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## San Francisco Bay Regional Water Quality Control Board

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER  
for:

Reissuance of Regional General Permit 3 for Suisun Marsh Managed Wetlands  
Operations and Maintenance, Solano County

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*Sent via electronic mail: No hard copy to follow*

**Effective Date:** 12/22/2022

**Place ID 883569  
RM 449407  
WDID# 2 CW449407**

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JAYNE BATTEY, CHAIR | EILEEN WHITE, EXECUTIVE OFFICER

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Water Quality Certification and Order  
Reissuance of RGP 3

Place ID 883569  
RM 449407

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## Table of Contents

<b>ORDER</b>	<b>1</b>
I. Project	1
II. Impacts to Waters of the State	2
III. Mitigation	3
IV. California Environmental Quality Act (CEQA)	4
V. Conditions	4
General Conditions	4
<b>MITIGATION</b>	<b>6</b>
Monitoring and Reporting	6
Administrative	9
General Compliance	9
Standard Conditions	10
Fees	11

## Order

This Clean Water Act (CWA) section 401 Water Quality Certification and Order (Order) is issued at the request of the Suisun Resource Conservation District (SRCD) and the private landowners represented by SRCD, California Department of Fish and Wildlife (CDFW), California Department of Water Resources (DWR), and U.S. Bureau of Reclamation (Reclamation) (hereinafter Permittees) for the Reissuance of Regional General Permit 3 (RGP 3) for Suisun Marsh Managed Wetlands Operations and Maintenance (Project). We received a request for a pre-filing meeting on May 19, 2022. We received the application for certification (Application) on September 29, 2022.

The Permittees have also applied to the U.S. Army Corps of Engineers (Corps), Regulatory Branch for reissuance of RGP 3 pursuant to Section 404 of the CWA (33 USC 1344) and section 10 of the Rivers and Harbors Act (33 USC 403).

### I. Project

The Project is located within the primary and secondary management areas of the Suisun Marsh, which is bounded by Interstate 680 to the west, Highway 12 to the north, Shiloh Road and Collinsville Road to the east, and Suisun Bay to the south (lat: 38.154913; long: -121.976042). The purpose of the Project is to continue maintenance of the private and public water control infrastructure, facilities, and levees in managed wetlands to protect and enhance existing managed wetland values, endangered species habitats, levee system integrity, and water quality in the Marsh. Maintenance activities will be conducted by landowners on private lands and by SRCD, CDFW, and DWR on State-owned lands. In addition, Reclamation contributes funding to DWR to implement operations and maintenance of DWR facilities that mitigate the effects of the Central Valley and State Water projects, including the Roaring River Distribution System, the Morrow Island Distribution System, Goodyear Slough Outfall, salinity monitoring stations, the Suisun Marsh Salinity Control Gates, and other facilities or properties.

Maintenance activities are described in detail in the Application materials and in the Suisun Marsh Habitat Management, Preservation, and Restoration Plan (SMP). The SMP describes how maintenance activities such as improving levees and water circulation enhances managed wetlands habitat.

The ability of wetland managers to improve habitat is also dependent on the availability of lower salinity water. DWR and Reclamation facilities help to reduce water salinity and distribute less-saline water to managed wetlands. Maintenance activities will ensure these facilities and water quality monitoring stations continue to work as intended.

These maintenance activities include:

- Repairing existing interior and exterior levees;
- Grading pond bottoms for water circulation;
- Clearing existing interior ditches;



- Constructing new interior ditches;
- Coring existing interior levees;
- Creating pond bottom spreader v-ditches and swales;
- Repairing/replacing existing interior water control structures;
- Replacing pipe for existing interior water control structures or installing new water control structures;
- Replacing/relocating/removing existing blinds or installing new blinds;
- Discing managed wetlands;
- Installing drain pumps and platforms;
- Replacing riprap on interior and exterior levees;
- Placing new riprap on interior and exterior levees;
- Installing or replacing pipe for existing exterior flood, drain, or dual-purpose gates;
- Installing new exterior drain gates;
- Installing, repairing, or re-installing water control bulkheads;
- Removing floating debris from pipes, trash racks, and other structures;
- Installing new fish screen facilities;
- Installing alternative bank protection on interior and exterior levees;
- Installing temporary coffer dams in managed wetlands ditches during water control replacement;
- Repairing and maintaining salinity control gates;
- Cleaning, repairing, and maintaining the Roaring River Distribution System fish screen; and
- Installing, maintaining, repairing, replacing, relocating, and removing salinity monitoring stations.

