DRAFT Attachment A2 – Notice of Intent Instructions

To avoid project delays, submit an NOI as early as possible.

How to Apply

Applicants seeking General Order authorization are required to submit a Notice of Intent (NOI) to the State Water Board and the appropriate Regional Water Board (Section IV.E). A map showing regional water board jurisdictional boundaries (http://www.waterboards.ca.gov/waterboardsmap.shtml) is available on the Water Board's website. Addresses and contact information can be found in the online Water Boards Water Quality Certification Program Staff Directory (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf).

Regional Water Board NOI Submission
Submit the NOI and application fee to the Regional Water Board with jurisdiction where the proposed project impacts would occur. Submit the NOI to the State Water Board as directed below for projects that cross a regional board boundary.

State Water Board NOI Submission
For projects that cross a regional board boundary: submit the NOI to the State Water Board with the application fee. The appropriate Regional Board(s) should also be provided a copy of any NOI submitted to the State Water Board.

Notice of Intent Review Process

Activities covered by this General Order are separated into two categories (Category A or B). Only Category B projects need to submit an NOI.

Category B Notification and Approval Process (Section IV.E.4):

- **a. Notice of Intent:** Activities that are ineligible for Category A must submit a complete NOI at least 45 days before any planned activity. Category B NOIs will be reviewed for completeness by Water Board staff within 30 days from the NOI receipt date.
- **b.** Within 30 days of NOI receipt, incomplete NOIs will be returned to the applicant with a request to provide information needed to determine the NOI complete. In cases where the NOI is incomplete and the applicant fails to provide the requested information, the Water Board may issue a Notice of Exclusion (NOE).
- **c.** In cases where the Water Board does not determine the application incomplete within thirty days of NOI receipt, the Discharger may assume the application is complete.

- If the Water Board does not issue an NOA or NOE within 45 days of receiving a **complete** NOI, the discharger may proceed with the project according to all applicable General Order conditions and information provided with the NOI.
- A NOA authorizes the proposed activity for enrollment under the General Order. An NOE denies authorization and enrollment of the proposed activity under the General Order.

Form Instructions

Consider the following definitions while completing your NOI.

Permanent aquatic resource impacts will permanently change an aquatic resource to a non-aquatic habitat type or permanently changes the bottom elevation of an aquatic resource. Permanent impacts can result in physical loss of area and ecological degradation.

Temporary aquatic resource impacts are impacts that temporarily cause a physical loss or ecological degradation of an aquatic resource. The impact must be restored to pre-project conditions through natural ecological processes or active restoration in order to be classified as temporary. If the impact is not restored to pre-project condition, it is classified as permanent.

Section 1: Project Purpose and Activity

Identify the project purpose and activity type(s).

Section 2: Legally Responsible Party and Duly Authorized Representative Contact Information

Legally Responsible Party, Contact Name, and Title: Provide the full, legal company name of the responsible party (applicant). If the applicant is a company, corporation or other organization, a contact name (first, middle initial, last) of the main representative of the company and their title must be provided. The applicant will be the entity or individual responsible for compliance with state and federal regulations, including the Clean Water Act, California Water Code, applicable Water Quality Control Plans, and General Order Conditions.

Legally Responsible Party Contact Information: Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state, and zip code must be provided.

Duly Authorized Representative Name and Title: The Duly Authorized Representative (agent) is authorized to certify and submit applications or reports to the Water Boards on behalf of the Legally Responsible Party. Telephone number, email address, and the agent's mailing address (not the project address) including the street, city, state, and zip code must be provided. It is not a requirement to have an agent. If you choose to be represented by an agent, provide the agent's information in this section. If you choose not to be represented by an agent, leave this section blank.

Section 3: Fees

Fee amounts are determined according to the Cal. Code Regs., tit. 23, § 2200(a)(2) fee schedule (https://www.waterboards.ca.gov/resources/fees/water_quality/docs/fy2223-fee-schedule.pdf#page=6).

- A fee calculator (https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xlsm) is available online and may be used to **estimate** fees.
- Include only the application fee with your NOI. Water Board staff will determine whether any additional project fees are required during NOI review.
- Fees may be paid online or by check, money order, or cashier check. Information on how to make an online payment is available at the State Water Board's Fee Payment Website (https://www.waterboards.ca.gov/make_a_payment/). If fees are paid online prior to application submission, attach payment receipt to the NOI. Although fees should be included with the NOI and submitted to the appropriate Water Board, **make all checks, money orders, and cashier checks payable to the "State Water Board."**
- Fees are subject to change.

Section 4: Other Agency Permits, Licenses, Agreements, Plans, and Email Correspondence

Provide the following information for each permit from other agencies:

- **Have you applied?** Indicate yes if you have applied for the specified permit; indicate no if you have not.
- **Have you received the permit?** Indicate yes if you have received the permit; indicate no if you have not.
- **Permit Type:** Provide the name of the permit.
- **ID Number:** Provide the permit's identification number or unique identifier.

