

## Central Valley Regional Water Quality Control Board

18 November 2025

Michael W. Bessette,  
Sutter Butte Flood Control Agency  
P.O. Box M  
Yuba City, CA 95992

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD  
ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY  
CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION  
PROJECTS STATEWIDE (ORDER NO. WQ 2022-0048-DWQ), SUTTER BUTTE  
FLOOD CONTROL AGENCY, OROVILLE WILDLIFE AREA RIVER RESTORATION  
(OWA-RR) PROJECT AT ROBINSON'S RIFFLE (WDID NO. 5A04CR00380), BUTTE  
COUNTY**

On 20 October 2025, Sutter Butte Flood Control Agency (Applicant) filed a Notice of Intent (NOI) requesting coverage under State Water Resources Control Board's Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide, Order No. WQ 2022-0048-DWQ (Statewide Restoration General Order) for the Oroville Wildlife Area River Restoration (OWA-RR) Project at Robinson's Riffle (Project). After review of the NOI submitted by the applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under the Statewide Restoration General Order.

This Notice of Applicability (NOA) is being issued at the request of Sutter Butte Flood Control Agency (hereinafter Enrollee) under the Statewide Restoration General Order pursuant to Section 3838 of the California Code of Regulations.

**NOA Effective Date:** 18 November 2025

**NOA Expiration Date:** 18 November 2030

A copy of the Statewide Restoration General Order is enclosed. You may also access the Statewide Restoration General Order on State Water Resources Control Board's General Orders Web Page: [Order WQ 2022-0048-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) ([https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2022/wqo2022-0048-dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf)).

The Project must proceed in accordance with the requirements contained in this NOA and the Statewide Restoration General Order. Failure to comply with this NOA and the

Statewide Restoration General Order constitutes a violation of the California Water Code and may result in enforcement action and/or termination of enrollment under the Statewide Restoration General Order. The Project is described in the NOI Form requesting coverage and supplementary information (Application Package). Coverage under the Statewide Restoration General Order is no longer valid if the Project is modified from that described in the Application Package.

## **I. Public Notice**

The Central Valley Water Board provided public notice of the application from 24 October 2025 to 14 November 2025. The Central Valley Water Board did not receive any comments during the comment period.

## **II. Project Description**

The Project is a multi-benefit habitat restoration effort designed to enhance aquatic and riparian conditions along a dynamic reach of the lower Feather River. The Project is located within the Oroville Wildlife Area (OWA) and aims to restore natural geomorphic and ecological processes by constructing a complex network of in-channel and floodplain features that support anadromous salmonids and other native species. Restoration efforts are specifically focused on improving habitat conditions for Central Valley spring-run and fall-run Chinook salmon, which rely on this reach of the Feather River for spawning and rearing. By addressing key limiting factors – such as lack of channel complexity, poor sediment structure, and disconnected floodplain habitats – the Project is expected to increase juvenile rearing capacity, improve spawning habitat quality, and contribute to the overall resilience of salmon populations in the watershed. The restoration design responds to degraded existing conditions – an overly wide and simplified channel with minimal riffle-pool structure, limited sediment supply, and disconnected floodplain habitats. The primary components of the project include gravel bar and riffle construction, excavation of historic mine tailings, construction of floodplain features, formation of pools at meander bends, and riparian restoration.

## **III. Project Location**

County: Butte County

Nearest City: Oroville, CA

Northern Boundary: Latitude: 39.49285° & Longitude: -121.58598°

Southern Boundary: Latitude: 39.46372° & Longitude: -121.60020°

Maps showing the Project location are found in Attachment A of this NOA

## **IV. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the

region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) ([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity are shown in Table 2 and 3 of Attachment B.

## **V. Description of Direct Impacts to Waters of the State**

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss of area and those degrading ecological conditions. Impacts to waters of the state shall not exceed quantities shown in Tables 1 and 2. A map of project impacts can be found in Attachment A, Figure 3.

A total of 1.268 acres (1,384 linear feet (LF)) of temporary impacts to the canal are associated with temporary construction access and temporary construction-related turbidity and pollutant discharges that may occur related to erosion and/or sediment loss.

A total of 16.083 acres (5,405 LF) of temporary impacts to the river (Feather River) and side channels are associated with the temporary construction-related turbidity and pollutant discharges that may occur related to erosion and/or sediment loss. Construction access for in-channel work is anticipated to occur from land.

A total of 0.723 acre of permanent impacts to marsh are associated with the removal of the sheet pile weir. Removal of the sheet pile weir will include excavation of approximately 2,625 cubic yards (CY) of material.

