



Central Coast Regional Water Quality Control Board

December 8, 2023

Michael Zeller
Transportation Agency for Monterey County
55-B Plaza Circle
Salinas, CA 93901
Email: mike@tamcmonterey.org

VIA ELECTRONIC MAIL

Dear Michael Zeller:

WATER QUALITY CERTIFICATION NO. 32723WQ11 FOR THE FORT ORD REGIONAL TRAIL AND GREENWAY (FORTAG) CANYON DEL REY / STATE ROUTE 218 SEGMENT PROJECT, MONTEREY COUNTY

Thank you for the opportunity to review your April 20, 2023 application for water quality certification of the Fort Ord Regional Trail and Greenway (FORTAG) Canyon Del Rey / State Route 218 Segment Project (Project). The application was completed on April 28, 2023. Supplemental information was provided November 16, 2023. The Project, if implemented as described in your application and with the additional mitigation and other conditions required by this Clean Water Act Section 401 Water Quality Certification (Certification), appears to be protective of beneficial uses of State waters. We are issuing the enclosed Certification. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue waste discharge requirements, or take other action.

Your Certification application and submitted documents indicate that Project activities have the potential to affect beneficial uses and water quality. The Central Coast Water Board issues this Certification to protect water quality and associated beneficial uses from Project activities. We need reports to determine compliance with this Certification. All technical and monitoring reports requested in this Certification, or any time after, are required per section 13383 of the California Water Code. Failure to submit reports required by this Certification, or failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per section 13385 of the California Water Code.

Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board (State Water Board) to review this action in accordance with California Water Code section 13320; and Title 23, California Code of Regulations, sections 2050 and 3867-3869. The State Water Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this Certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

In compliance with Title 40, Code of Federal Regulations (CFR) Part 121.7(d)(2), an explanation for each certification condition is provided in Attachment A.

JANE GRAY, CHAIR | RYAN E. LODGE, EXECUTIVE OFFICER

If you have questions, please contact **Kim Sanders** at (805) 542-4771 or via email at Kim.Sanders@waterboards.ca.gov, or Phil Hammer at (805) 549-3882. Please mention the above certification number in all future correspondence pertaining to this Project.

Sincerely,

for
Ryan E. Lodge
Executive Officer

Enclosure: Action on Request for CWA Section 401 Water Quality Certification

cc: With enclosures

Alex Hunt, Rincon Consultants, Inc.: ahunt@rinconconsultants.com

Katerina Galacatos, U.S. Army Corps of Engineers: Katerina.galacatos@usace.army.mil

Julie Vance, CA Department of Fish and Wildlife: Julie.Vance@wildlife.ca.gov

Linda Connolly, CA Department of Fish and Wildlife: Linda.Connolly@wildlife.ca.gov

U.S. Environmental Protection Agency: R9cwa401@epa.gov

State Water Board 401 Program: Stateboard401@waterboards.ca.gov

Hayden Reed, Central Coast Water Board: Hayden.Reed@waterboards.ca.gov

Jesse Woodard, Central Coast Water Board: Jesse.Woodard@waterboards.ca.gov

Kim Sanders, Central Coast Water Board: Kim.Sanders@waterboards.ca.gov

Phil Hammer, Central Coast Water Board: Phillip.Hammer@waterboards.ca.gov

Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: Fort Ord Regional Trail and Greenway (FORTAG) Canyon Del Rey / State Route 218 Segment Project

PERMITTEE: Michael Zeller
Transportation Agency for Monterey County
55-B Plaza Circle
Salinas, CA 93901

ACTION:

1. Order for Standard Certification
2. Order for Technically Conditioned Certification
3. Order for Denial of Certification

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This Certification action is not intended to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed per 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.
3. The validity of any non-denial Certification action (Actions 1 and 2) is conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADMINISTRATIVE CONDITIONS:

1. This Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
2. In the event of a violation or threatened violation of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with

the water quality standards and other pertinent requirements incorporated into this Certification.

3. In response to a suspected violation of any condition of this Certification, the Central Coast Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Coast Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.
4. In response to any violation of the conditions of this Certification, the Central Coast Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.
5. The Central Coast Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the Permittee, if the Central Coast Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
6. A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Certification must also be provided to the contractor and all subcontractors who will work at the Project site. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site.
7. The Permittee shall grant the Central Coast Water Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the Project may have on waters of the State.
8. The Permittee must, at all times, fully comply with the application, engineering plans, specifications, and technical reports submitted to support this Certification; all subsequent submittals required as part of this Certification; and the attached Project Information and Conditions. The conditions within this Certification and attachment(s) supersede conflicting provisions within Permittee submittals.
9. The Permittee shall notify the Central Coast Water Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practices (BMPs) or other measures that will be implemented to prevent future discharges.
10. This Certification is not transferable to any person except after notice to the Executive Officer of the Central Coast Water Board. The Permittee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new responsible party containing a specific date for the transfer of this Certification's responsibility and coverage between the current responsible party and the new responsible party. This agreement shall include an acknowledgement that the existing responsible party is liable for compliance and violations up to the transfer date and that the new responsible party is liable from the transfer date on.