Construction activities associated with implementation of tidal restoration are not authorized under RGP 3. However, the continued maintenance and interim operation of a managed wetland that is planned for future tidal restoration can be performed under RGP 3.

## **II. Impacts to Waters of the State**

The total amount of annual excavation and temporary fill for maintenance activities in managed wetlands will vary from year to year. However, RGP 3 imposes limits on the timing, types, and methods of allowed work and amounts of work. This Certification requires the Permittees to comply with the limits as expressed in the Application and RGP 3 and as conditioned herein. For example, RGP 3 imposes annual limits on the total volume of earthen material excavated throughout the Marsh for maintenance

activities, such as the grading of pond bottoms, clearing of existing ditches, and creation of new ditches. RGP 3 also imposes annual limits on the placement of material (such as riprap) throughout the Marsh for maintenance activities.

In addition to the annual limits described above, RGP 3 imposes annual limits on the amount of material placed or work that can be done based on the size of each ownership. For example, the total volume of material that may be placed to repair exterior levees at a particular site is based on the total length of exterior levee at that site and limited to 1.5 cubic yards per linear foot of existing levee at the site.

The Suisun Marsh is listed as impaired by low dissolved oxygen (DO), organic enrichment, and mercury on the CWA section 303(d) list. Operations at managed wetlands, including duck clubs, have been identified as causing or contributing to lowered DO concentrations in receiving sloughs, thereby adversely affecting beneficial uses in the Suisun Marsh. Operations in managed wetlands often result in discharges of water with low DO (0-2 mg/L) and high methylmercury (MeHg) to tidal sloughs, primarily during the initial fall flood-up period. Past low DO events resulted in fish kills in tidal sloughs in the northwest Suisun Marsh, with Peytonia Slough, Boynton Slough, Goodyear Slough, lower Cordelia Slough, and the upper reaches of Suisun Slough exhibiting the most significant low DO problems.

### **III. Mitigation**

Temporary and permanent impacts resulting from the ongoing operation and maintenance of public and private managed wetlands were previously mitigated for under the 2005 Suisun Marsh Mitigation Agreement (Agreement). The Agreement requires the Permittees to continue to preserve, manage, and maintain 2,500 acres of managed and tidal wetland habitats as conservation areas within the Marsh.

CDFW and SRCD staff prepared the Conceptual Model for Managed Wetlands in Suisun Marsh in 2007 that describes existing conditions and vegetation and water management best management practices (BMPs) to enhance waterfowl habitat in managed wetlands. The Permittees also participated in a study that evaluated the effectiveness of BMPs related to water management operations and soil and vegetation management practices. The final memorandum, Strategies for Resolving Low Oxygen and Methylmercury Events in Northern Suisun Marsh (May 2011), provides specific recommendations on BMPs to implement to improve water quality.

The Suisun Marsh Total Maximum Daily Load (TMDL) includes implementation actions to meet water quality objectives for dissolved oxygen. The Permittees continue to collaborate with Water Board staff on implementation of the Suisun Marsh TMDL to resolve dissolved oxygen impairment and protect beneficial uses in Suisun Marsh. For example, the Permittees participated in the Water Quality Improvement Pilot Project funded by the U.S. Environmental Protection Agency (U.S. EPA), which deployed and tested appropriate BMPs and collected data on the effectiveness of these BMPs from 2016 to 2018. The Pilot Project contributed to the adopted Total Maximum Daily Load (TMDL) for Dissolved Oxygen in Suisun Marsh and the amended San Francisco Bay Mercury TMDL from 2018.