A total of 1.173 acre (1,120 LF) of permanent impacts to canal are associated with re-establishing the Old Western Canal as side channel habitat and reducing fish stranding. Grading and fill within the canal will include fill of 545 CY of material to reducing fish stranding and excavation of 3,845 CY to create an inlet for the Old Western Canal with the floodplain creation area.

A total of 28.747 acres (6,496 LF) of permanent impacts to the river (Feather River) and side channels are associated with the placement of a total of 195,818 CY of coarse gravel and sediment material to change the slope and depth of the main channel (identified as rescale gradient; 52,829 CY), creation of gravel bars (61,749 CY) and riffle features (36,872 CY) to increase fish spawning habitat, and bank

ripping (6,241 CY) along the margins of the river to promote natural river migration into the floodplain complex creation. A total of 447 CY of material will be excavated, associated with grading the floodplain complex creation area to connect to side channels.

**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Canal	1.268		1,384
Stream Channel	16.083		5,405

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Wetland	0.723	2,625	N/A
Canal	1.173	4,390	1,120
Stream Channel	28.747	196,265	6,496

## VI. Project Schedule

The Project is estimated to occur between April of 2027 and March of 2030. The seasonal work period will occur from 15 April to 31 October annually.

## VII. California Environmental Quality Act (CEQA)

On 16 August 2022, State Water Resources Control Board, as lead agency, certified a Program Environmental Impact Report (PEIR) (State Clearinghouse (SCH) No.2019100230) for the Statewide Restoration General Order and filed a Notice of Determination (NOD) at the SCH on 12 September 2022.

The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that State Water Resources Control Board's PEIR comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3; California Code of Regulations, title 14, section 15231.)

The Central Valley Water Board has reviewed and considered the PEIR and finds that the environmental document addresses the Project's impacts within the scope of the Board's jurisdiction and that no additional environmental review is required.

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<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

(California Code of Regulations, title 14, section 15096, subdivision (f), 15162, 15163.)

The Central Valley Regional Water Quality Control Board will file a Notice of Determination with the Office of Planning and Research within five (5) working days of issuance of this certification. (California Code of Regulations, title 14, section 15096, subdivision (i).)

## **VIII. Fees Received**

An application fee of \$1,123.00 was received on 15 October 2025. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

## **IX. Conditions**

The Enrollee shall comply with all applicable conditions of the Statewide Restoration General Order, including but not limited to the following:

### **A. Reporting and Notification Requirements**

#### **1. In-Water Work and Diversions:**

The Enrollee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be via email, delivered written notice, or other verifiable means. An In-Water Work and Diversions Water Quality Monitoring Report shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter.

#### **2. Annual Reporting:**

The Enrollee shall submit an Annual Report, in accordance with Reporting and Notification Attachment D of the Statewide Restoration General Order, within one month of the anniversary of the effective date of the NOA. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Enrollee.

### **B. Water Quality Monitoring**

#### **1. General:**

If surface water is present continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. The Enrollee shall perform surface water sampling:

- a. when performing any in-water work;
- b. during the entire duration of temporary surface water diversions;
- c. in the event that the Project activities result in any materials reaching surface waters; or
- d. when any activities result in the creation of a visible plume in surface waters.

## **2. Accidental Discharges/Noncompliance:**

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

## **3. In-Water Work or Diversions:**

A Water Quality Monitoring Plan shall be submitted to Central Valley Water Board staff for acceptance **at least sixty (60) days in advance** of commencement of project activity. Water quality monitoring shall be conducted in accordance with the approved plan. Standards for in-water work or diversions are discussed in General In-Water Measures, specifically IWW-6, presented in Attachment A of the Statewide Restoration General Order. The Enrollee shall comply with the approving Water Board-specific water quality control plan water quality objectives and reporting requirements.

## **C. Environmental Monitoring**

Per General Protection Measure 5 (GPM-5) of the Statewide Restoration General Order, a resource specialist shall ensure that all applicable protective measures are implemented during project construction. The resource specialist shall have authority to stop any work if they determine that any permit requirement is not fully implemented. The resource specialist shall prepare and maintain a monitoring log of construction site conditions and observations, which will be kept on file.

## **D. Construction General Permit Requirement**

The Enrollee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

## **X. Findings of Applicability**

This letter serves as formal notice that Order No. WQ 2022-0048-DWQ is applicable to this habitat restoration project. Your waste discharge identification (WDID) number is 5A04CR00380.

## **XI. Central Valley Regional Water Quality Control Board Contact**

If you have any questions regarding this Notice of Applicability, please contact Jerred Ferguson at (530) 224-4784 or [Jerred.Ferguson@waterboards.ca.gov](mailto:Jerred.Ferguson@waterboards.ca.gov).