11. This Order and conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law. This Order expires if Project construction does not begin within five years from the date of this Order.
12. The total certification fee for this Project is \$10,234. The remaining certification fee payable to the Central Coast Water Board is \$0. Annual fees may apply.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:

1. Environmental Review
The Transportation Agency for Monterey County as lead agency, certified a Final Environmental Impact Report (FEIR) on March 25, 2020 (State Clearinghouse (SCH) No. 2019060053) for the Project and filed a Notice of Determination (NOD) on June 26, 2020. The Central Coast Water Board is a responsible agency under CEQA (Pub. Resources Code section 21069) and in making its determinations and findings, presumes that the Transportation Agency for Monterey County's certified environmental document comports with the requirements of CEQA and is valid (Pub. Resources Code, § 21167.3). The Central Coast Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the Transportation Agency for Monterey County addresses the Project's water resource impacts (Cal. Code Regs., tit. 14, § 15096, subd (f)). The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the Transportation Agency for Monterey County for all mitigation measures that have been adopted for the Project to reduce potential significant impacts (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd (d)).
2. In September of 2021 the Transportation Agency for Monterey County approved the first addendum to the FEIR for the purpose of modifying project components. A major modification was adding approximately 154 linear feet to the overall trail length. This change placed small portions of the segment alignment outside of the previously analyzed environmental clearance boundary. Other changes included a minor adjustment to a crossing location, the shape of the trail, and other small design modifications. In September 2021, the Transportation Agency for Monterey County determined that these project modifications would not result in new information of substantial importance that would have new, more severe impacts, new mitigation measures, or new or revised alternatives from what was identified for the original project in the certified Final EIR and concluded that the project modifications would not require supplemental environmental review or a subsequent EIR.
3. In January of 2023 the Transportation Agency for Monterey County prepared the second addendum to the FEIR for the purpose of modifying project components as follows:
 - The portion of the trail that extends from SR 218 into Work Memorial Park would meander as it travels southwest into the park.
 - The portion of the trail adjacent to the tennis courts in Work Memorial Park would be moved from above the existing retaining wall to below the retaining wall.
 - The tennis courts immediately south of the trail would be rotated and resurfaced.

- A perimeter retaining wall, planters, and concrete seating areas would be constructed east of the trail alongside the existing butterfly garden.
- The portion of the trail along the western boundary of Frog Pond Wetland Preserve that switchbacks as it travels upslope would be paved.
- A new undercrossing structure would be constructed, instead of the previously proposed tunnel, in addition to changes in pedestrian safety measures.

4. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, the application for this Order, the addendums, and other supplemental documentation. Project impacts are analyzed in the Project FEIR and addendums which are incorporated herein by reference. Requirements under the purview of the Central Coast Water Board in the Project FEIR and addendums are incorporated herein by reference. The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

5. Findings

The FEIR and addendums describe the potential significant environmental effects to hydrology, water quality, and biological resources, some of which are an integral part of water resources. Having considered the whole of the record, the Central Coast Water Board makes the following findings:

Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

a.i. Potential Significant Impact:

Construction of the Project could result in a substantial adverse effect on riparian habitat or other sensitive natural communities, and special status species identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS). (Impact BIO-1 and BIO-2)

a.ii. Facts in Support of Finding:

This is a potentially significant impact that will be reduced to a less-than-significant level by following Mitigation Measures BIO-1(a) through BIO-1(j) and BIO-2(a) through BIO-2(d). These mitigation measures include worker awareness, sensitive natural community avoidance measures, special status species surveys for both plant and wildlife, implementation of avoidance and minimization measures, preparation of mitigation and monitoring plans, weed management, mitigation and management plans for implementation during construction and operation, and best management practices during construction.

b.i. Potential Significant Impact:

Construction of the Project would result in a substantial adverse effect on State or Federally protected wetlands through direct removal, filling, hydrological interruption, or other means. (Impact BIO-3)

b.ii. Facts in Support of Finding:

This is a potentially significant impact that will be reduced to a less-than-significant level by following Mitigation Measures BIO-3(b) and BIO-3(c) that require avoidance and minimization of impacts to wetlands and development of compensatory mitigation and monitoring plans.

c.i. Potential Significant Impact:

Construction of the Project could result in a substantial increase of pollutant discharges to waters of the state. (Impact HYD-1).

c.ii. Facts in Support of Finding:

This is a potentially significant impact that will be reduced to a less-than-significant level by following Mitigation Measures HYD-1(a) through HYD-1(d) that call for preparation of an accidental spill control plan, conducting environmental training, maintaining vehicles and equipment, conducting design-level drainage analysis prior to construction, and implementing identified measures to minimize runoff during construction.

d.i. Potential Significant Impact:

Construction of the Project would alter drainage patterns in the project corridor, which may impact water quality and flood flows. (Impact HYD-3 and HYD-4).

d.ii. Facts in Support of Finding:

This is a potentially significant impact that will be reduced to a less-than-significant level by following Mitigation Measures HYD-1(c) and HYD-1(d) that call for conducting a design level drainage analysis, preparing stormwater control and operation and maintenance plans, and implementing the measures in the plans.

e.i. Potential Significant Impact:

Construction of the Project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Impact HYD-6).

e.ii. Facts in Support of Finding:

This is a potentially significant impact that will be reduced to a less-than-significant level by following Mitigation Measures HYD-1(a) through HYD-1(d) that call for preparing an accidental spill control plan, conducting environmental training, maintaining vehicles and equipment, conducting design-level drainage analysis, preparing stormwater control and operation and maintenance plans, and implementing the measures in the two plans.