To mitigate for potential impacts from low DO, this Certification requires the Permittees and private landowners to implement appropriate BMPs as discussed above to improve DO concentrations of managed wetland discharges and to avoid and minimize erosion, sedimentation, and pollutant transport to waters of the State. Since low DO and high organic content in the Marsh promotes mercury methylation, the Suisun Marsh TMDL proposes to address mercury impairment by ensuring that discharges from managed wetlands maintain DO at protective levels and, therefore, reduce the potential for conversion of mercury to toxic MeHg. As such, implementation of appropriate BMPs to improve DO concentrations in conjunction with monitoring is anticipated to address potential impacts from MeHg.

Overall, the Project's activities will result in improved water quality and an environmental net benefit by improving water circulation and drainage patterns, reducing the volume of organic matter, increasing levee stability, preventing erosion at the toe of levees and ditch banks, and preserving and enhancing wildlife habitat within the Marsh.

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

CDFW, Reclamation, and U.S. Fish and Wildlife Service prepared the SMP Environmental Impact Statement/Environmental Impact Report (EIS/EIR) in November 2011. CDFW filed a Notice of Determination with the State Clearinghouse (SCH No. 2003112039) on December 22, 2011, certifying the EIS/EIR. The SMP provides a comprehensive 30-year plan for the management of activities within the Marsh and includes maintenance activities performed under RGP 3.

The Water Board, as a Responsible Agency under CEQA, has considered the EIS/EIR and finds that the Project's significant environmental effects that are within the Water Board's purview and jurisdiction have been identified and will be mitigated to less-than-significant levels. Specifically, significant impacts pertaining to wetland and aquatic habitat and water quality will be mitigated to less-than-significant levels through implementation of mitigation measures identified in EIS/EIR and the mitigation identified above, all of which are required to be implemented and reported on by this Certification.

#### **V. Conditions**

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

##### **General Conditions**

1. The Project shall be constructed in conformance with the Project description provided in the Application materials and abide by the conditions and limitations in RGP 3. The Permittees shall fully comply with engineering plans, specifications, and technical reports submitted in the Application or required as part of this Order. Any changes to information provided in the Application must be submitted to the Water Board and receive Executive Officer approval before the changes are implemented.

**Rationale:** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has been conducted in accordance with the permit and all applicable conditions. (California Water Code (CWC) section 13264)*

2. Disturbance or removal of vegetation shall be minimized. The site(s) shall be stabilized through incorporation of appropriate BMPs identified above in the Application materials and in the Suisun Marsh TMDL, including the successful reestablishment of native vegetation to enhance wildlife habitat values, and to prevent and control erosion and sedimentation.

**Rationale:** *This condition is necessary to ensure minimization of impacts to waters of the State and to ensure successful restoration of all temporary impacts authorized. (State Board Resolution No. 68-16; 40 CFR Part 131.12(a)(1); CWC sections 13264 and 13369; Water Quality Control Plan for the San Francisco Basin (Basin Plan) Ch. 3 and 4)*

3. No equipment shall be operated in stream channels or other waters where there is flowing or standing water. Fueling, cleaning, or maintenance of vehicles or equipment during construction shall not take place within any areas where an accidental discharge to waters of the State may occur.

**Rationale:** *This condition is necessary to minimize adverse impacts to water quality from construction activities to the maximum extent practicable. (State Board Resolution No. 68-16; 40 CFR Part 131.12(a)(1); CWC section 13369; Basin Plan section 2.1.14)*

4. No unauthorized construction related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into waters of the State. When construction is completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be discharged to waters of the State.

**Rationale:** *This condition is necessary to ensure that contaminated material is not placed within waters of the State. (Basin Plan sections 3.3.12, 3.3.19, and 4.19)*

5. The total amount of excavation and fill for maintenance activities shall not exceed the annual limits described in the Application materials and established in the RGP 3. These include limits on the amount of material excavated or placed throughout the Marsh and limits on the amount of material excavated or placed based on the size of each ownership.

**Rationale:** *This condition is necessary to minimize adverse impacts to water quality and is necessary to ensure compliance with the permit and applicable conditions. (CWC sections 13264, 13267, and 13385)*

6. The Permittees shall implement water management and vegetation BMPs based on the (1) *Conceptual Model for Managed Wetlands in Suisun Marsh* (2007), (2) the *Strategies*



for Resolving Low Oxygen and Methylmercury Events in Northern Suisun Marsh (2011), (3) the Final Report from the U.S. EPA Water Quality Improvement Pilot Project (2018), and (4) the adopted TMDL for Dissolved Oxygen in Suisun Marsh and the amended San Francisco Bay Mercury TMDL. The Permittees shall describe implemented actions and the effectiveness of BMPs in the annual monitoring report required by Condition 15.