Original Signed by Clint E. Snyder, AEO

For Patrick Pulupa, Executive Officer

Central Valley Regional Water Quality Control Board

11/18/2025

Date

**Attachment A:** Project Maps

**Attachment B:** Receiving Waters, Impacts, and Mitigation Information

**Attachment C:** CEQA Findings of Facts

**Attachment D:** Compliance with Code of Federal Regulations, Title 40, Section 121.7 for Order WQ 2022-0048-DWQ Conditions

Enclosure: State Water Resources Control Board Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide, Order No. WQ 2022-0048-DWQ (Applicant Only)

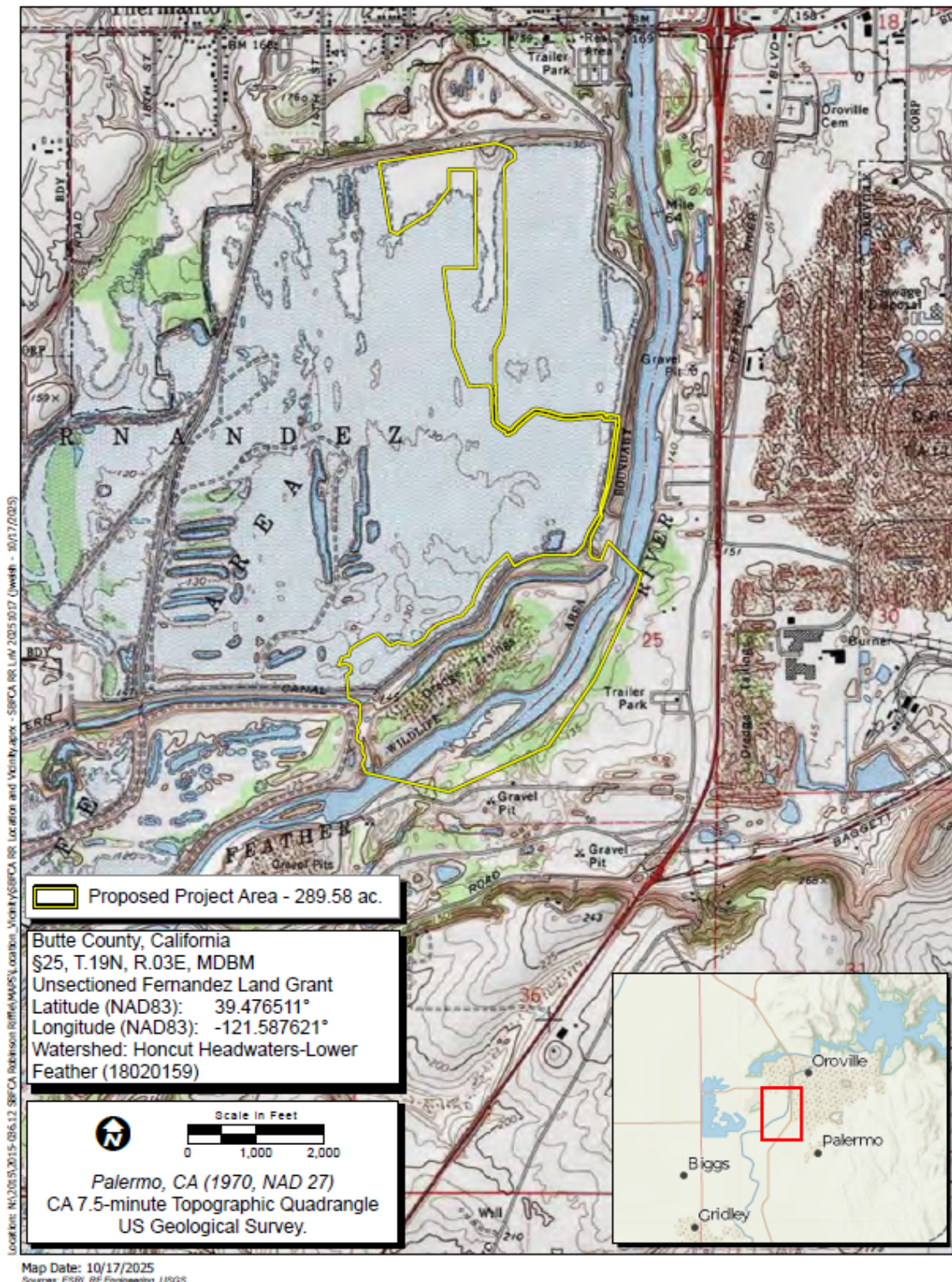
cc email: U.S. EPA, Region 9, San Francisco  
Water Quality Certification Program, SWRCB, Sacramento  
Hillary Regnart, U.S. Army Corps of Engineers, Sacramento District  
Ian MacLeod, California Department of Fish & Wildlife, Rancho Cordova  
Bjorn Gregersen, ECORP Consulting, Inc., Rocklin

