

ATTACHMENT D
NOTICE OF INTENT (NOI) FORM
ENROLLMENT UNDER REGIONAL GENERAL PERMIT (RGP) 5 FOR
EMERGENCY REPAIR AND PROTECTION ACTIVITIES
(Attach fee check or proof of online payment.)

Instructions for Notice of Intent

The prospective Enrollee must notify the State Water Board and the applicable Regional Water Board¹ no less than forty-eight (48) hours prior to initiating the emergency project, except as set forth below (and in Order section VI.G.1). Notification must be via telephone, e-mail, written notice, or other verifiable means. If not included as part of the initial notification, **the notification must be followed within three (3) business days by electronic or written submission of all of the information in this Notice of Intent (NOI).**

Step 1: Find the Regional Water Quality Control Board your emergency project is located in by accessing the [State and Regional Water Boards Map](https://www.waterboards.ca.gov/waterboards_map.html) (https://www.waterboards.ca.gov/waterboards_map.html).

Step 2: Using the regional information from Step 1, locate the contact information for the appropriate regional board's "**water quality certification / 401 inquiries**" email address in the [Staff Directory for the 401 Certification Program](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf)

Step 3: Send the NOI to the appropriate Regional Water Board:

- a. For notification by email (preferred), send the NOI to the regional **water quality certification / 401 inquiries** email inbox and copy the email address SB-401Application@waterboards.ca.gov. Include in the subject line: "Attention – RGP 5 Notice of Intent."
- b. For notification by phone, call the appropriate Region Program Manager using the contact information from Step 2.
- c. All information in the NOI, including fees, must be submitted in writing (electronically or by paper copy) within **3 business days** of the initial notification.

¹ Prospective Enrollees with a proposed project that involves one or more of the following activities should submit their Notice of Intent to the Division of Water Rights: 1) an appropriation of water, 2) a hydroelectric facility, or 3) any other diversion of water for domestic, irrigation, power, municipal, industrial, or other beneficial use. Water Rights contact information is in the Staff Directory linked on page 1 of this Attachment D.

Step 4: Submit fees with the NOI. Prospective Enrollees must provide the appropriate fee to the appropriate Regional Water Board for review and processing of the notification in accordance with California Code of Regulations, title 23, section 2200. If the fee is paid separately by check, attach a cover letter with the payment that includes the Enrollee’s contact information, project name, and location.

The fee amount is calculated using the “**Emergency Projects authorized by a Water Board General Order**” fee category within the **Dredge and Fill Fee Calculator** located at the [401 Water Quality Certification and Wetlands Program web page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/). Note that fees are adjusted periodically. Enrollees should confirm the correct fee amount prior to submitting an NOI.

Notice of Intent

Contact Information: Review section *Legally Responsible Person (LRP)* eligibility and signature requirements at the end of the Notice of Intent before completing this form.

PROSPECTIVE ENROLLEE (LEGALLY RESPONSIBLE PERSON)	
Name:	
Phone Number:	
Mailing Address:	
City:	
State:	
ZIP Code:	
Contact Person:	
Email:	
Billing Address (If different from above)	
Name:	
Phone Number:	
Mailing Address:	
City:	
State:	
ZIP Code:	
Email:	

DULY AUTHORIZED REPRESENTATIVE (if different from Enrollee)	
Name:	
Phone Number:	
Mailing Address:	
City:	
State:	
ZIP Code:	
Contact Person:	
Email:	

PROJECT SITE LOCATION	
Project Name or Title:	
Street (include address, if any):	
Nearest Cross Streets:	
County:	
Total size of project site (acres):	
Photos Attached? (yes/no)	
Map Attached? (yes/no)	
Latitude:	
Longitude:	

Note: Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)

DISCHARGE INFORMATION	
Name(s) of receiving water(s):	
Receiving water type(s):	
<input type="checkbox"/> Lake/Reservoir <input type="checkbox"/> Ocean/Estuary/Bay <input type="checkbox"/> River/Streambed <input type="checkbox"/> Riparian Area <input type="checkbox"/> Vernal Pool <input type="checkbox"/> Wetland	
Emergency project description:	
Proposed solution to emergency:	
Erosion and sediment control measures proposed:	

Description of how the proposed action is necessary to prevent or mitigate an emergency as defined in the Order (“*A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. ‘Emergency’ includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.*”):

List other agencies contacted, or other permits being sought:

Are you also seeking coverage under the Statewide General WDR for Discharges of Dredged or Fill Material from Emergency Repair and Protection Activities?

Yes No

In addition to meeting the definition of an emergency, the project must be CEQA exempt. Which of these CEQA exemption criteria does the project satisfy? (Check all that apply.)

- Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.
- Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.
- Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (1) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (2) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.
- Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
- Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.
- Emergency activity where CEQA is suspended under the California Emergency Services Act.

Fill and Excavation Discharges:

For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the discharges to waters of the state.

Temporary Fill/Excavation Impacts

Lake/Reservoir

Acres	
Cubic Yards	
Linear Feet	

Stream Channel

Acres	
Cubic Yards	
Linear Feet	

Ocean/Bay/Estuary

Acres	
Cubic Yards	
Linear Feet	

Vernal Pool

Acres	
Cubic Yards	
Linear Feet	

Riparian Zone

Acres	
Cubic Yards	
Linear Feet	

Wetland

Acres	
Cubic Yards	
Linear Feet	

Permanent Fill/Excavation Impacts:

Lake/Reservoir

Acres	
Cubic Yards	
Linear Feet	

Stream Channel

Acres	
Cubic Yards	
Linear Feet	

Ocean/Bay/Estuary

Acres	
Cubic Yards	
Linear Feet	

Vernal Pool

Acres	
Cubic Yards	
Linear Feet	

Riparian Zone

Acres	
Cubic Yards	
Linear Feet	

Wetland

Acres	
Cubic Yards	
Linear Feet	

Legally Responsible Person Attestation and Optional Duly Authorized Representative Assignment

The attestation below must be signed by the Legally Responsible Person (LRP)

1) LRP eligibility is as follows:

- a. For a corporation: by responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function; or
 - ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with

environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively
- c. 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).

Legally Responsible Person Attestation

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Legally Responsible Person's Name

X

Legally Responsible Person's Signature

- 2) DAR assignment is as follows (optional):
 - a. The authorization shall specify that a person designated as a DAR has responsibility for the overall operation of the regulated facility or activity, such as a person that is a manager, operator, superintendent, or another position of equivalent responsibility, or is an individual who has overall responsibility for environmental matters for the company.

Optional Duly Authorized Representative (DAR) Assignment

I hereby authorize [_____] to act on my behalf as the DAR in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.

Print Legally Responsible Person's Name (not DAR)

X

Legally Responsible Person's Signature