**Rationale:** *This condition is necessary to minimize adverse impacts to water quality. (CWC sections 13385 and 13267)*

7. The Goodyear Slough Outfall, which is owned by and the responsibility of DWR, shall be cleaned prior to the fall discharge from the managed wetlands, typically between September and November, and as often as necessary throughout the year to maintain water circulation and attain water quality objectives for DO. The Permittees shall describe cleanup activities in the annual monitoring report required by Condition 15.

**Rationale:** *This condition is necessary to minimize adverse impacts to water quality. (CWC sections 13385 and 13267)*

### **Mitigation**

8. To mitigate for temporary and permanent impacts resulting from the ongoing operation and maintenance of public and private managed wetlands, the Permittees will continue to preserve, manage, and maintain 2,500 acres of managed and tidal wetland habitats as conservation areas within the Marsh, as part of the 2005 Suisun Marsh Mitigation Agreement.
9. To mitigate for temporary and permanent impacts resulting from the ongoing operation and maintenance of public and private managed wetlands, the Permittees will continue to implement appropriate BMPs to improve DO concentrations of managed wetland discharges, and to avoid and minimize erosion, sedimentation, and pollutant transport to waters of the State, in compliance with the Suisun Marsh TMDL.

**Rationale:** *Conditions 8-9 are necessary to ensure avoidance and minimization of impacts to waters of the State, as well as ensure successful enhancement of the functions of the aquatic environment. (California Code of Regulations Title 23 (23 CCR) section 3013, section 3861(d), Dredge or Fill Procedures section IV. A.2(d) & B.4)*

### **Monitoring and Reporting**

10. No later than May 1 of each year, the Permittees shall submit a DO Monitoring Workplan acceptable to the Executive Officer. The DO Monitoring Workplan shall describe water management and vegetation BMPs that will be implemented to attain water quality objectives for DO, the locations of monitoring stations, include an implementation schedule, and incorporate Conditions 12 and 13 below. The DO Monitoring Workplan shall reference **DO Wrkpln\_449407\_RGP 3 Suisun Marsh** and shall be submitted via email to [RB2-401Reports@waterboards.ca.gov](mailto:RB2-401Reports@waterboards.ca.gov) or by mail to the attention of 401 Certifications Reports (see address on the letterhead).

Any changes to the DO Monitoring Workplan shall be submitted, acceptable to the Executive Officer, two weeks prior to implementation.

***Rationale:*** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and restoration work has been conducted in accordance with the permit and all applicable conditions. (CWC section 13267)*

11. Within the period of August through December of each year, the Permittees shall conduct continuous DO monitoring in the receiving sloughs to verify the effectiveness of BMPs and to demonstrate attainment of applicable water quality standards. Monitoring shall be conducted in Goodyear Slough and Boynton Slough and shall (1) be conducted for at least 90 days, and (2) include periods before, during, and after discharge from the managed wetlands. The Permittees shall notify the Water Board of the start date for DO monitoring via email to Erin Fairley at [erin.fairley@waterboards.ca.gov](mailto:erin.fairley@waterboards.ca.gov) and Barbara Baginska at [barbara.baginska@waterboards.ca.gov](mailto:barbara.baginska@waterboards.ca.gov).
12. Within the period of January through April of each year, the Permittees shall conduct continuous DO monitoring in Montezuma Slough or Nurse Slough, or Denverton Sloughs to demonstrate that DO conditions ensure the protection of listed juvenile salmonids. Monitoring shall be conducted for at least 90 days. The Permittees shall notify the Water Board of the start date for DO monitoring via email to Erin Fairley at [erin.fairley@waterboards.ca.gov](mailto:erin.fairley@waterboards.ca.gov) and Barbara Baginska at [barbara.baginska@waterboards.ca.gov](mailto:barbara.baginska@waterboards.ca.gov).
13. The Permittees shall submit an Annual Wetlands Maintenance Summary Report, acceptable to the Executive Officer, by January 31 following each monitoring year. These reports shall describe managed wetland maintenance activities performed as authorized under RGP 3 and include a summary table of the amount of material excavated or placed, the location of the work, and estimates of temporary and permanent impacts to wetlands and other waters of the State. Annual monitoring reports shall reference **AWMSR\_449407\_RGP 3 Suisun Marsh** and shall be submitted via email to [RB2-401Reports@waterboards.ca.gov](mailto:RB2-401Reports@waterboards.ca.gov), or by mail to the attention of 401 Certifications Reports (see address on the letterhead).