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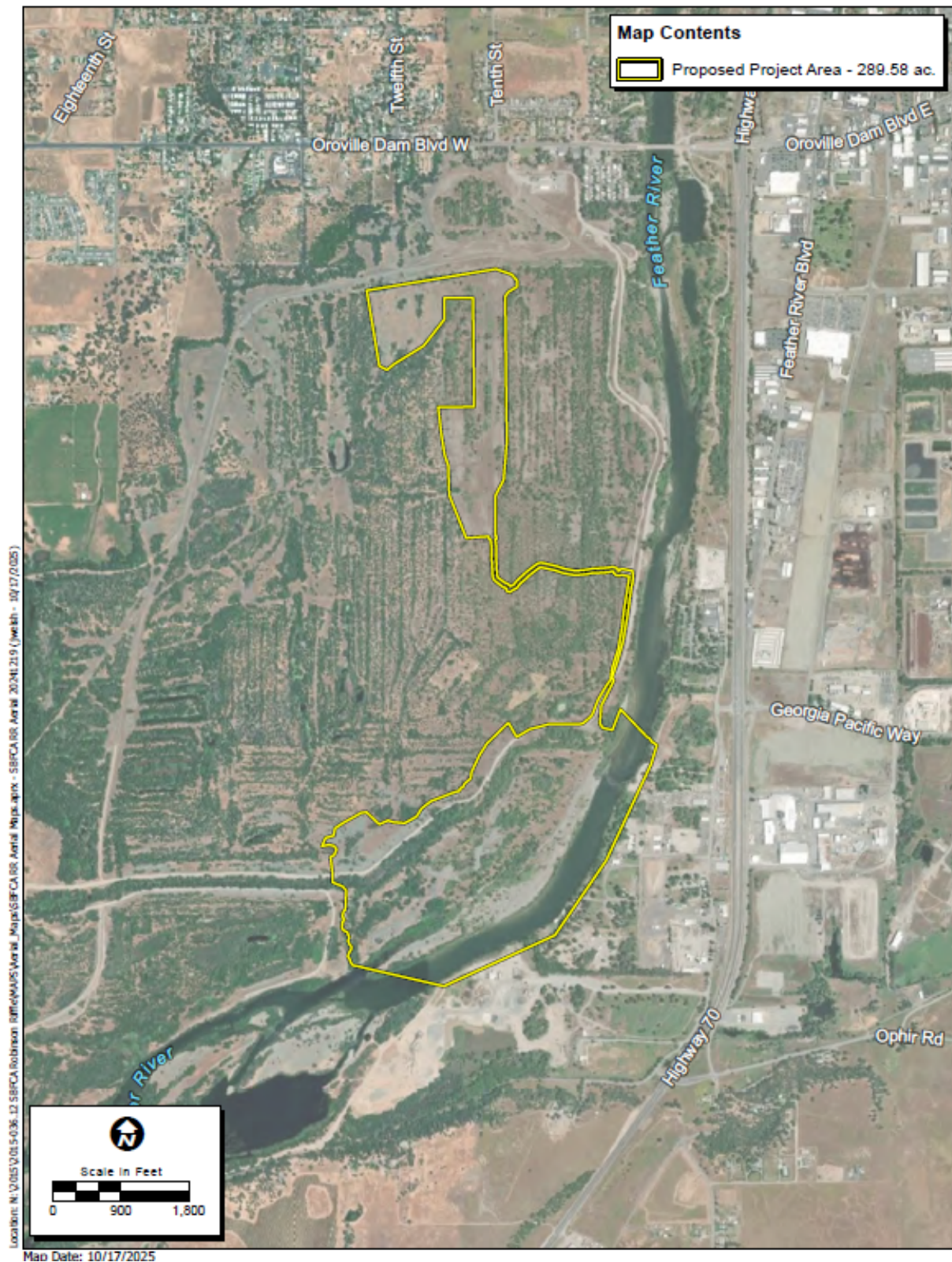
## Attachment A – Project Maps

Figure 1. Project Vicinity Map





**Figure 2. Project Location Map**





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### Attachment B – Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact site.

**Table 1: Receiving Water Information**

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Oroville Wildlife Area River Restoration Project (Marsh)	Unknown	Wetland	515.40	Feather River, Fish Barrier Dam to Sacramento River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Group A Pesticides, Mercury, PCBs, Toxicity	N/A
Oroville Wildlife Area River Restoration Project (Canal, Stream Channel)	Feather River	Stream Channel	515.40	Feather River, Fish Barrier Dam to Sacramento River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Group A Pesticides, Mercury, PCBs, Toxicity	N/A

### **Individual Direct Impact Locations**

The following table shows individual impacts.

