

Application: Discharges of Dredged or Fill Material to Waters of the State

The State Water Resource Control Board (State Board) or Regional Water Quality Control Boards (collectively, Water Boards) have the authority to regulate the discharge of dredged or fill material under section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne). Dischargers that obtain a federal permit or license that authorizes impacts to waters of the U.S. (i.e., waters that are within federal jurisdiction), such as section 404 of the CWA and section 10 of the Safe Rivers and Harbors Act, must obtain certification from the Water Boards to ensure that the discharge does not violate state water quality standards or any other appropriate requirement of State law. When a discharge is proposed to waters outside of federal jurisdiction, the Water Boards regulate the discharge under Porter-Cologne through the issuance of Waste Discharge Requirements (WDRs). CWA section 401 Water Quality Certifications, WDRs, and waivers of WDRs are referred to as orders or permits.

The State Wetland Definition and Procedures for the Regulation of Discharges of Dredged or Fill Material to Waters of the State (Procedures) and the California Code of Regulations, title 23, section 3856 identify items that are required for a complete application in all cases. Additionally, the Procedures identify items that may be required for a complete application on a case-by-case or conditional basis. The State Water Board webpage links to the Procedures (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/procedures_conformed.pdf).

Water Board staff will review an application within 30 days of receipt and provide a completeness determination to the applicant. A completeness determination may include a request for additional information for a complete application. Application fees must be paid before an application is determined complete. See Application Section Thirteen for options on how to make a payment.

For more information on how applications will be processed, refer to the Implementation Guidance for the Procedures (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredge_fill/revised_guidance.pdf).

This application form outlines a broad range of items that may be required; however, as noted above, not all items are required in all cases. Use of this form is not required. Applicants may submit information that was submitted for a different federal or state permit to reduce duplicative submittals. In such cases, applicants should use the text boxes in this form to indicate the name, relevant section, and page number where relevant information is located. Finally, the level of detail submitted with this application should be commensurate with the size and the scope of the proposed discharge.

Applicants are encouraged to contact the appropriate Water Board to discuss the applicability of this application form, items required for a complete application, and/or the appropriate level of detail needed to obtain authorizations.

Applications for projects that cross regional board boundaries should be submitted to the State Board. All other applications should be submitted to the appropriate regional water quality control board.

A staff directory for the Water Board's Water Quality Certification Program is located on the program webpage (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf).

STOP: If you answer 'yes' to any of the following questions, do not complete this application. Instead, please contact the State Water Board's Division of Water Rights to obtain a copy of their water quality certification application:

- Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license? **Yes** ☐ **No** ☐
- Does this project involve an appropriation of water? **Yes** ☐ **No** ☐
- Does this project involve a diversion of water for domestic, irrigation, power, municipal, industrial, or other beneficial use? **Yes** ☐ **No** ☐

Screening Criteria:

Check the box next to the category(ies) that applies to your project. Check all that apply.

Your project:

- ☐ Requires an individual permit (standard or letter of permission) from the U.S. Army Corps of Engineers.
- ☐ Requires preparation of an Environmental Impact Statement under NEPA.
- ☐ Requires preparation of an Initial Study and Negative Declaration or Mitigated Negative Declaration under CEQA and it is not yet complete, or the Water Board will be lead agency for the Initial Study.
- ☐ Requires preparation of an Environmental Impact Report (EIR) under CEQA and it is not yet complete.
- ☐ Permanently impacts 1.0 or more acres of waters of the U.S.
- ☐ Discharges into a water body of special designation, including designated critical resource waters and wetlands adjacent to such waters, Outstanding National Resource Waters (Lake Tahoe, Mono Lake), or State Water Board designated Areas of Special Biological Significance (ASBS).
- ☐ Discharges into a water body that provides habitat for state listed rare, threatened, or endangered species.
- ☐ Requires completion of a Tier 3 alternatives analysis per the Dredge or Fill Procedures (section IV.A.2.h).
- ☐ Involves new (not maintenance) dredging or deepening of a navigation channel or dredging and disposal of contaminated sediments.

Section One: Contact Information

Review **Section Twelve** Legally Responsible Person (LRP) eligibility and signature requirements before completing this application.

Applicant (Organization and Legally Responsible Person) Information:

Organization Name:	
LRP Name:	
Title:	
Street Address:	
City:	
State:	

County:	
Zip Code:	
Telephone:	
Email:	

The LRP may assign a Duly Authorized Representative (DAR) to make decisions on their behalf and provide application information. If a DAR is assigned to this project, provide the assigned person's contact information below and assign the DAR in Section Twelve.