***Rationale:*** *Conditions 11-13 are necessary to assist in scheduling compliance inspections to ensure compliance with the permit and applicable conditions. (CWC section 13267)*

14. The Permittees shall submit an Annual DO Monitoring Report, acceptable to the Executive Officer, by January 31 following each monitoring year. These reports shall:
  - a. Describe water management and vegetation BMPs implemented to address low DO concentrations in discharges from managed wetlands on Boynton and Goodyear sloughs, including the location and the



effectiveness of BMPs and a summary table with the total volume of material removed from ditches, the length of ditches cleaned, and estimates of temporary impacts to wetlands and waters of the State.

- b. Describe cleanup activities performed at the Goodyear Slough Outfall.
- c. Describe the DO monitoring conducted, including monitoring methods, locations, and results. Daily and monthly DO concentrations shall be evaluated using the water quality objectives in the Basin Plan, and targets set in the Suisun Marsh TMDL for DO and the San Francisco Bay TMDL for Mercury. If monitoring shows that DO concentrations in the sloughs are not meeting applicable water quality standards, then the report shall identify corrective actions such as additional or improved BMPs that will be implemented, or increased level(s) of implementation, sufficient to ensure DO concentrations do not fall below water quality objectives in receiving waters. All corrective actions identified shall be implemented upon receiving written acceptance from the Executive Officer.
- d. Annual monitoring reports shall reference **ADOMR\_449407\_RGP 3 Suisun Marsh** and shall be submitted via e-mail to [RB2-401Reports@waterboards.ca.gov](mailto:RB2-401Reports@waterboards.ca.gov), or by mail to the attention of 401 Certifications Reports at the Water Board (see the address on the letterhead).

**Rationale:** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and restoration work has been conducted in accordance with the permit and all applicable conditions. (CWC section 13267)*

- 15. Before placement of imported soil to repair levees adjacent to the aquatic habitat at the Project site, the Permittees shall submit a Source Material Characterization Report (SMCR), acceptable to the Executive Officer, to demonstrate that the soil is appropriate for reuse in the proposed location(s). The SMCR shall be prepared under the supervision of and signed by a California registered engineer, registered professional geologist, or certified engineering geologist, and shall contain a statement certifying compliance with the restrictions, site conditions, sampling and analysis, and evaluation criteria detailed in the Draft Technical Reference Document titled *Characterization and Reuse of Soil from Multiple Sources for Maintenance of Levees Adjacent to Aquatic Environments*. The SMCR shall include the following information: description of soil source area; estimate of the volume of soil proposed for levee reuse; description and justification of the sampling methodology and the sample location/selection process; a plot plan and/or photograph of each soil stockpile or area sampled with the sample locations clearly marked; a copy of all sample results, chain of custody documents, and QA/QC supporting data; a summary table of the laboratory results for the soil sampling; and a map of the reuse location and site showing where the soil is intended to be placed and a description of the method that will be used to offload, place, and grade it, if necessary.



***Rationale:*** *This condition is necessary to minimize adverse impacts to water quality, and to ensure compliance with the permit and applicable conditions. (CWC sections 13385 and 13267)*

### **Administrative**

16. The Permittees shall grant Water Board staff or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to: (1) enter upon the Project site(s) where a regulated facility or activity is located or conducted, or where records are kept; (2) have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order; (3) inspect any facilities, equipment, practices, or operations regulated or required under this Order; and (4) sample or monitor for the purposes of assuring Order compliance.
17. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
18. The Permittees shall provide Water Board staff access to the Project site(s) to document compliance with this Certification.
19. Where applicable, the Permittees shall provide a signed and dated notification to the Water Board of any change in ownership or interest in ownership of the Project area(s) at least 30 days prior to the transfer of ownership. The purchaser shall also submit a written request to the Water Board to be named as the permittee in an amended order. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittees shall continue to be responsible for all requirements set forth in this Order.