6. Determination

The Central Coast Water Board has determined that the Project, when implemented in accordance with the FEIR and addendums, MMRP, and the conditions in this Order, will not result in significant adverse impacts to hydrology, water quality, or biological resources. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)

CENTRAL COAST WATER BOARD CONTACT PERSON:

Kim Sanders
(805) 542-4771
Kim.Sanders@waterboards.ca.gov

Please refer to Certification number 32723WQ11 when corresponding with the Central Coast Water Board concerning this Project.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all the conditions listed in this Certification are met, any discharge from the Fort Ord Regional Trail and Greenway (FORTAG) Canyon Del Rey / State Route 218 Segment Project shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which requires compliance with all conditions of this Certification.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Permittee's Project description, Certification conditions, and the attached Project Information and Conditions, and (b) compliance with all applicable requirements of the Central Coast Water Board's policies and Water Quality Control Plan (Basin Plan).

for
Ryan E. Lodge
Executive Officer
Central Coast Water Board

PROJECT INFORMATION AND CONDITIONS

Application Date	Received: April 20, 2023 Completed: April 28, 2023
Permittee	Michael Zeller Transportation Agency for Monterey County 55-B Plaza Circle Salinas, CA 93901 mike@tamcmonterey.org (831) 775-4416
Permittee Representatives	Alex Hunt Rincon Consultants, Inc. 2511 Garden Road, Suite C-250 Monterey, CA 93940 ahunt@rinconconsultants.com (831) 775-4416
Project Name	Fort Ord Regional Trail and Greenway (FORTAG) Canyon Del Rey / State Route 218 Segment Project
Application Number	32723WQ11
Type of Project	Transportation – Roads, Highways and Bridges
Project Location	Del Rey Oaks, Seaside Latitude: 36° 35' 46.4532" N Longitude: 121° 50' 52.137" W
County	Monterey
Receiving Water(s)	Canyon Del Rey Creek 309.00 Salinas Hydrologic Unit
Water Body Type	Streambed, wetland, riparian habitat
Designated Beneficial Uses	Municipal and Domestic Water Supply Protection of both recreation and aquatic life
Project Description (purpose/goal)	<p>The purpose of this Project is to provide an accessible multi-use path for recreation and active transportation for residents and visitors in northwestern Monterey County. This is one phase of the Project that extends from Fremont Boulevard to Plumas Avenue.</p> <p>The Central Coast Regional Water Quality Control Board (Central Coast Water Board) understands that the Project includes the following activities:</p> <ol style="list-style-type: none"> 1. Constructing a 12-foot-wide, 1.5-mile-long paved pathway; 2. Constructing a 2-foot-wide unpaved shoulder on each side; 3. Constructing retaining walls and a railing along the pathway; 4. Installing a 24-inch concrete pipe; 5. Replacing a 12-inch diameter storm drain; and 6. Installing two 24-inch culverts underneath the pathway.

U.S. Army Corps of Engineers Permit No.	Nationwide Permit 14– Linear Transportation Projects
Dept. of Fish and Wildlife Streambed Alteration Agreement	Streambed Alteration Agreement is pending. Final, signed copy shall be forwarded immediately upon execution.
CEQA Information	Environmental Impact Report Lead Agency: Transportation Agency for Monterey County
Total Certification Fee	\$10,234

Total Authorized Project Fill/Excavation Quantity

Aquatic Resource Type	Temporary Impact			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	CY ¹	LF ¹	Acres	CY	LF	Acres	CY	LF
Riparian Zone	0.11	125.7	209	0.13	575.6	178			
Stream Channel	0.003	0	76	0.02	29.1	102			
Wetland	0.02	101.4	TBD ²	0.14	224.6	TBD			

Required Project Mitigation Quantity for Temporary Impacts

Aquatic Resource Type	Units	Method ³				
		Est.	Re-est.	Reh.	Enh.	Pres.
Riparian Zone	Acres			0.11		
	LF			209		
Stream Channel	Acres			0.003		
	LF			76		
Wetland	Acres			0.02		
	LF			TBD		

Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mit. Type ⁴	Units	Method				
			Est.	Re-est.	Reh.	Enh.	Pres.
Riparian Zone	PR	Acres			0.26		
		LF			356		
Stream Channel	PR	Acres			0.04		
		LF			102		
Wetland	PR	Acres		0.42			

¹ Cubic Yards (CY); Linear Feet (LF)

² Wetland linear foot measures throughout the table are required to be identified in the final Central Coast Water Board approved Fort Ord Regional Trail and Greenway-Canyon Del Rey/SR 218 Segment Project Habitat Mitigation and Monitoring Plan.

³ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.)

⁴ Mitigation Type: in-lieu fee (ILF); mitigation bank (MB); permittee responsible (PR)