**Table 2: Individual Temporary Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation ?	Acres	Cubic Yards	Linear Feet
Oroville Wildlife Area River Restoration Project (Canal)	39.47482	-121.58860	No	1.268		1,384
Oroville Wildlife Area River Restoration Project (Feather River)	39.47482	-121.58860	No	16.083		5,405

**Table 3: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation ?	Acres	Cubic Yards	Linear Feet
Oroville Wildlife Area River Restoration Project (Marsh)	39.47482	-121.58860	No	0.723	2,625	Not Applicable
Oroville Wildlife Area River Restoration Project (Canal)	39.47482	-121.58860	No	1.173	4,390	1,120
Oroville Wildlife Area River Restoration Project (Feather River)	39.47482	-121.58860	No	28.747	196,265	6,496

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### **Attachment C – CEQA Findings of Fact**

On 16 August 2022, State Water Resources Control Board, as lead agency, certified a Program Environmental Impact Report (PEIR) (State Clearinghouse (SCH) No. 2019100230) for the Statewide Restoration General Order and filed a Notice of Determination (NOD) at the SCH on 12 September 2022.

The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that State Water Resources Control Board's PEIR comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3; California Code of Regulations, title 14, section 15231.)

The Central Valley Water Board has reviewed and considered the PEIR and finds that the environmental document addresses the Project's impacts within the scope of the Board's jurisdiction and that no additional environmental review is required. (California Code of Regulations, title 14, section 15096, subdivision (f), 15162, 15163.)

The Central Valley Regional Water Quality Control Board will file a Notice of Determination with the Office of Planning and Research within five (5) working days of issuance of this certification. (California Code of Regulations, title 14, section 15096, subdivision (i).)



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### **Additional Compliance with 40 CFR Section 121.7**

The information set forth in the State Water Resources Control Board (State Water Board) *General Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements, Order No. WQ-2022-0048-DWQ* for Restoration Projects Statewide (Statewide Restoration General Order or Order), is sufficient to comply with title 40 Code of Federal Regulations (CFR) section 121.7. This Attachment D provides additional information regarding the conditions set forth in Order WQ 2022-0048-DWQ to comply with 40 CFR section 121.7(d).

Notwithstanding any determinations by the United States Army Corps of Engineers or other federal agency made pursuant to 40 CFR section 121.9, the Enrollee must comply with the entirety of the NOA enrolling the Project in the Statewide Restoration General Order, which sets forth waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act.

The following information is generally applicable to the conditions set forth in the Statewide Restoration General Order. Waste discharge requirements shall implement any relevant water quality control plans that have been adopted and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of section 13261. (Water Code, section 13263(a).) In addition, California Code of Regulations, title 23,<sup>2</sup> Chapter 28 sets forth regulations pertaining to water quality certifications that must be implemented. Section 3859 requires the implementation of applicable water quality standards and other appropriate requirements. These conditions are also generally required to comply with the state's Anti-Degradation Policy (State Board Resolution No. 68-16), which requires that for any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." All Regional Water Quality Control Board water quality control plans (Basin Plans) incorporate the state's Anti-Degradation Policy by reference. The state Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR section 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to the United States Environmental Protection Agency (USEPA), dischargers of dredged or fill material comply with the federal Antidegradation Policy by complying with USEPA's section 404(b)(1) Guidelines. The State Water Board adopted a modified version of USEPA's section 404(b)(1)

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<sup>2</sup> Unless as otherwise noted, all citations are to title 23 of California Code of Regulations.

Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines) in its *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures). These conditions are necessary to comply with the review and approval requirements set forth in the Dredge or Fill Procedures, Section B.1.

The organization and statements below correspond with the conditions set forth in section XIII of the Statewide Restoration General Order. Statewide Restoration General Order sections I through XII and XIV are not "conditions" as used in 40 CFR section 121.7.

### **XIII. Order WQ 2022-0048-DWQ Conditions**

#### **A. Request for Authorization**

Authorization under the Statewide Restoration General Order is granted through an NOA based on the application submitted. This condition is necessary because the State Water Board and Regional Water Quality Control Boards (collectively Water Boards) are authorized to issue a certification as required under the Federal Water Pollution Control Act (Water Code, section 13160) and this condition is consistent with regulations regarding water quality certifications (Cal. Code of Regs., section 3855). A pre-application meeting request is required pursuant to 40 CFR section 121.4.