Duly Authorized Representative Information (Optional):

Organization Name:	
DAR Name:	
Title:	
Street Address:	
City:	
State:	
County:	
Zip Code:	
Telephone:	
Email:	

Section Two: Project Information

<u>Project Name or Title:</u> <i>Project Name should match all other agency permits and correspondence.</i>
<u>Project Street Address:</u> <i>Provide the project's physical location, not the mailing address.</i>

City:	
State:	
County:	
Zip Code:	
Latitude:	
Longitude:	
Assessor's Parcel Number(s):	
Section, Township, Range:	

Directions to the Project Site:

Project Purpose and Overall Goal of Entire Activity:

Project Description: Provide a full, technically accurate description of the entire project.

Project Size: Total size of the entire project area for all work/activities/construction that will be performed to meet the final goal: **acres**

Is this a linear project (for example a powerline, pipeline, highway, etc.)? Yes ☐ No ☐

If yes, indicate length of project from end-to-end in feet: **feet**

Anticipated Project Start and End Dates:

Construction Start Date:

Construction End Date:

Estimated Construction Duration: **months**

Will any ground disturbance take place during the wet season months? Yes ☐ No ☐

Additional Information: Additional information may include documentation relevant to pre-application consultations which may help inform application processing.

Map Requirements:

In addition to responding to the questions above, provide a project map with a scale of at least 1:24000 (1" = 2000') and of sufficient detail to show:

- The boundaries of the lands owned or to be utilized by the applicant in carrying out the proposed activity, including grading limits, proposed land uses, and the location, dimensions and type of any structures erected (if known) or to be erected.
- All aquatic resources that may qualify as waters of the state, within the boundaries of a project, and all aquatic resources that may qualify as waters of the state outside of the boundary of the project that could be impacted by the project.

A map verified by the Corps may satisfy this requirement if it includes all potential waters of the state. Note that a map in electronic format (e.g., GIS shapefiles) may be required.

Section Three: Agency Contact Information

Attach copies of any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents or submitted application, if not finalized) associated with construction, operation, maintenance, or other actions relevant to the project. If a draft or final document is not available, a list of all remaining agency regulatory approvals being sought should be included. (CCR § 3856 (e).)

Federal Permit(s) or Completed Federal Applications**U.S. Army Corps of Engineers:**

☐ Not Applicable

District: ☐ Los Angeles ☐ Sacramento ☐ San Francisco

☐ Individual Permit

☐ Letter of Permission

☐ Which Nationwide Permit Number has been applied for, if any?

For Nationwide Permits, select one of the following: ☐ Non-Reporting, or ☐ Reporting

☐ Corps File No.:

☐ Regional General Permit / Number:

☐ Other Permit Name:

Corps Contact Information:

Name:

Telephone: _

Email: _

U.S. Fish and Wildlife Service:

☐ N/A ☐ Biological Opinion ☐ Biological Assessment ☐ Incidental Take Permit

Contact Information:

Name: _

Telephone: _

Email:

National Marine Fisheries Service:

☐ N/A ☐ Biological Assessment ☐ Biological Opinion

Contact Information:

Name:

Telephone:

Email:

State Permit(s) or Completed State Application(s)

List permits for activities related to waters whether applied for or approved, e.g., California Department of Fish and Wildlife (CDFW) Lake or Streambed Alteration Agreement (Fish and Game Code sections 1600-1608), CESA section 2081 Incidental Take Permit, Construction Stormwater Enrollment, Coastal Development Permit, etc.

State or Local Permit Number	File Date	Tracking Number
CDFW Lake and Streambed Alteration Agreement (Fish and Game Code section 1600)		
CDFW Incidental Take Permit (Fish and Game Code section 2081)		
CDFW Consistency Determination (Fish and Game Code section 2080)		
State Water Board Construction Stormwater General Permit Enrollment		
California Coastal Commission (Development Permit)		
California Coastal Commission (Consistency Determination)		
Bay Conservation and Development Commission (Development Permit)		
Bay Conservation and Development Commission (Consistency Determination)		
Central Valley Flood Protection Board		
Other:		

State or Local Agency Contact Information: *Provide additional contacts, as needed:*

Agency Name:	
Contact Name:	
Telephone:	
Email:	

Agency Name:	
Contact Name:	
Telephone:	
Email:	

Section Four: Special Status Species

If known, provide information about the presence of species identified as rare, threatened, or endangered under state or federal law. Attach all biological assessments, surveys, formal consultation determination letters, and mitigation proposals, as applicable.