	LF	TBD		
Mitigation Requirements	<ol style="list-style-type: none"> 1. Before breaking ground for the Project, the Permittee shall submit a Fort Ord Regional Trail and Greenway-Canyon Del Rey/SR 218 Segment Project Habitat Mitigation and Monitoring Plan and obtain approval of the plan by Central Coast Water Board staff. 2. The Permittee shall implement restoration for temporary impacts and compensatory mitigation installation, maintenance, and monitoring for permanent impacts as described in the final Central Coast Water Board staff approved Fort Ord Regional Trail and Greenway-Canyon Del Rey/SR 218 Segment Project Habitat Mitigation and Monitoring Plan. 3. Offsite compensatory mitigation shall be installed within 12 months of the commencement of Project construction. Onsite compensatory mitigation shall be installed within 12 months of completion of Project construction. 			
Project Requirements	<p><u>The Permittee shall comply with the following requirements:</u></p> <ol style="list-style-type: none"> 1. All personnel who engage in construction activities or their oversight at the Project site (superintendent, construction manager, foreman, crew, contractor, biological monitor, etc.) must attend trainings on the conditions of this Certification and how to perform their duties in compliance with those conditions. Every person shall attend an initial training within five working days of their start date at the Project site and follow-up trainings every six months until the Project is completed. Trainings shall be conducted by a qualified individual with expertise in 401 Water Quality Certification conditions and compliance. 2. All work performed within waters of the State shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that will adversely impact the water quality of waters of the State. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation. 3. Portions of the Project that occur below top of creek banks or in other waters of the State shall be stabilized for the winter prior to October 1 of each year, either by completing construction of those portions of the Project (including installation of permanent erosion control measures) or by implementing winterization stabilization measures capable of effectively stabilizing the area and preventing erosion under winter rain and flow conditions generated by the 10-year 24-hour storm event. No construction activities shall be conducted below top of creek banks or in other waters of the State during the winter period (October 1), unless prior written approval has been obtained from the Central Coast Water Board. Requests to conduct construction activities below top of creek banks or in other waters of the State during the winter period shall be submitted to the Central Coast Water Board at least 21 days prior to the planned winter period work date. If approval is obtained, the Permittee shall implement the approved winter work as specified in the Central Coast Water Board approval and as described in any documentation submitted by the Permittee while seeking the approval. 4. Erosion and sediment control measures shall be on site prior to the start of construction and kept on site at all times so they are immediately available for installation in anticipation of rain events. 			

	<ol style="list-style-type: none">5. The Permittee shall implement and maintain an effective combination of erosion and sediment control measures (e.g., revegetation, fiber rolls, erosion control blankets, hydromulching, compost, straw with tackifiers, temporary basins) to prevent erosion and capture sediment. The Permittee shall implement and maintain washout, trackout, dust control, and any other applicable source control BMPs.6. Erosion and sediment control measures and other construction BMPs shall be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance. Non-biodegradable geotextile fabric shall not be applied as a permanent feature on-site. A gravel blanket shall be used instead of geotextile fabric.7. At any time of year, the Permittee shall not conduct construction activities below top of creek banks or in other waters of the State during rain events or on any day for which the National Weather Service has predicted a 25% or more chance of at least 0.1-inch rain in 24 hours (Predicted Rain Event). The Permittee shall install effective erosion control, sediment control, and other protective measures no later than the day prior to the Predicted Rain Event, and prior to the start of any rainfall. Construction activities below top of creek banks or in other waters of the State may resume after the rain has ceased, the National Weather Service predicts clear weather for at least 24 hours, and site conditions are dry enough to continue work without discharge of sediment or other pollutants from the Project site.8. Any material stockpiled that is not actively being used during construction shall be covered and surrounded with a linear sediment barrier.9. The Permittee shall retain a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) onsite in case spills occur.10. The Permittee shall confine all trash and debris in appropriate enclosed bins and dispose of the trash and debris at an approved site at least weekly.11. All construction vehicles and equipment used on site shall be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials.12. The Permittee shall designate a staging area for equipment and vehicle fueling and storage at least 100 feet away from waterways, in a location where fluids or accidental discharges cannot flow into waterways.13. All vehicle fueling and maintenance activity shall occur at least 100 feet away from waterways and in designated staging areas, unless a requested exception on a case-by case basis granted by prior written approval has been obtained from the Central Coast Water Board.14. Dewatering and stream diversion measures are not currently authorized. If the Project requires dewatering or diversion, the Permittee shall submit detailed dewatering/ diversion plans for Central Coast Water Board approval at least 21 days prior to any dewatering or diversion. Dewatering/diversion plans shall include the area to be dewatered, timing of dewatering, and method of dewatering to be implemented. All temporary dewatering/diversion methods shall be designed to have the minimum necessary impacts to waters of the State to isolate the immediate work area. All dewatering/diversion methods shall be installed such that natural flow is maintained upstream and downstream of the
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	<p>Project area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the Project area. All dewatering/diversion materials, including sand or gravel from coffer dams, shall be removed immediately upon completion of dewatering/diversion activities. Dewatering or diversion shall not commence until the Permittee has obtained Central Coast Water Board approval of the dewatering/diversion plans. Any dewatering/diversion must be implemented in compliance with approved dewatering/diversion plans.</p> <p>15. The Permittee shall slope the trail toward self-treating drainage management areas wherever possible, particularly along Work Memorial Park sections as identified in the following:</p> <ol style="list-style-type: none"> a. Stormwater Control Plan for Fort Ord Regional Trail and Greenway dated December 16, 2022 and revised June 16, 2023, and b. The Transportation Agency for Monterey County FORTAG CDR Trail, Fremont Boulevard to Plumas Avenue Federal Aid #ATPSB1L-6143(088) 100% construction plans dated June 30, 2023. <p>All post-construction BMPs shall be implemented and functioning prior to completion of the Project.</p> <p>16. All construction-related equipment, materials, and any temporary BMPs no longer needed shall be removed and cleared from the site upon completion of the Project.</p> <p>17. The Central Coast Water Board shall be notified if mitigations as described in the 401 Water Quality Certification application for this Project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. The Permittee shall inform the Central Coast Water Board of any modifications that interfere with compliance with this Certification.</p>
<p>Monitoring and Reporting Requirements</p>	<p>The Permittee shall conduct the following monitoring:</p> <ol style="list-style-type: none"> 1. Visually inspect the Project site and areas of waters of the State adjacent to Project impact areas following completion of Project construction and for five subsequent rainy seasons to ensure that the Project is not causing excessive erosion, stream instability, or other water quality impacts. If the Project does cause water quality impacts, contact the Central Coast Water Board staff member overseeing the Project. You will be responsible for implementing corrective measures to protect water quality and obtaining any additional permits necessary corrective measure implementation. 2. Monitor the compensatory mitigation site for five years. If success criteria are not achieved within that time, continue annual monitoring and maintenance until success criteria are achieved. Compensatory mitigation monitoring shall include assessment of growth, survival, percent cover, general health and stature, signs of reproduction, progress towards achieving success criteria, and any other measures identified in the final Central Coast Water Board staff approved Fort Ord Regional Trail and Greenway-Canyon Del Rey/SR 218 Segment Project Habitat Mitigation and Monitoring Plan. <p>The Permittee shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov [Note: Annual fees are based on submittal and approval of reporting item 2 below]:</p>