***Rationale:*** *Conditions 16-19 are necessary to assist in scheduling compliance inspections and to ensure compliance with the permit and applicable conditions. (CWC sections 13267, 13170, and 13245)*

### **General Compliance**

20. The Water Board may add or modify the conditions of this Certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

***Rationale:*** *This condition is necessary to ensure compliance with the permit and applicable conditions. (CWC section 13264)*

21. The Permittee shall notify the Water Board of any event causing a violation of compliance with water quality standards as soon as practicable (ideally within 24 hours). Notification may be via telephone, email, delivered written notice, or other verifiable means.

22. Failure to implement the Project as proposed is a violation of this Order. Violation of this Order is a violation of state law and is subject to administrative civil liability pursuant to California Water Code (CWC) section 13350. Failure to meet any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act and may subject you to civil liability imposed by the Water Board to a maximum of \$5,000 per day of violation or \$10 for each gallon of waste discharged in violation of this Order.
23. Any requirement for a report made as a condition of this Order is a formal requirement pursuant to CWC section 13267, and failure to submit, late or inadequate submittal, or falsification of such technical report(s) is also subject to civil liability pursuant to CWC section 13268. The burden, including costs, of providing the reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from them.
24. In response to a suspected violation of any condition of this Order, the Water Board may require the Permittee to furnish, under penalty of perjury, any technical or monitoring reports the Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
25. 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 Title 23 of the California Code of Regulations (23 CCR) section 3857.

***Rationale:*** Conditions 21-25 are necessary to minimize adverse impacts to water quality. (CWC sections 13385 and 13267)

26. Prior to implementing any change to the Project that may have a significant or material effect on the findings, conclusions, or conditions of this Certification, the Applicant shall obtain the written approval of the Executive Officer. If the Water Board is not notified of a significant alternation to the Project, it will be considered a violation of this Certification, and the Applicant may be subject to Water Board enforcement actions.
27. This Order shall continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project.

***Rationale:*** Conditions 26 and 27 are necessary to ensure compliance with the permit and applicable conditions. (CWC sections 13170 and 13245)

### **Standard Conditions**

28. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to CWC section 13330 and 23 CCR 3867.
29. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a 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.

**Rationale:** *Conditions 28 and 29 are standard conditions that “shall be included as conditions of all water quality certification actions.” (23 CCR section 3860(a))*

## Fees

30. In accordance with 23 CCR section 2200, the Permittee shall pay an annual fee to the Water Board each fiscal year (July 1 – June 30) until Project construction activities are completed and an acceptable Notice of Project Construction Completion is received by the Water Board. If monitoring is required, the Permittee shall pay an annual fee to the Water Board until monitoring activities are completed and an acceptable Notice of Mitigation Monitoring Completion is received by the Water Board.

**Rationale:** *This condition is a requirement of 23 CCR sections 3833(b)(3) and 2200(a)(3).*

31. This Order is conditioned upon total payment of the full fees, including annual fees, required in State regulations (23 CCR sections 2200(a)(3) and 3833(b)(3)) and owed by the Permittee. The Application fee for this Project, \$2,417, was paid in full on November 22, 2022, and was calculated as Category E – Low Impact Discharges with the dredge and fill fee calculator.

I, Eileen White, Executive Officer, do hereby issue this Order certifying that any discharge from the proposed Project will comply with the applicable provisions of 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) of the Clean Water Act, 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 Order.

If you have any questions concerning this Order, please contact Erin Fairley of my staff at (510) 622-2324 or [erin.fairley@waterboards.ca.gov](mailto:erin.fairley@waterboards.ca.gov).

  
Elizabeth Morrison  
Water Boards  
Digitally signed by  
Elizabeth Morrison  
Date: 2022.12.22  
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for Eileen White  
Executive Officer



Cc: SWRCB, DWQ, [Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

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