Are you aware of any rare, threatened, or endangered species at this site? Yes ☐ No ☐

Species Habitat and/or Name	Biological Assessment Prepared?	Survey Conducted? (Yes/No)	Dates Survey Conducted
	Yes ☐ No ☐	Yes ☐ No ☐	
	Yes ☐ No ☐	Yes ☐ No ☐	
	Yes ☐ No ☐	Yes ☐ No ☐	

Was the project planned in accordance with an approved Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP)? Yes ☐ No ☐

If yes, list the HCP or NCCP name:

Section Five: California Environmental Quality Act and/or National Environmental Policy Act Compliance

Unless an exemption applies, the Water Boards must comply with the California Environmental Quality Act (CEQA). Although not required for a complete application, final CEQA documentation must be provided to the Water Board with ample time to properly review before an Order may be issued. (CCR § 3856 (f).)

The Water Boards will determine whether a project qualifies for a CEQA exemption during review of the project information. Identify below if applicable the relevant categorical or statutory exemption number you believe applies.

If you do not know whether a CEQA exemption applies to the proposed project, submit the application with as much information as possible.

Document Type	Status (In Preparation, Complete, or Under Revision)	Date Completed or Expected Completion Date	Lead Agency
Scoping Document			
Initial Study			
Negative Declaration			
Notice of Preparation			
Mitigated Negative Declaration			
Environmental Impact Report			
Environmental Document			

Enter State Clearinghouse number here:

Does the project meet a statutory or categorical CEQA exemption? No

Yes, proposed statutory exemption number:

Yes, proposed categorical exemption number:

Section Six: Aquatic Resource Information

Attach any aquatic resource delineation reports and maps for all aquatic resources that may qualify as waters of the state, including those outside of federal jurisdiction. Water Board staff will verify the presence or absence of waters of the state outside of federal jurisdiction during the application review process. (CCR § 3856 (h)(7).) The Water Boards may require supplemental field data from the wet season to substantiate dry season delineations (Procedures section IV.A.2.a).

Aquatic Resource Delineation Report Information:

Was an aquatic resource delineation report prepared?	Yes ☐ No ☐
Report Title:	
Delineation Date(s):	
Name of Person who Prepared the Report:	
Title of Person who Prepared the Report:	

Organization/Company who Prepared the Report:	
Was the report verified by the U.S. Army Corps of Engineers? If yes, enter verification date and submit a copy of the verification with this application:	Yes ☐ No ☐ Date:
Are there waters outside of federal jurisdiction?	Yes ☐ No ☐

Receiving waters and groundwater potentially impacted by any project are protected in accordance with the applicable water quality control plans (https://www.waterboards.ca.gov/plans_policies/#plans) (Basin Plans) for the regions and other plans and policies (http://www.waterboards.ca.gov/plans_policies). If known, list impacted hydrologic unit(s) in the impacted Regional Water Quality Control Board's Basin Plan. The Basin Plans include 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.

The Lahontan Regional Water Quality Control Board prohibits discharge to lands within the Walker, Carson, Lake Tahoe, Little Truckee, and Truckee River Hydrologic Basins unless specific prohibition exemption criteria are met. For projects in this region, in addition to this application, complete the applicable prohibition criteria form for projects discharging to the Lake Tahoe Hydrologic Basin (https://www.waterboards.ca.gov/lahtontan/water_issues/programs/clean_water_act_401/docs/att3.doc) or the Little Truckee or Truckee River (https://www.waterboards.ca.gov/lahtontan/water_issues/programs/clean_water_act_401/docs/att4.doc) Hydrologic Basins.

Hydrologic Information:

Was the project developed in accordance with a watershed plan? Yes ☐ No ☐
If yes, what is the name of the watershed plan name? Attach the plan, or a link to the plan, if feasible:
How many waterbodies would be impacted by the project activity? <i>If the project impacts more than one waterbody, attach the information below for each impacted waterbody; an excel spreadsheet or table may be used for projects with multiple impact sites.</i>

Does the impacted waterbody have a name? Yes ☐ No ☐

Name of the impacted waterbody; if unnamed, name of the nearest downstream named waterbody:

Basin plan hydrologic unit(s), and if included in a basin plan, the hydrologic area and hydrologic subarea, if known:

Does the project discharge to a waterbody listed as impaired on the Clean Water Act 303(d) list? Yes ☐ No ☐

**Does the project discharge to a waterbody with a total maximum daily load (TMDL)?
Yes ☐ No ☐**

Section Seven: Impact Quantities and Classification

List temporary and permanent **fill/excavation** impacts to waters of the state according to the aquatic resource type in the tables below. Round acres to at least the hundredth place (0.01); round cubic yards and linear feet to the nearest whole number.