1. Streambed Alteration Agreement - Submit a signed copy of the Department of Fish and Wildlife's streambed alteration agreement to the Central Coast Water Board immediately upon execution and prior to any discharge to waters of the State.
2. **Certification Termination Report – To terminate Certification coverage, the Permittee must submit for Central Coast Water Board review and approval a Certification Termination Report demonstrating compensatory mitigation success criteria achievement and monitoring completion.** The Certification Termination Report shall include all information required for Annual Project Status Reports as specified below. The Certification Termination Report may serve as the final Annual Project Status Report. The Certification Termination Report submittal must include "Certification Termination Report" in the title.
3. Annual Project Status Report – **The Permittee shall submit to the Central Coast Water Board an Annual Project Status Report by May 31 of each year following the issuance of this Certification, regardless of whether Project construction has started or not.** At a minimum, Annual Project Status Reports shall address activities conducted during the prior calendar year. The Permittee shall submit Annual Project Status Reports until the Permittee has conducted all required monitoring, mitigation has achieved all success criteria, and the Permittee has submitted a Certification Termination Report. Each Annual Project Status Report shall include at a minimum:
 - a. The status of the Project (e.g., construction not started, construction started, or construction complete).
 - b. The date of construction initiation, if applicable.
 - c. The date of construction completion, if applicable.
 - d. If Project construction is complete:
 - i. A summary of daily activities, monitoring and inspection observations, and problems incurred and actions taken;
 - ii. Status of permanent post-construction stormwater management BMPs, including photo documentation of all BMPs;
 - iii. Identification of when site personnel trainings occurred, description of the topics covered during trainings, and confirmation that every person engaged in construction activities or their oversight at the Project site was trained initially and every six months thereafter.
 - iv. A description of the results of the annual visual inspection of the Project site and areas of waters of the State adjacent to Project impact areas, including:
 1. Erosion conditions;
 2. Stream stability conditions;
 3. Water quality and beneficial use conditions;
 4. Clearly identified photo-documentation of all areas of permanent and temporary impact, prior to and after Project construction; and
 5. Clearly identified representative photo-documentation of other Project areas, prior to and after Project construction.

	<ul style="list-style-type: none">v. If the visual inspection monitoring period is over, but water quality problems persist, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the Project is no longer causing excessive erosion, stream instability, or other water quality problems.e. Mitigation reporting, if mitigation installation has started, including the following information:<ul style="list-style-type: none">i. Date mitigation installation was initiated and, if applicable, the date mitigation installation was completed;ii. Confirmation that mitigation was installed according to the requirements of this Certification and as described in the application, and the final Central Coast Water Board staff approved Fort Ord Regional Trail and Greenway-Canyon Del Rey/SR 218 Segment Project Habitat Mitigation and Monitoring Plan;iii. Analysis of monitoring data collected in the field;iv. Quantification of growth, percent cover, survival, general health and stature, signs of reproduction, and documentation of progress toward achieving all mitigation performance criteria;v. Qualitative and quantitative comparisons of current mitigation conditions with preconstruction conditions and previous mitigation monitoring results;vi. Any remedial or maintenance actions taken or needed;vii. Any additional information specified in the final Central Coast Water Board staff approved Fort Ord Regional Trail and Greenway-Canyon Del Rey/SR 218 Segment Project Habitat Mitigation and Monitoring Plan; andviii. Annual photo-documentation representative of all mitigation areas, taken from vantage points from which changes in size and cover of plants are evident. Compare photos of installed mitigation with photos of the mitigation areas prior to installation.f. A description of mitigation completion status that identifies the amount of mitigation monitoring and maintenance remaining, or certifies and demonstrates that mitigation is complete, all required mitigation monitoring and maintenance has been conducted, and all success criteria achieved. If the monitoring period is over, but all success criteria have not been achieved, the Annual Project Status Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the criteria are met.
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Attachment A - 40 CFR Part 121.7 Information

The purpose of Attachment A is to provide information pursuant to title 40, Code of Federal Regulations (40 CFR) part 121.7(d)(2), which necessitates that all Certification conditions be accompanied by an explanation of why the condition is necessary to assure that any discharge authorized under the Certification will comply with water quality requirements, and a citation to federal, state, or tribal law that authorizes the condition.

Notwithstanding any determinations by the U.S. Army Corps of Engineers or other federal agency made pursuant to 40 CFR section 121.9, dischargers must comply with the entirety of this Certification because the Certification also serves as waste discharge requirements in accordance with State Water Resources Control Board (State Water Board) Water Quality General Order No. 2003-0017-DWQ.