Section 5: Project Information

Project Name: Provide the project name. The project name will be used in all correspondence referencing the project. Be sure the project name is consistent with other agency permits and applications for the same project, and is consistent on all maps, drawings, and reports. The project name should be clearly relevant to the project (e.g., Blue Creek Bridge Project; Jones Subdivision Road Widening Project).

Project Address: Provide the street address of the project location and the Assessor's Parcel Number (APN). If the proposed project does not have a physical street address, be as descriptive as possible in this section. For example, "Leisure Town Rd., 5.5 miles south of the intersection of I-80 and Leisure Town Rd."

Coordinates: Indicate the location for the center point of your project in decimal degrees (approximate location is acceptable). Assistance in determining a project's coordinates is widely available through various free online services or your local library.

Construction Timeline: Provide the estimated start and end dates for the proposed project.

Project Description/Purpose: Provide a detailed, technically accurate narrative description of the proposed project purpose and project design. Include all activities planned to complete the design, and the type of equipment required to complete the activities. Include the total acreage of ground disturbance and the total impacts to all aquatic resources (i.e., any and all streams, wetlands, lakes, ponds, beaches, shorelines, etc).

Activity Specific Information:

Dewatering Activities: If temporary diversions or impoundments of water, cofferdams, or similar structures are proposed, include a dewatering plan.

Vegetation Management: If the project includes vegetation management activities describe how biomass will be processed (i.e. chipped, left on site, or shipped to an organic mass processing facility).

Undergrounding Powerlines: If the project includes undergrounding of powerlines, include proposed start and end locations, total mileage to be undergrounded, entry and exit pit locations. If HDD is not being used, describe why this construction method is infeasible.

Section 6: Avoidance, Minimization, and Cumulative Impacts

Avoidance and Minimization: Describe steps taken to avoid impacts to waters and measures incorporated into the project design to minimize loss of, or significant adverse impacts to, beneficial uses of waters of the state, including on-site restoration of the project area. A description may include actions or methods proposed for erosion control, including winterization strategies to stabilize bare soils and revegetation proposals. A map may be included to indicate the approximate location and area of soil, land and vegetation disturbance, and proposed erosion and sediment control best management practices (BMPs) proposed to avoid and minimize project impacts to waters of the state, including BMPs for hazardous substances. Refer to the [State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2019/040219_10_procedures_clean_v032219_conformed_final.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2019/040219_10_procedures_clean_v032219_conformed_final.pdf), subpart H, for actions to minimize adverse impacts to waters of the state. If the effects of impervious surfaces will be minimized through implementation of Low Impact Development treatments, describe those minimization treatments. If the project includes vegetation management activities, describe measures taken to prevent the discharge of vegetation management waste to waters of the state.

Section 7: Temporary Impacts, Permanent Impacts, and Compensatory Mitigation

Temporary Impacts: Indicate yes if your project will result in temporary impacts to waters of the state. Provide the total temporarily impacted area in acres, to the nearest thousandth of an acre. Provide the total temporarily impacted length to the nearest whole foot. These quantities must match the sum of the temporary impact quantities provided in Table 3. If you are proposing temporary impacts attach a restoration plan, that contains all General Order requirements (a schedule; plans for grading of disturbed areas to pre-project contours; a planting palette with plan species native to the project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g., watering, weeding, and replanting)). A restoration plan must be provided before your NOI may be determined complete.

Permanent Impacts: Indicate yes if your project would result in permanent impacts; indicate no if it would not. Provide the total permanently impacted area in acres, to the nearest thousandth of an acre. Provide the total temporarily impacted length to the nearest whole foot.

Table 2: Receiving Waters Information: Populate Table 2 with the requested information as described below.

- **Impact Site ID:** Identify the impact site with a site ID. Site IDs should correspond to those used in project maps and other agency application materials.
- **Waterbody Name:** List the waterbody name if known. If the impact site ID occurs in an unnamed waterbody enter "unnamed" and provide the first named downstream receiving water. Contact Water Board staff for Basin Plan maps or general assistance completing this section, if needed. Regional Board Basin Plans are also located on the State Water Board's Plans and Policies website (https://www.waterboards.ca.gov/plans_policies/).
- **Impacted Aquatic Resource Type:** For each impact site ID, identify the impacted aquatic resource type from the following list: lake, ocean, bay, estuary, riparian zone, stream channel, vernal pool, marsh, or seasonal wetland. (More refined or precise resource classifications may be used in project plans and related documents.)
- **Water Board Hydrologic Units:** Identify the Water Board Basin Plan hydrologic unit code (HUC). Note that the Basin Plan HUC is not the same as a U.S. Geological Survey HUC. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **Receiving Waters:** List the first downstream waterbody with beneficial use designation in the Water Board Basin Plan. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **Receiving Waters Beneficial Uses:** List the beneficial use designation. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **303d Listing Pollutant:** List pollutants for receiving waters that have a 303(d)-impairment designation; if the water is not listed, indicate NA. If unknown, indicate UNK and this information will be completed by Water Board staff.