#### **B. Reporting and Notification Requirements**

These reporting and notification conditions are necessary to confirm that the general protection measures required under the Statewide Restoration 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. Authorization under the Statewide Restoration General Order is granted based on the application and supporting information submitted. This condition is necessary to ensure that any modifications to the Project do not materially change the character of the discharge from the one that formed the basis for issuance of the NOA. These monitoring and reporting conditions are authorized because the Water Boards have the authority to investigate the quality of any waters of the state within their jurisdiction under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The anticipated costs are minimal as the reporting obligations typically require only visual monitoring and notification reporting.

#### **C. Water Quality Monitoring**

The water quality monitoring conditions are consistent with the Dredge or Fill Procedures, Section IV.A.2.c. Water quality monitoring plans are required for any

in-water work, including temporary dewatering or diversions. These conditions are required to assure that: (1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; (2) the discharge shall comply with all applicable water quality objectives; and (3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur, and the highest water quality is maintained. A water quality monitoring plan is necessary to conform to water quality standards for oil and grease, dissolved oxygen, pH, turbidity, and temperature. The Basin Plans contain provisions related to all these constituents. These conditions are authorized under Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The anticipated costs are minimal as the sampling requirements are typically either visual or only require a grab sample every four (4) hours.

#### **D. Standard Conditions**

The standard conditions are necessary to ensure that this Project will comply with water quality requirements. Water quality requirements include state regulatory requirements for point source discharges into waters of the United States. California Code of Regulations, title 23, Chapter 28 sets forth regulations pertaining to water quality certification for point source discharges to waters of the United States. These conditions were included to comply with section 3860, which sets forth conditions that must be included in all water quality certifications. In addition, the State Water Board has separate authority under the California Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

#### **E. General Compliance**

##### **1. "Enrollment and authorization of restoration projects under this Order are for the discharges of waste associated with only the restoration action..."**

This condition is necessary to ensure that any discharge authorized under the Statewide Restoration General Order will comply with water quality standards because the NOA only authorizes activities explicitly described therein. (Water Code, section 13264.) Additional activities may have impacts on water quality that need to be separately analyzed and authorized.

Authorization under the Statewide Restoration General Order is granted through an NOA based on the request for authorization and supporting information submitted. The project proponent is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any

material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the project proponent is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

A request for authorization under the Statewide Restoration General Order is required to identify other licenses, permits, and agreements in the application. In the event a project proponent needs authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856, subdivision (e), requires that the project proponent provide copies of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included." This condition helps ensure the integrity of the certification process and its focus on ensuring that Project activities meet water quality standards and other appropriate requirements of state law and nothing in the Statewide Restoration General Order shall be construed as State Water Board findings regarding the underlying related activity's impact to water quality, public trust resources, or other matters of public interest. The project proponent is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of project activities.

**2. "Any plan developed as a condition of this Order requires review and approval..."**

This condition is necessary because the Water Boards are authorized to issue a certification as required under the Federal Water Pollution Control Act. (Water Code, section 13160.) Any discharge that is not specifically authorized in the Statewide Restoration General Order is prohibited (Water Code, section 13264.)

**3. "This Order shall not be construed as replacement or substitution for any necessary federal, state and local approvals..."**

This condition is necessary to protect water quality because it makes it clear that additional authorizations may be required and deters violations or threatened violations of the Statewide Restoration General Order conditions. (Water Code, section 13350, 13385.)

**4. "In response to a suspected violation of any condition of this Order..."**

This condition protects water quality by requiring that the project proponent provide monitoring reports after a violation or suspected violation of the conditions of the Statewide Restoration General Order. This monitoring would document whether or not water quality impacts occurred as a result of the violation or suspected violation and allow the Water Boards and project proponent to act to remedy the situation. Monitoring and reporting requirements are authorized by Water Code sections 13267 and 13383.

**5. "The project proponent must, at all times, fully comply with engineering plans, specifications, and technical reports submitted..."**

This condition protects water quality by ensuring that the authorized activity is implemented as proposed and approved. (Water Code, section 13264.) Deviations from the approved plans and practices could result in adverse impacts to water quality.

**6. "This Order and all of its conditions contained herein continue to have full force and effect..."**

This condition protects water quality by ensuring that the Statewide Restoration General Order and all of its conditions that protect water quality remain in place if federal licenses or permits are revoked or expire. Enrollment in the Statewide Restoration General Order serves as waste discharge requirements under the Porter-Cologne Water Quality Act. (Water Code, section 13263.)

**7. "Project proponents shall submit a Sacred Lands File & Native American Contacts List Request to the..."**

This condition is necessary to ensure compliance with water quality requirements because it satisfies the requirements to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Res. Code, section 21080.3.1.) (See also California Governor's Executive Order G-10-22.) The State Water Board Tribal Consultation Policy (June 2019) ensures collaboration and input from all California Native American Tribes and helps the Water Boards advance decisions and policies that better protect California's water resources.