This attachment includes citations to some sources of authority that are applicable to all Certification conditions. These sources are specifically identified where they are most relevant but are also generally applicable to the conditions below. California Code of Regulations, title 23,⁵ chapter 28 sets forth regulations pertaining to water quality certifications. Conditions are set forth in this Certification to assure that the discharge complies with water quality objectives adopted or approved under sections 13170 or 13245 of the California Water Code. These conditions are also generally required to comply with the state's Anti-Degradation Policy (State Water 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 Boards' Water Quality Control Plans incorporate the state's Anti-Degradation Policy by reference. The state Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR Part 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), discharges 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) Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines).

STANDARD CONDITIONS

Standard Condition No. 1

This is a standard condition that "shall be included as conditions of all water quality certification actions" (California Code of Regulations section 3860(a)).

⁵ Unless as otherwise noted, all citations are to title 23 of California Code of Regulations.

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Standard Condition No. 2

This is a standard condition that “shall be included as conditions of all water quality certification actions” (California Code of Regulations section 3860(a)).

Standard Condition No. 3

This is a standard condition that “shall be included as conditions of all water quality certification actions” (California Code of Regulations section 3860(a)). This fee requirement condition is also required pursuant to California Code of Regulations sections 3861(c)(4) and 3833(b), which require payment of fees by Project proponents discharging dredge or fill material.

ADMINISTRATIVE CONDITIONS

Administrative Condition No. 1

This condition is required pursuant to California Code of Regulations section 3856(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.”

Administrative Condition No. 2

This condition provides notice of the Water Boards’ rights to levee penalties as allowed by state law in order to protect water quality.

Administrative Condition No. 3

California Water Code section 13267 authorizes the Central Coast Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within the region to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the state. These reports are necessary to ensure compliance with water quality standards.

Administrative Condition Nos. 4, 5

In the event of non-compliance, modified conditions may be necessary to return the discharger to compliance and prevent violation of water quality standards. If a Permittee is violating the terms of a Certification that protect water quality standards, canceling the Certification halts authorization to discharge, which can ensure compliance with water quality standards. California Water Code section 13381 states that waste discharge requirements or dredged or fill material permits may be terminated or modified for cause, including, but not limited to, all of the following: (a) Violation of any condition contained in the requirements or permits; (b) Obtaining the requirements by misrepresentation, or failure to disclose fully all relevant facts; and (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

Administrative Condition No. 6

This condition requires site personnel and agencies to be familiar with the content of the Certification and availability of the document at the Project site. This condition is required to assure that any authorized discharge will comply with the terms and conditions of the Certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the California Water Code.

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Administrative Condition No. 7

Conditions related to site access requirements are authorized pursuant to the Central Coast Water Board's authority to investigate the quality of any waters of the state within its region under California Water Code section 13267. California Water Code section 13267(c) provides that "the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with."

Administrative Condition No. 8

This Certification is issued based on information submitted by the applicant. If the applicant does not implement the Project in accordance with the submitted information, the Project may not comply with water quality standards. Therefore, the applicant must implement the Project as described in order for compliance with water quality standards to be assured, in accordance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the California Water Code.

Administrative Condition No. 9

This condition related to the accidental discharge of hazardous materials is necessary to assure that discharges comply with any water quality objectives adopted or approved under sections 13170 or 13245 of the California Water Code. Conditions related to notification and reporting requirements in the event of an accidental discharge of hazardous materials are required pursuant to section 13271 of the California Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to article 3.7 (commencing with Section 8574.16) of chapter 7 of division 1 of title 2 of the Government Code. These monitoring and reporting requirements are also consistent with the Central Coast Water Board's authority to investigate the quality of any waters of the state within its region under California Water Code sections 13267 and 13383. 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 in order to achieve compliance with water quality standards.

Administrative Condition No. 10

Authorization under this Certification is granted based on the application information submitted, including the legally responsible party. Notification is necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Certification. If not, the original discharger remains responsible for compliance with this Certification. Correct identification of a legally responsible party is necessary to ensure compliance with water quality standards. California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification.

Administrative Condition No. 11

In accordance with State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, waste discharge requirements are issued to all persons proposing to discharge dredged or fill material to waters of the United States where such discharge is also subject to the water quality certification requirements of Clean Water Act section 401 and such certification has been issued by the Central Coast Water Board. In order to meet the provisions contained in Division 7 of Clean Water Act and regulations adopted thereunder, Order No. 2003-0017-DWQ requires dischargers to implement all the terms and conditions of the applicable certification issued for

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the discharge irrespective of whether the federal license or permit for which the Certification was obtained is subsequently deemed invalid because the water body subject to the discharge has been deemed outside of federal jurisdiction. In addition, continued compliance with certification/waste discharge requirements is necessary, regardless of federal permit status, to ensure compliance with water quality standards is maintained.

Administrative Condition No. 12

This fee requirement condition is required pursuant to California Code of Regulations sections 3861(c)(4) and 3833(b), which require payment of fees by Project proponents enrolling in this Certification.

PROJECT INFORMATION AND CONDITIONS

Required Project Mitigation and Compensatory Mitigation Quantities; Compensatory Mitigation Requirements

Conditions related to restoration and/or mitigation of temporary impacts are required to assure that the discharge complies with water quality standards adopted or approved under sections 13170 or 13245 of the California Water Code. These conditions are also consistent with the Dredge or Fill Procedures, which require "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) and B.4). Restoration and/or mitigation of temporary impacts is necessary to control discharges of waste, such as sediment from disturbed areas, so that compliance with water quality standards is maintained. Restoration requirements for temporary impacts are also authorized by California Water Code section 13263, which requires the imposition of requirements that implement water quality control plans and take into consideration the beneficial uses to be protected and the need to prevent nuisance.

