

CALIFORNIA WATER BOARDS
OPTIONAL REVIEW CHECKLIST FOR CONTENTS OF A COMPLETE DREDGE OR FILL APPLICATION
PURSUANT TO THE PROCEDURES FOR DISCHARGES OF DREDGED OR FILL MATERIAL TO WATERS OF THE STATE

PROJECT NAME:

DATE APPLICATION RECEIVED BY WATER BOARD:

*Note: Discharges of dredged or fill material to waters of the state that are regulated under a **Water Board general order** are not subject to the application requirements set forth in sections IV.A and IV.B of the [Dredge or Fill Procedures](#)¹(section IV.C).*

Instructions to staff:

- 1) Review all applications for items listed in Table A.
- 2) While reviewing items listed in Table A, concurrently determine if items listed in Table B should also be required for a complete application.
- 3) For all items marked “no” in the “Complete?” column, include specific information in the “Notes” column needed to deem that item complete.
- 4) While not required as part of a “complete” application per state regulations, applicants for section 401 water quality certifications must also comply with federal requirements prior to certification issuance.

A. ITEMS REQUIRED FOR A COMPLETE APPLICATION IN ALL CASES

California Code of Regulations, title 23, section 3856 “Contents of a Complete Application” & Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures), section IV.A.1

Item	Complete?	Notes
<u>A. 1. Contact information</u> – The name, address, and telephone number of 1) the applicant; and 2) the applicant’s agent (if an agent is submitting the application) (Cal. Code Regs., § 3856(a)).	☐ yes ☐ no	
<u>A.2. Fee deposit</u> - The correct fee deposit, as identified in section 3833 of this chapter (Cal. Code Regs., § 3856(g)).	☐ yes ☐ no	

¹ https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf

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<u>A.3. Identification of federal license(s)/permit(s)</u> - Complete identification of all federal licenses/permits being sought for or applying to the proposed activity, including the 1) federal agency; 2) type (e.g., individual license, regional general permit, nationwide permit, etc.); 3) license/permit number(s) (e.g., nationwide permit number), if applicable; and 4) file number(s) assigned by the federal agency(ies), if available (Cal. Code Regs., § 3856(c)).	☐ yes ☐ no	
<u>A.4. Copies of federal license(s)/permit(s) applications</u> - Complete copies of either: 1) the application(s) for federal license(s)/permit(s) being sought for the activity, or, 2) if no federal applications are required, any notification(s) concerning the proposed activity issued by the federal agency(ies), or, 3) if no federal notifications are issued, any correspondence between the applicant and the federal agency(ies) describing or discussing the proposed activity. 4) If no application, notification, correspondence or other document must be exchanged between the applicant and federal agency(ies) prior to the start of the activity, the application shall include a written statement to this effect (Cal. Code Regs., § 3856(d)).	☐ yes ☐ no	
<u>A.5. Other federal, state, and local agency licenses, permits, agreements associated with the activity</u> - Copies of all final federal, state, local licenses, permits and agreements (or copies of all 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 (Cal. Code Regs., § 3856(e)).	☐ yes ☐ no	

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<u>A.6. Draft or final CEQA document(s) (if available)</u> - A copy of any draft or final CEQA document(s), if available, prepared for the activity. Although CEQA documentation is not required for a complete application, the permitting authority shall be provided with and have ample time to properly review a final copy of valid CEQA documentation before taking certification action (Cal. Code Regs., § 3856(f)).	☐ yes ☐ no	
<u>A.7. Corps-verified delineation report</u> - If the Corps requires an aquatic resource delineation report, a copy of the report, verified by the Corps (section IV.1.b). [Note: The Procedures do not require submittal of an approved or preliminary jurisdictional determination. (State Water Board Response to Comments, March 2019.)] See also Table B, row 1, below.	☐ yes ☐ no	
<u>A.8. Additional delineation report for non-federal waters</u> - A delineation of any waters that are not delineated in an aquatic resource delineation report verified by the Corps. If such waters include wetlands, the wetlands must be delineated as described in section III (section IV.1.c).	☐ yes ☐ no	