Fill/Excavation Temporary 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	

Classification System Name (if known):	
Classification(s):	

Fill/Excavation Permanent 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	

Classification System Name (if known):	
Classification(s):	

List temporary and permanent **dredge/extraction** impacts to waters of the state according to the aquatic resource type in the tables below. Round acres to at least the hundredth place (0.01); round cubic yards and linear feet to the nearest whole number.

Dredge/Extraction Temporary 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	

Classification System Name (if known):	
Classification(s):	

Dredge/Extraction Permanent 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	

Classification System Name (if known):	
Classification(s):	

Additional Direct and Indirect Impact Information

Direct Impact Description: *Describe the nature and extent of temporary and permanent impacts to waters of the state. Attach map(s) that clearly depict the anticipated area of direct impact.*

Indirect Impact Description: *Indirect impacts could be those that are reasonably foreseeable outside of the direct impact area, or that occur later in time, that may have an adverse effect on water quality. Examples of indirect impacts could include fluctuating or disturbed water levels, climate change adaptation, and disturbed habitat connectivity corridors.*

Describe potential impacts to water quality from the project discharge. For example, describe increased turbidity, settleable matter, or other pollutants that may affect beneficial uses associated with the proposed project area. Attach map(s) that clearly depict the anticipated area of indirect impact, as feasible.

Cumulative Impacts: *Provide a brief list/description, including estimated adverse impacts, of any projects implemented by the applicant within the last five years or planned for implementation by the applicant within the next five years that are in any way related to the proposed activity or that may impact the same receiving water body(ies) as the proposed activity. For purposes of this item, the water body extends to a named source or stream segment identified in the relevant Basin Plan. (CCR § 3856(h)(8).)*

Depending on the quantity of new or replaced impervious surface area resulting from the project, a post-construction stormwater control plan and/or an operations and maintenance plan may be required to mitigate potential post-construction stormwater impacts. The plan may include drainage maps, detailed designs for Low Impact Development or other post-construction stormwater treatment and control measures, and design calculations. Contact Water Board staff for specific criteria.

Does the proposed project create or replace impervious surface? Yes ☐ No ☐

If yes, provide the total impervious surface area created or replaced in square feet:

Section Eight: Avoidance and Minimization Measures

Applicants must describe actions that have been taken (or will be taken) to avoid and minimize impacts to waters of the state (Procedures section IV.B.a.). Unless an exemption applies, an applicant must submit an alternatives analysis to demonstrate that the proposed project is the least environmentally damaging practicable alternative (LEDPA; Procedures section IV.A.1.h. and IV.B.). In cases where the Corps requires an alternatives analysis, the Water Boards will defer to the Corps' determination except in certain circumstances. For guidance on how to prepare an alternatives analysis or to determine if an exemption may apply, reference the Procedures Implementation Guidance

(https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredge_fill/revised_guidance.pdf).

Alternatives Analysis:

Has an alternatives analysis been prepared? Yes ☐ No ☐
Does the U.S. Army Corps of Engineers require an alternatives analysis for this project? Yes ☐ No ☐ If yes, submit alternatives analysis documentation consistent with that provided to the Corps.
If an alternatives analysis is not provided, indicate which Procedures section IV.A.1.g exemption applies and include any relevant supporting information, if needed (e.g., watershed plan, relevant permit number, etc.):
Check which Procedures section IV.A.1.h alternatives analysis tier applies to the project: Water Board staff will evaluate the project information to verify the appropriate alternatives analysis tier: Tier 1: ☐ Tier 2: ☐ Tier 3: ☐

Avoidance and Minimization Measures
Describe the efforts to avoid and minimize direct impacts to waters of the state including actions/BMPs to be implemented during construction to avoid and minimize impacts including, but not limited to, preservation of habitats, erosion control measures, project scheduling, flow diversions, etc. 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. Reference the Procedures' state supplemental Dredge or Fill Guidelines, subpart H for potential actions to minimize adverse impacts to waters of the state.

Direct Impact Avoidance and Minimization:

Indirect Impact Avoidance and Minimization:

Water Quality Monitoring, Diversions and Dewatering

Does the proposed project include any dewatering, work in standing or flowing water, and/or constructing diversions of water?