Conditions regarding compensatory mitigation are necessary to ensure compliance with state and federal anti-degradation policies. Compensatory mitigation requirements are consistent with State Supplemental Guidelines section 230.10 restrictions on discharge and Dredge or Fill Procedures section IV.B.1.a (California Code of Regulations section 3013), which specifies 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 to compensate for adverse impacts that cannot be practicably avoided or minimized (see also California Code of Regulations section 3856(h), requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate). Compensatory mitigation conditions are consistent with Executive Order W-59-93, commonly referred to as California's "no net loss" policy for wetlands. Compensatory mitigation requirements are also authorized by California Water Code section 13263, which requires the imposition of requirements that implement water quality control plans and take into consideration the beneficial uses to be protected and the need to prevent nuisance.

Project Requirements

Project Requirement No. 1

This condition requires site personnel and agencies to be familiar with the content of the Certification. Familiarity with the requirements of this Certification is necessary to assure that any authorized discharge will comply with the terms and conditions of the Certification, which

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requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the California Water Code.

Project Requirement No. 2

Conditions related to compliance with water quality objectives and designated beneficial uses are required pursuant to 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." The state Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR Part 131.12 (a)(1)), which states: "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to 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 Boards adopted a modified version of USEPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines).

Project Requirements Nos. 3-8

Disturbed areas in delineated waters must be stabilized prior to a rainfall event to assure that sediment is controlled and the discharge from the proposed Project will comply with water quality objectives established for surface waters. The Water Quality Control Plan for the Central Coastal Region, section 4.8.5.2, states: "timing [of construction activities] should be established with reference to environmental sensitivity factors such as fish migrations, spawning or hatching, and minimum stream flow conditions."

Conditions related to stormwater management are required to comply with Water Quality Control Plans and to assure that the discharge complies with water quality objectives adopted or approved under Sections 13170 or 13245 of the California Water Code. Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Design, implementation, and maintenance of control measures and best management practices (BMPs) described in the conditions will assure compliance with water quality objectives for sediment, turbidity, temperature, suspended material, and settleable material. The Water Quality Control Plan for the Central Coastal Region, section 3.3.2, prohibits alteration of the suspended sediment load and suspended sediment discharge rate of surface waters in such a manner as to cause nuisance or adversely affect beneficial uses.

Conditions related to prohibiting the use of petroleum derived products must comply with section 5.4.1 of the Water Quality Control Plan for the Central Coastal Basin that reads "Waste discharges shall not contain materials in concentrations which are hazardous to human, plant, animal, or aquatic life." Section 5.4.1 of the Water Quality Control Plan for the Central Coastal Basin also reads that the discharge of oil or any residual products of petroleum to the water of the State except in accordance with waste discharge requirements or other provisions of Division 7 of the California Water Code, is prohibited.

California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification. This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. Water Quality Control Plans prohibit the

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discharge of construction materials and byproducts from being discharged into waters of the state.

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in violations of water quality objectives in the Water Quality Control Plans in California. Water Quality Control Plans impose design requirements to ensure excess stormwater sediment does not exceed water quality objectives in the plans. For example: “The discharge or threatened discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials into any stream in the basin in violation of best management practices for timber harvesting, construction, and other soil disturbance activities and in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited. The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen materials from timber harvesting, construction, and other soil disturbance activities at locations above the anticipated high-water line of any stream in the basin where they may be washed into said waters by rainfall or runoff in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited” (Water Quality Control Plan for the Central Coastal Basin, section 4.8.5.1).

Many waters in California are high in mercury either naturally or due to historic mining activities. This mercury, when discharged to waters of the state can become bioavailable and impair beneficial uses including Subsistence Fishing (SUB) and Tribal Subsistence Fishing (T-SUB). Effective sediment control is required under the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions (Cal. Code of Reg., section 3010.)

In addition, disturbed areas in delineated waters must be stabilized prior to a rainfall event to assure that the discharge from the proposed Project will comply with water quality objectives established for surface waters. For example, the Water Quality Control Plan for the Central Coastal Region, section 3.3.2, prohibits the suspended sediment load and suspended sediment discharge rate of surface waters not to be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

Conditions related to stormwater management are required to comply with the Water Quality Control Plans and to assure that the discharge complies with water quality objectives adopted or approved under sections 13170 or 13245 of the California Water Code. Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and BMPs described in the conditions will assure compliance with water quality objectives for sediment, turbidity, temperature, suspended material, and settleable material. For example, the Water Quality Control Plan for the Central Coastal Region, section 4.6.4.1, prohibits the discharge of solid wastes “to rivers, streams, creeks, or any natural drainageways or flood plains of the foregoing.”

Project Requirement No. 9

On-site availability of materials and supplies assures BMPs can be reasonably implemented and that the discharge complies with water quality objectives. This condition and other conditions related to BMPs are consistent with the Central Coast Water Board’s authority to establish, “[w]ater quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area” pursuant to Water Code section 13241(c). The activities authorized under this Certification have the potential to result in a

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discharge that exceed water quality objectives and work in waters of the state must not cause an exceedance of water quality objectives. As required by California Water Code section 13369, all Water Quality Control Plans incentivize the use of BMPs to prevent prohibited discharges into waters of the state.