**8. Historical Sites**

This condition protects water quality by ensuring that the authorized activity is implemented as proposed and approved. (Water Code, section 13264.) This condition is required in order to comply with the National Historic Preservation Act of 1966 (16 United States Code (USC) section 470 et seq.) as amended,

pursuant to section 101(c). The regulations adopted under the act are set forth in Part 61 (commencing with section 61.1) of title 36 of the Code of Federal Regulations. Cal. Code Regs. title 14, section 15064.5 defines "historical resources" and details steps that should be taken in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery.

## **9. Construction General Permit Requirement**

This condition is necessary to ensure compliance with water quality requirements because dischargers who are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Order No. 2009-0009-DWQ or 2022-0057-DWQ; NPDES No. CAS00002, as amended or any subsequently issued permit) must obtain separate authorization. (33 U.S.C. section 1342.) For ground disturbing activities that do not require enrollment in the Construction General Permit, the condition requires the implementation of appropriate erosion and sediment control measures. (Water Code, section 13263.)

## **10. Aquatic Herbicide General Permit Requirement**

This condition is necessary to ensure compliance with water quality requirements because dischargers who are required to obtain coverage under the NPDES General Permit for Residual Aquatic Pesticide Discharges to Waters of The United States from Algae and Aquatic Weed Control Applications (Order No. 2013-0002-DWQ; General Permit No. CAG990005, or any subsequently issued permit) must obtain separate authorization. (33 U.S.C. section 1342.)

## **11. Cumulative Impacts**

This condition is necessary to ensure compliance with water quality requirements because Water Code section 13263 requires consideration of other waste discharges.

## **F. Prohibitions**

These conditions are necessary to prevent violation of state discharge prohibitions and protect water quality objectives. Basin Plans prohibit the discharge of construction materials and byproducts from being discharged into waters of the state. (Water Code, sections 13146, 13247, 13263.)

These conditions also reserve the approving Water Board's authority to add to or modify conditions of the Statewide Restoration General Order in the NOA to ensure that project activities meet water quality objectives and protect beneficial

uses. (See Water Code, section 13160.)

Destabilization of the channel or bed of the receiving water can contribute to significant degradation of the waters of the state; therefore, it is necessary to implement actions to limit or eliminate such discharges in order to protect water quality and associated beneficial uses.

Additionally, these conditions are required pursuant to the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California*, which prohibits the discharge of substances in concentrations toxic to human, plant, animal, or aquatic life. Toxic compounds can impair the beneficial uses of cold freshwater habitat, estuarine habitat, marine habitat, preservation of rare and endangered species, fish migration, fish spawning, warm freshwater habitat, and wildlife habitat. Conditions related to toxic and hazardous materials are necessary to ensure discharges comply with any water quality objectives adopted or approved under sections 13170 or 13245 of the Water Code. Additionally, the conditions related to hazardous discharges protect water quality by ensuring hazardous materials are not discharged to waters of the state. (Dredge or Fill Procedures, Section IV.B.1.)

## **G. Specific Compliance**

### **1. Programmatic Sideboards**

This condition is necessary to implement relevant water quality control plans, beneficial uses to be protected, water quality objectives, and the need to prevent nuisance. (Water Code, section 13263.) This condition also ensures the authorized project is designed, planned, and implemented in a manner consistent with the techniques and minimization measures presented in the Statewide Restoration General Order, Attachment A, section A.5. Project site-specific conditions may require different approaches to ensure compliance with applicable water quality standards and other appropriate requirements (33 USC section 1341; Cal. Code of Regs., title 23, section 3859, subdivision (a)) and may result in impacts to water quality that require additional environmental review. (Cal. Code of Regs., title 14, sections 15062-15063.) Water Code section 13383 authorizes the Water Boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements (e.g., general protection measures listed in Attachment A), as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

### **2. Pre-Application Consultation**

This condition satisfies the 40 CFR section 121.4 requirement to request a pre-filing meeting with the certifying authority at least thirty (30) days prior to submitting a certification request.



### **3. Exclusions and Prohibited Activities**

This condition is necessary to comply with water quality requirements because the identified excluded activities may require additional conditions to protect beneficial uses and prevent nuisance. (Water Code, section 13263.) For instance, erosion and sedimentation can contribute to significant degradation of the waters of the state; therefore, it is necessary to implement actions to limit or eliminate such discharges to protect water quality and associated beneficial uses. The exclusions and prohibited activities listed in the Statewide Restoration General Order section G.3 could result in erosion and sedimentation that could increase turbidity. Project discharges affected by erosion and increased sediment loads directly impact water quality and associated beneficial uses.

