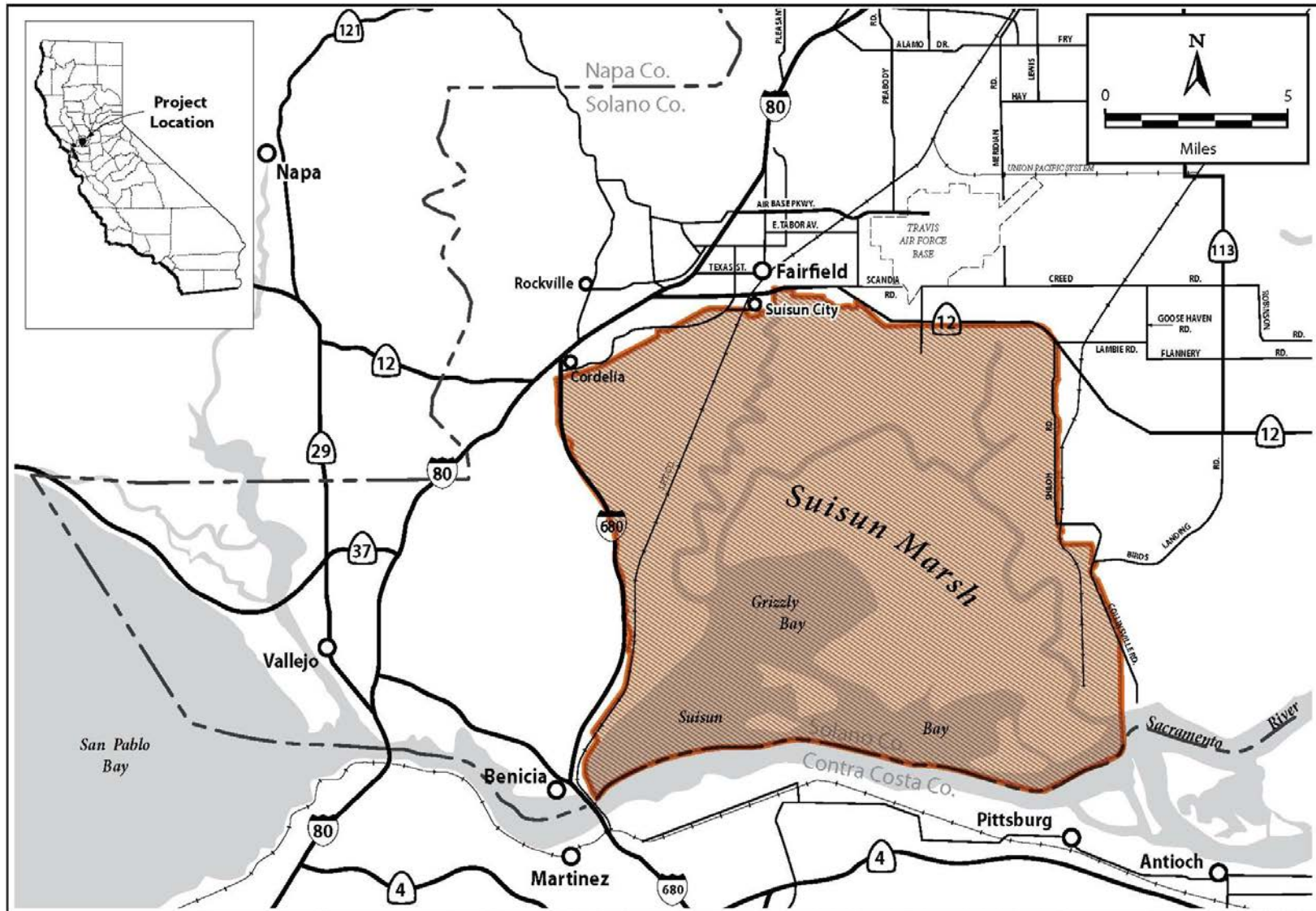


Figure 1. Suisun Marsh Dredging Program  