Table 3 - Individual Direct Impact Information: Populate Table 3 with the requested information as described below. This table may be used for dredge or fill/excavation activities.

- **Impact Site ID:** Identify the impact site with a site ID; site IDs should correspond with those used in Table 2.
- **Aquatic Resource Type:** For each impact site ID, identify the impacted aquatic resource type from the following list: lake, ocean, bay, estuary, riparian zone, stream channel, vernal pool, marsh, or seasonal wetland. (More refined or precise resource classifications may be used in project plans and related documents.)
- **Latitude:** Provide the center coordinate of the impact site in decimal degrees.
- **Longitude:** Provide the center coordinate of the impact site in decimal degrees.

- **Permanent or Temporary:** Indicate if the impact at the impact site ID is permanent or temporary.
- **Acres and Linear Feet:** Provide the area in acres and length in linear feet for each impact site. For acres, round to the nearest thousandth of an acre.
- **Dredge or Fill/Excavation:** For each impact site, identify if the impact is from dredging or from fill/excavation activities.

Section 8: Documentation

Use the checklist to confirm the necessary documentation is attached to your NOI. If you determine one of the listed items does not pertain to your project, leave the checkbox empty:

- **Fee Check or Online Payment Receipt**
- **Other Agency Correspondence, Permits, and Permit Applications**: Attach other agency permits, applications, or correspondence as required in Section 4. If the Corps requires submittal of a Pre-Construction Notification (PCN), include a copy with the NOI.
- **Map(s):** Dischargers shall include maps that shows:
    - A map scale (of at least 1:24000 (1” = 2000’) that is sufficient to accurately depict: the project area, locations of soil disturbance, each project activity, erosion control BMPs, all aquatic resources that may qualify as waters of the state within the boundaries of the project, and the location and dimension of proposed structures with impacts to waters of the state. PDF maps, shapefiles, and KLM files are preferred file formats.
        - **GIS shapefiles:** Shapefiles must depict the boundaries of all project areas, site characteristics, and extent of aquatic resources impacted or avoided. Each shapefile should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and, if possible, provide map with north American datum of 1983 (NAD 83) in the California Teale Albers projection in feet.
        - **KLM files:** Saved from online mapping services. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Drawings, or Design Plans:** As applicable, attach drawings, including plan and cross-section views, clearly depicting the location, size, and dimensions of the proposed activity, as well as the location of delineated waters on the site. The drawings should contain a title block, legend and scale, amount (in cubic yards, if applicable) and area (in acres) of fill, including both permanent and temporary

impacts. The ordinary high-water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation and design plans. Maps prepared according to the description below may satisfy some or all of this information.

- **Aquatic Resource Delineation Report:** Dischargers proposing work within of waters of the state shall submit an aquatic resources delineation report (General Order section IV.E.2.c.i.2).
- **Erosion and Sediment Control Plan:** Dischargers proposing work that will result in soil disturbance shall provide an Erosion and Sediment Control Plan that reports on proposed project activities, CSDS occurrences, and BMPs that will be installed to prevent erosion and discharges of waste to waters of the state (General Order section IV.K).
- **Temporary Impact Restoration Plan:** Provide a restoration plan for projects that propose temporary impacts (General Order section IV.N).
- **Vegetation Management Impact Offset Plan:** Required for certain riparian vegetation management activities (General Order section IV.M.1).
- **Compensatory Mitigation Plan:** Provide a compensatory mitigation plan for any project that proposed permanent impacts to waters of the state. Additional mitigation may be required by Water Board staff on a case-by-case basis to offset temporal loss of aquatic resource function or permanent loss of ecological function from riparian vegetation management activities (General Order section IV.O).
- **Horizontal Directional Drilling Plan:** Required 30 days before drilling but can be provided with NOI (General Order section IV.F.20.f).
- **Pre-Project Photographs:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.
- **Proposed Dewatering Plan:** If not included in project description (General Order section IV.F.14.b).
- **Stormwater Pollution Prevention Plan:** If available.
- **Additional Pages and/or Supplemental Information:** For example, if the requested information does not fit in the space provided on the form, or if you would like to provide supplemental information not requested in the NOI.

Section 9: Legally Responsible Party and Duly Authorized Representative Signature

The Legally Responsible Party (LRP) must comply with the eligibility requirements described below (and set forth in Attachment D). The LRP shall sign and submit the NOI to the appropriate Water Board. Water Board mailing addresses are located in the Staff Directory (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf).

The attestation on the NOI form must be signed by the LRP. LRP eligibility is as follows:

1. For a corporation: The NOI must be signed by a responsible corporate officer of at least the level of vice-president.
2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
3. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. This includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the U.S. EPA).