This condition also helps to ensure that an applicant for a federal license or permit that involves a discharge to navigable waters understands that, except as specified in the Statewide Restoration General Order, the Order does not excuse the project proponent from obtaining any other Water Board approvals required for the activity.

### **4. Monitoring Plan**

This condition is necessary to comply with water quality requirements because it confirms that the general protection measures required under the Statewide Restoration General Order are sufficient to protect beneficial uses and water quality objectives. (Water Code, sections 13267, 13383.)

## **H. Administrative**

### **1. "Signatory requirements for all document submittals..."**

Signatory requirements are required pursuant to Water Code section 13267, which requires any person discharging waste that could affect the quality of waters of the state to provide to the Water Boards, under penalty of perjury, any technical or monitoring program reports as required by the Water Boards. The signatory requirements are consistent with 40 CFR section 122.22.

### **2. "Data and/or reports shall be submitted..."**

This condition relates to submittal of data and reports that are authorized due to the Water Boards' authority to investigate the quality of any waters of the state within their jurisdiction under Water Code sections 13383 and 13267. Monitoring, reporting, and assessment actions, and the information developed through such actions, must be readable, shared, and coordinated with other appropriate entities, and accessible to ensure that a discharge activity complies with water quality requirements. Water Code section 13167 requires the Water Boards to ensure that monitoring data and assessment information are available in a single location and that the information is presented in a

manner easily understandable by the public. To fulfill this legislative mandate, this condition requires electronic data submittal in a compatible format with existing system specifications. Compliance with this condition enhances the accessibility of data and transparency of regulatory actions. This allows regulatory agencies and the public to better assess compliance and understand water quality trends or data anomalies by compiling data and making it readily available.

**3. "This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species..."**

Project discharges associated with construction activities have the potential to interfere with native aquatic species, which depend heavily on aquatic food or live in riparian or wetland habitats, and adversely impact habitat use. Implementation of this condition will avoid unreasonable impacts to water quality and the beneficial uses related to aquatic biological resources and wildlife habitat. Water Code section 13160, subdivision (b)(1), allows the State Water Board to issue a certification when there is "reasonable assurance that an activity of any person subject to the jurisdiction of the state board will comply with applicable requirements" of state and federal law. In accordance with the California Endangered Species Act (Fish & G. Code, section 2050 et seq.) and federal Endangered Species Act (16 U.S.C. section 1531 et seq.), this condition does not authorize any act which results in the taking of a threatened, endangered, or candidate species.

**4. "The project proponent shall grant Water Board staff or an authorized representative..."**

This condition protects water quality by allowing the Water Boards, or a representative, to investigate site conditions to ensure that the authorized activity is compliant with the Statewide Restoration General Order. This condition is authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state within its region under Water Code sections 13267 and 13383.

**5. "A copy of this Order must be available at the project site(s)..."**

This condition requires site personnel and any agent of the project proponent to be familiar with the content of the Statewide Restoration General Order and availability of the document at each project site. This condition is necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 USC section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the project proponent's agents are unaware of applicable requirements. This condition is required to ensure that any authorized discharge will comply with the terms and conditions of the Order, which requires compliance with all

of the water quality objectives and beneficial uses adopted or approved.  
(Dredge or Fill Procedures, Section IV.B.1.)

**6. "Lake and Streambed Alteration Agreement..."**

This condition is required pursuant to California Code of Regulations section 3856 subdivision (e), which requires that copies be provided to the Water Boards of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

**I. Restoration and Monitoring of Impacts**

Conditions in this section are related to restoration and/or mitigation of temporary and permanent impacts. These conditions are necessary to ensure compliance with state and federal anti-degradation policies and are consistent with section IV.B.1.a of the Dredge or Fill Procedures, which requires that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also California Code of Regulations, section 3856, subdivision (h) [requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate].) These conditions are also consistent with the Dredge or Fill Procedures, which requires "in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions." (Dredge or Fill Procedures Section IV. A.2(d) & B.4.) Mitigation is also necessary to ensure compliance with Executive Order W-59-93 that requires no net loss of the structure or function of California's wetland resources.

Furthermore, impacts that are not restored within a reasonable amount of time could contribute to long-term degradation of water quality. The longer the lag time between impact and restoration, the more opportunity there is for water quality degradation. This condition protects water quality by ensuring that restoration is initiated in a reasonable amount of time after impacts have occurred. (Dredge or Fill Procedures, Sections IV.A.2.d, IV.B.4-5.) Technical reporting and monitoring requirements under this condition are consistent with the Water Boards' authority to investigate the quality of any waters of the state and require necessary reporting and monitoring pursuant to Water Code sections 13267 and 13383.