Project Location Map

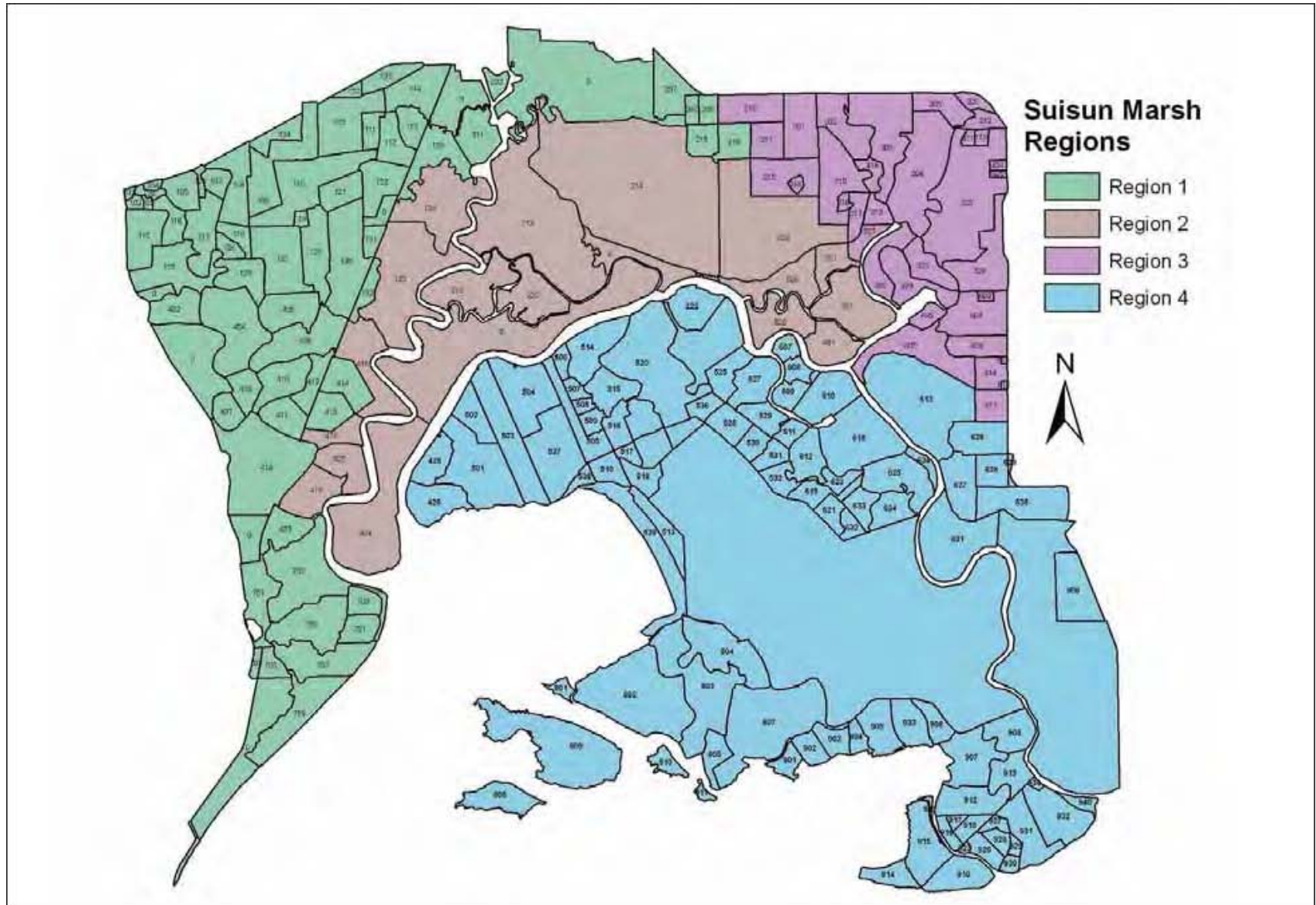


Figure 2. Suisun Marsh Regions