Project Requirement No. 10

California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification. This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. Water Quality Control Plans prohibit the discharge of construction materials and byproducts from being discharged into waters of the state. For example, section 4.6.4.1 of the Water Quality Control Plan for the Central Coast Region prohibits the discharge of solid wastes “to rivers, streams, creeks, or any natural drainageways or flood plains of the foregoing.”

This condition prohibiting discharge of materials detrimental to water quality or hazardous to aquatic life is also consistent with the Dredge or Fill Procedures, Appendix A, Subpart H, which requires actions to minimize and avoid adverse effects, including actions concerning the location of discharged material and controlling the material after the discharge (section 230.70 et seq.).

Project Requirements Nos. 11 - 13

These conditions are required pursuant to the Water Quality Control Plan for the Central Coastal Basin and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP), which prohibit the discharge of substances in concentrations toxic to human, plant, animal, or aquatic life. For example, the SIP states: “All waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in, human, plant, animal, or aquatic life.” In addition, “Survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality conditions, shall not be less than that for the same waterbody in areas unaffected by the waste discharge ...” (Water Quality Control Plan for the Central Coastal Basin, section 3.3.2.1). Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with any water quality objectives adopted or approved under sections 13170 or 13245 of the California Water Code.

Project Requirement No. 14

Work in waters of the state must not cause exceedances of water quality objectives; accordingly, these conditions require implementation of best practicable treatments and controls to prevent pollution and nuisance and to maintain water quality. 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. Appropriate stream diversion and dewatering measures are BMPs needed 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.

These conditions are also required pursuant to the state’s Anti-Degradation Policy (State Water Board Resolution No. 68-16), which requires that 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

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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 Water Quality Control Plans incorporate the state’s Anti-Degradation Policy by reference.

If surface waters or ponded waters are not appropriately diverted from areas undergoing grading, construction, excavation, and/or vegetation removal, the waters will be susceptible to erosion and increased sediment loads, contamination and pollution from construction equipment, temperature fluctuations, etc. Diverting waters away from these areas will ensure that the discharge will not exceed water quality objectives, adversely affect beneficial uses of the receiving waters, or cause a condition of nuisance. Dewatered areas must also be stabilized prior to a rainfall event to assure that the discharge from the proposed Project will comply with water quality objectives established for surface waters. For example, the Water Quality Control Plan for the Central Coastal Region, section 3.3.2, prohibits alteration of the suspended sediment load and suspended sediment discharge rate of surface waters in such as manner as to cause nuisance or adversely affect beneficial uses.

Project Requirement No. 15

Authorization under this Certification is granted based on the application information submitted. California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification. Conditions related to post-construction stormwater management are required to comply with Water Quality Control Plans and to assure that the discharge complies with water quality objectives adopted or approved under Sections 13170 or 13245 of the California Water Code. Post-construction pollution, erosion, and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to control the volume, velocity, frequency, and discharge duration of such discharges in order to avoid or minimize such degradation. Design, implementation, and maintenance of control measures and BMPs described in the conditions will assure compliance with water quality objectives including pollutants, toxic compounds, sediment, turbidity, suspended material, and settleable material that may result from modification of watershed processes. The Water Quality Control Plan for the Central Coastal Region, section 3.3.2, prohibits alteration of the suspended sediment load and suspended sediment discharge rate of surface waters in such as manner as to cause nuisance or adversely affect beneficial uses. Section 3.3.2 also requires that all waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in human, plant, animal, or aquatic life. As such, dischargers must inform the Central Coast Water Board of modifications so they may be addressed. California Water Code sections 13267 and 13383 authorize the Central Coast Water Board to require submittal of information.

Project Requirement No. 16

California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification. This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. Water Quality Control Plans prohibit the discharge of construction materials and byproducts from being discharged into waters of the state. For example, “The discharge or threatened discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials into any stream in the basin in violation of best management practices for timber harvesting, construction, and other soil disturbance activities and in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited.” (Water Quality Control Plan for the Central Coast Basin, section 4.8.5.1).

This condition prohibiting discharge of materials detrimental to water quality or hazardous to aquatic life is also consistent with the Dredge or Fill Procedures, Appendix A, Subpart H, which

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requires actions to minimize and avoid adverse effects, including actions concerning the location of discharged material and controlling the material after the discharge (section 230.70 et seq.).

Project Requirement No. 17

Authorization under this Certification is granted based on the submitted application information. California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification. As such, dischargers must inform the Central Coast Water Board of modifications so they may be addressed. This condition is necessary to ensure the Project remains eligible for coverage under this Certification if Project modifications become necessary after Certification has occurred. California Water Code sections 13267 and 13383 authorize the Central Coast Water Board to require submittal of information.

Monitoring and Reporting Requirements

These monitoring and reporting requirements are also consistent with the Central Coast Water Board's authority to investigate the quality of any waters of the state within its region under California Water Code sections 13267 and 13383. The reports confirm that the BMPs and other measures required under this order are sufficient to protect beneficial uses and water quality objectives. Conditions regarding monitoring and reporting of BMP implementation and mitigation are necessary to ensure compliance with state and federal anti-degradation policies and Executive Order W-59-93, commonly referred to as California's "no net loss" policy for wetlands.

The condition for a streambed alteration agreement submittal is required pursuant to California Code of Regulations section 3856(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."