Yes ☐ No ☐

If yes, a water quality monitoring plan to monitor compliance with water quality objectives of the applicable water quality control plan may be required.

Describe the water diversion and dewatering plan, or indicate where information is located within an attachment (Procedures section IV.A.2.c):

If there are proposed discharges of water to surface waters, include receiving water body name, estimated volume, flow rates and proposed management measures; if there are discharges to detention ponds or upland treatment facilities (such as temporary settling basins, filters bags, storage and/or treatment containers, etc.) then include their location and indicate if detention pond or treatment facility is on-site or off-site; if there are stream-channel diversions, include estimated flow rates, diversion system capacity, location, including upstream diversion points and downstream discharge point, and a diversion plan that provides measures to prevent erosion and turbidity, maintain fish passage, etc.

Section Nine: Ecological Restoration and Enhancement Projects (EREPs)

Is this application for a project that meets the definition of an Ecological Restoration and Enhancement Project (Procedures section V)?

Yes ☐ No ☐

If the project qualifies as an EREP, list the type and quantity of aquatic resources being restored:

Type:

- ☐ Lake/Reservoir
- ☐ Stream Channel
- ☐ Ocean/Bay/Estuary
- ☐ Riparian Zone
- ☐ Vernal Pool
- ☐ Wetlands

Quantity in **acres:** and **linear feet:**

If more than one type of resource is being restored, include that information in the space below:

Applications for Ecological Restoration and Enhancement Projects require an assessment plan with the following information (Procedures section IV.A.2.e):

- ☐ Project objectives
- ☐ Description of performance standards used to evaluate attainment of objectives
- ☐ Protocols for condition assessment
- ☐ The timeframe and responsible party for performing condition assessment
- ☐ Assessment schedule
- ☐ A draft restoration plan for restoring temporarily impacted areas to pre-project conditions, if a draft restoration plan is not provided as part of a binding stream or wetland enhancement or restoration agreement

Section Ten: Restoration of Temporary Impacts

If temporary impacts are proposed, applicants are required to submit a draft restoration plan for a complete application. Temporary impact restoration includes activities that are undertaken to restore the temporarily impacted area to pre-project conditions. A draft restoration plan should outline design, implementation, assessment, and maintenance activities. When active restoration is proposed, components of a draft restoration plan should include project objectives, plans for grading impacted areas to pre-project contours, a planting palette with plant species native to the area, seed collection locations, an invasive species management plan. Maintenance and assessment components of a draft restoration plan often includes performance measures, performance standard descriptions, attainment objectives, and timing proposed to reach attainment objectives. When passive restoration is proposed, a draft restoration plan should include an explanation of how passive restoration will restore the area to pre-project conditions, assessment components, and an estimated date for expected restoration.

If the draft restoration plan is part of a larger document, identify the specific section and page number where the requested information may be found in the attached document in the text box provided. If restoration of temporary impacts will occur through natural ecological processes, provide that information in the text box below.

Restoration Plan:Is a restoration plan attached? Yes ☐ No ☐

Describe the restoration plan and/or indicate where information is located within an attachment:

Section Eleven: Compensatory Mitigation

Compensatory mitigation means the restoration, establishment, enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved (Procedures Appendix A, Subpart J § 230.92). **When compensatory mitigation is required, a draft compensatory mitigation plan is required for a complete application.**

Proposed Compensatory Mitigation. Complete the table below for each aquatic resource type proposed as compensatory mitigation; if more than two aquatic resource types will be provided, attach additional tables to your application.

Proposed Compensatory Mitigation Type:	☐ Mitigation Bank ☐ In-Lieu Fee Program ☐ Permittee Responsible	
Aquatic Resource Type:	☐ Lake/Reservoir ☐ Stream Channel ☐ Ocean/Bay/Estuary	☐ Riparian Zone ☐ Vernal Pool ☐ Wetlands
Mitigation Method:	☐ Establishment ☐ Re-establishment ☐ Rehabilitation	☐ Enhancement ☐ Preservation ☐ Unknown
Quantity for the Selected Mitigation and Resource Type:	Acres: Linear Feet:	

[Extra table below.]