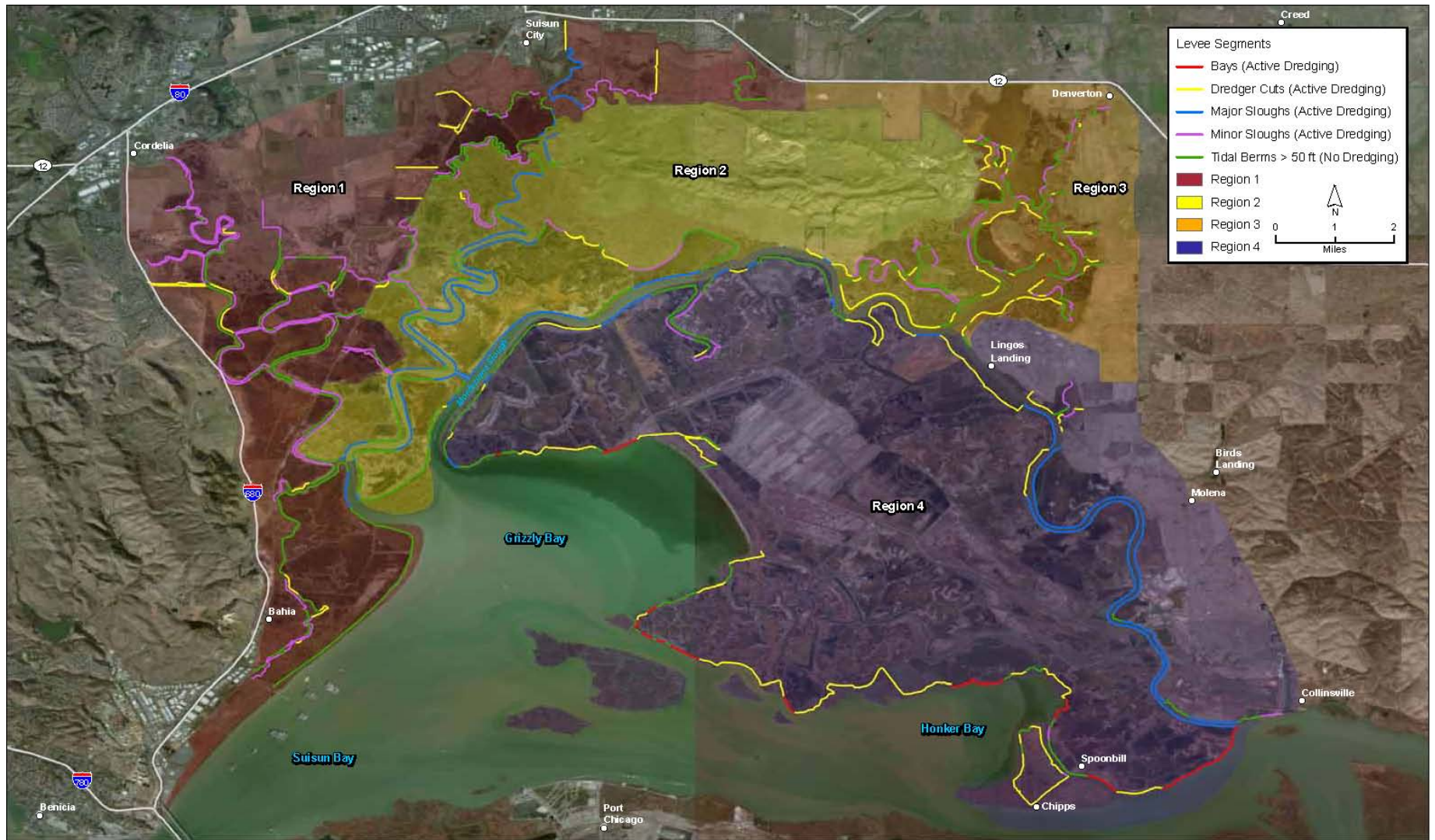


Figure 3. Suisun Marsh Levee Segments