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A.9. Project map - Map(s) with a scale of at least 1:24000 (1" = 2000') and of sufficient detail to accurately show (section IV.1.e). a) 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 and b) 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. c) A map verified by the Corps (listed above) may satisfy this requirement if it includes all potential waters of the state that are potentially outside of federal jurisdiction. d) The permitting authority may require that the map(s) be submitted in electronic format (e.g., GIS shapefile).	☐ yes ☐ no	
A.10. Project purpose - A full, technically accurate description, including purpose and final goal of the entire activity (Cal. Code Regs., § 3856(b)).	☐ yes ☐ no	
A.11. Project description - A complete project description, which should include the following: a) Location of the project activity in latitude and longitude, in township/range, or clearly indicated on a published map of suitable detail, quality and scale to allow the permitting authority to easily identify the area and water body(ies) receiving a discharge (Cal. Code Regs., § 3856(h)(3)). b) The total size (in acres), length (in feet) where appropriate, type, and description of the entire project area, including areas outside of jurisdictional waters of the United States (Cal. Code Regs., § 3856(h)(7)).	☐ yes ☐ no	

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A.12. Description of impacted waters - A description of the waters proposed to be impacted by the dredge or fill activity, which should include the following: a) Names of any receiving water body(ies) that may receive a discharge (Cal. Code Regs., § 3856(h)(1)). b) Type(s) of receiving water body(ies) (e.g., at a minimum: river/streambed, lake/reservoir, ocean/estuary/bay, riparian area, or wetland type) (Cal. Code Regs., § 3856(h)(2)). c) A list of beneficial uses identified in the applicable water quality control plan (section IV.A.1(f)). d) A description of the activity at each individual discharge or dredge location (section IV.A.1(f)) [Note that if the description indicates that project activities include in-water work or water diversions, staff will need to determine if a water quality monitoring plan is required for a complete application. A water quality monitoring plan may be required on a case-by-case basis (section IV.A.2.c). See Table B, row 3, below.] e) Quantity of impacts to waters proposed to receive a discharge of dredged or fill material at each location rounded to at least the nearest one-hundredth (0.01) of an acre, nearest linear foot (section IV.A.1(f)) [Note: This information also satisfies information required by Cal. Code Regs., § 3856(h)(4).] f) Quantity of impacts to waters proposed to be dredged at each dredging location to the nearest cubic yard (as applicable) (section IV.A.1(f)) [Note: This information also satisfies information required by Cal. Code Regs., § 3856(h)(4).]	☐ yes ☐ no	
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g) An assessment of potential direct and indirect impacts resulting from the discharge or dredging activity and potential mitigation measures to for those impacts (section IV.A.1(f)) [Note: If the assessment indicates that project activities will result in temporary impacts, a draft restoration plan will be required to ensure the temporary impacts are restored to pre-project conditions. See Table B, rows 4 & 5, below.] h) Identification of existing water quality impairments(s), source of water quality impairment(s), if known (section IV.A.1(f)) i) Presence of rare threatened or endangered species habitat (section IV.A.1(f)) j) A description of any other steps that have been or will be taken to avoid, minimize, or compensate for loss of or significant adverse impacts to beneficial uses of waters of the state (Cal. Code Regs., § 3856 (h)(6)).		
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A.13. Alternatives analysis - An alternatives analysis, if an exemption does not apply (section IV.A.1(g)). <i>[Note: When reviewing an application, ensure there is sufficient information to determine if the project is exempt from the alternatives analysis requirement.]</i> Alternatives analysis exemption summary (see Procedures section IV.A.1(g) for full text): i. Project would be covered under a Water Board certified general order but contains waters of the state (non-federal waters). ii. Project would be covered under an uncertified Corps general order and only contains waters of the U.S., unless the discharge impacts: a) more than two-tenths (0.2) of an acre or 300 linear feet of waters of the state; b) rare, threatened, or endangered species habitat in waters of the state; c) wetlands or eel grass beds; or d) Outstanding National Resource Waters (ONRS) or Areas of Special Biological Significance (ASBS) iii. Project is conducted in accordance with an approved watershed plan. iv. The project is an Ecological Restoration and Enhancement Project. v. The project has no permanent impacts to aquatic resources and no impacts to rare, threatened or endangered species habitat in waters of the state, wetlands or eel grass beds, ONRS, or ASBS, and all implementation actions in the restoration plan can reasonably be concluded within one year.	☐ yes ☐ no	<i>[If exempt from alternatives analysis requirement, note applicable exemption here. If required to submit an alternatives analysis, note required tier of analysis required here (1, 2, or 3).]</i>
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If the applicant submitted information to the Corps to support an alternatives analysis, the applicant shall provide that information to the permitting authority (section IV.A.1(h)).		
<u>A.14. Proposed compensatory mitigation</u> - The total estimated quantity (in acres and, where appropriate, liner feet) of waters proposed to be created, restored, enhanced, purchased from a mitigation or conservation bank, set aside for protection, or otherwise identified as compensatory mitigation for any anticipated adverse impacts. If compensatory mitigation is to be provided in some other form, that shall be explained (Cal. Code Regs., § 3856 (h)(5)). [Note: If staff determine compensatory mitigation is required, a draft compensatory mitigation plan is required for a complete application (section IV.1.b.(5)); see Table B, row 2, below.]	☐ yes ☐ no	
<u>A.15. Past and future related impacts</u> - 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 the purposes of this item, the water body extends to a named source or stream segment identified in the relevant basin plan (Cal. Code Regs., § 3856 (h)(8)).	☐ yes ☐ no	