Proposed Compensatory Mitigation Type:	☐ Mitigation Bank ☐ In-Lieu Fee Program ☐ Permittee Responsible	
Aquatic Resource Type:	☐ Lake/Reservoir ☐ Stream Channel ☐ Ocean/Bay/Estuary	☐ Riparian Zone ☐ Vernal Pool ☐ Wetlands
Mitigation Method:	☐ Establishment ☐ Re-establishment ☐ Rehabilitation	☐ Enhancement ☐ Preservation ☐ Unknown
Quantity for the Selected Mitigation and Resource Type:	Acres: Linear Feet:	

Draft Compensatory Mitigation Plan

Using a watershed approach, a draft compensatory mitigation plan should be provided and be consistent with the requirements listed in Procedures Appendix A, Subpart J, and contain the items listed in section IV.A.2.b of the Procedures.

For mitigation bank or in-lieu fee program proposals, only the first three items below are required (i, ii, and iii). For permittee responsible mitigation, items one through seven are required. Item eight (climate change assessment) is required on a case-by-case basis; you may contact Water Board staff to determine if a climate change assessment will be required for your proposed mitigation project.

Indicate the attached document name and page number where each draft compensatory mitigation plan item may be found:

i. A watershed profile for the project evaluation area for both the project activity and the proposed compensatory mitigation location (section IV.A.2.b.i). ***Include document name and page number.***

ii. An assessment of the overall condition of aquatic resources proposed to be impacted by the project and their likely stressors, using an assessment method approved by the Water Boards (section IV.A.2.b.ii). ***Include document name and page number.***

iii. A description of how the project impacts and compensatory mitigation would not cause a net loss of the overall abundance, diversity, and condition of aquatic resources, based on the watershed profile. If the compensatory mitigation is located in the same watershed as the project, no net loss will be determined on a watershed basis. If the compensatory mitigation and project impacts are located in multiple watersheds, no net loss will be determined considering all affected watershed collectively. The level of detail in the plan shall be sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to the project (section IV.A.2.b.iii). ***Include document name and page number.***

iv. Preliminary information about ecological performance standards, monitoring, and long-term protection and management, as described in the state supplemental dredge or fill guidelines (section IV.A.2.b.iv). ***Include document name and page number.***

v. A timetable for implementing the compensatory mitigation plan (section IV.A.2.b.v.). ***Include document name and page number.***

vi. If the compensatory mitigation plan includes buffers, design criteria and monitoring requirements for those buffers (section IV.A.2.b.vi). ***Include document name and page number.***

vii. If compensatory mitigation involves restoration or establishment as the form of mitigation, applicants shall notify, as applicable, state and federal land management agencies, airport land use commission, fire control districts, flood control districts, local mosquito-vector control district(s), and any other interested local entities prior to initial site selection. These entities should be notified as early as possible during the initial compensatory mitigation project design stage (section IV.A.2.b.vii).

(Applicants are not required to submit documentation for this requirement.)

viii. If applicable, an assessment of reasonably foreseeable impacts to the compensatory mitigation associated with climate change, and any measures to avoid or minimize those potential impacts (section IV.A.2.b.viii). ***Include document name and page number.***

Compensatory Mitigation Contact Information:

Name of Mitigation Bank or In-Lieu Fee Program:	
Service Area:	
Contact Name:	
Contact Phone:	
Contact Email:	
Mitigation Location County:	
Mitigation Site Latitude:	
Mitigation Site Longitude:	

Section Twelve: 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 a 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 application and all attachments were prepared under my direction or supervision in accordance with a process designed to assure that qualified personnel properly gather and evaluate the information submitted. 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.

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.

Section Thirteen: Fee Information

Fee amounts are determined according to the Cal. Code Regs., tit. 23, § 2200(a)(2) fee schedule ([https://govt.westlaw.com/calregs/Document/IEEE14760D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IEEE14760D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))) and are subject to change.

Submit the Application Fee based on the activity type and according to the appropriate fee category. Application fees are required to determine an application complete. Additional Project and/or Annual Fees may be imposed upon application review.

An excel fee calculator (https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xlsm) may be used to estimate fees for budgeting purposes only.

Fees may be paid online or by check. Information on how to make an online payment is available at the State Water Board's webpage (https://www.waterboards.ca.gov/make_a_payment/). If fees are paid online prior to application submission, attach payment receipt to this application. Make checks, money orders, and cashier checks payable to the State Water Resources Control Board. Mailed payments should be attached to the application and remitted to the appropriate Water Board. See the Staff Directory (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf) for a list of State and Regional Water Board addresses.

Table for Internal Use Only	
Date Received	Reg Measure ID
WDID No.	ECM Handle
Check No.	Check Amount
Place ID	