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B. ITEMS THAT MAY BE REQUIRED ON A CASE-BY-CASE BASIS FOR A COMPLETE APPLICATION

Procedures for Discharges of Dredged or Fill Material to Waters of the State, section IV.A.2

Item	Complete?	Notes
B.1. Wet season data - Supplemental field data from the wet season to substantiate dry season delineations, as is consistent with the 1987 Manual and Supplements (section IV.A.2.a).	☐ yes ☐ no	
B.2. Draft compensatory mitigation plan - A draft compensatory mitigation plan developed using a watershed approach that includes the following items. For proposals using mitigation banks or ILF programs, only items a, b, and c are required. All items are required for permittee responsible compensatory mitigation. a) 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)) b) 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)) c) 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	☐ yes ☐ no	

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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)) d) 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)) e) A timetable for implementing the compensatory mitigation plan (section IV.A.2.b(v)) f) If the compensatory mitigation plan includes buffers, design criteria and monitoring requirements for those buffers (section IV.A.2.b(vi)) g) 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, fore 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. h) 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))		

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<u>B.3. Proposed water quality monitoring plan (for in water work)</u> - A proposed water quality monitoring plan to monitor compliance with water quality objectives of the applicable water quality control plan. At a minimum, a plan should include type and frequency of sampling for each parameter (section IV.A.2.c).	☐ yes ☐ no	
<u>B.4. Draft restoration plan for temporary impacts</u> - (Section IV.A.2.d) A draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impact to pre-project conditions. The design components shall include the objectives of the restoration plan; grading plan of disturbed areas to pre-project contours; a planting palette with plant species native to the area; seed collection locations; and an invasive species management plan. The implementation component shall include all proposed actions to implement the plan (e.g., re-contouring, initial planting, site stabilization, removal of temporary structures) and a schedule for completing those actions. The maintenance and assessment components shall include a description of performance standards used to evaluate attainment of objectives; the timeframe for determining attainment of performance standards; and maintenance requirements (e.g., watering, weeding, replanting and invasive species control). The level of detail in the restoration plan shall be sufficient to accurately evaluate whether the restoration addresses the adverse temporary impacts attributed to a project. The applicant shall submit a final restoration plan that describes the restoration of all temporarily disturbed areas to pre-project conditions, consistent with section IV.B.4 of the Procedures. <u>Passive Restoration:</u> If temporary impacts are proposed to be restored through passive restoration, the draft restoration plan shall include an explanation of how passive restoration will restore the area to pre-project conditions,	☐ yes ☐ no	

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assessment components, and an estimated date for expected restoration. <u>Ecological Restoration and Enhancement Projects:</u> A restoration plan for temporary impacts provided as part of the binding stream or wetland enhancement or restoration agreement or wetland establishment agreement may satisfy this requirement.		
<u>B.5. For Ecological Restoration and Enhancement Projects (EREPS)</u> that meet the definition listed in section V of the Procedures, a draft assessment plan that includes the following elements (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 [Note: Staff should verify that the proposed project meets the definition of an Ecological Restoration and Enhancement Plan listed in section V of the Procedures.]	☐ yes ☐ no	