



CALIFORNIA

Water Boards



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SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

**CLEAN WATER ACT SECTION 401 WATER QUALITY
CERTIFICATION AND ORDER
FOR THE**

Pillar Point Harbor West Trail Living Shoreline Project

San Mateo County

Sent via electronic mail: No hard copy to follow

Effective Date: March 5, 2021
Place ID: 868845
WDID No: 2 CW440084
Corps File No: 2014-00294S

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Certification and Order Coverage

This Clean Water Act (CWA) section 401 Water Quality Certification (Certification) and Order (Order) is issued to the San Mateo County Harbor District (Permittee).

Pursuant to CWA section 404, the Permittee requested authorization to fill and discharge to waters of the U.S. from the U.S. Army Corps of Engineers (Corps), Regulatory Branch. At the time of this Certification's issuance, the Corps has not yet authorized fill and discharge to waters of the U.S. (Corps File No. 2014-00294S).

The Permittee applied to the San Francisco Bay Regional Water Quality Control Board (Water Board) requesting Certification verifying the Pillar Point Harbor West Trail Living Shoreline Project (Project) does not violate State water quality standards. The application for Certification was received on August 22, 2020. Supplemental information was received, upon request by Water Board staff, through March 2, 2021.

The following sections are derived from the Application and supplemental information.

1. Project

The Project consists of implementing a nature-based shoreline solution to increase the West Trail's resilience to coastal erosion, extreme storms, and sea level rise (SLR).

The Project will construct a living shoreline to protect and restore Pillar Point Harbor's West Trail.

1.1 Site Description and Background

The Project site is located along the West Trail at Pillar Point Harbor (PPH) in Unincorporated San Mateo County (Lat. 37.499139, Long. -122.496039). The West Trail is a north-south oriented trail located along PPH's western edge. Stormwater runoff from a bluff backing the trail flows downhill in a damaged concrete ditch and degraded corrugated metal pipe and discharges to the harbor. The trail provides a pedestrian pathway from the West Point Avenue access and parking area to the Pillar Point outer harbor and Maverick's Beach. About 2,300 feet of the trail is an unpaved, unvegetated, and densely compacted dirt pathway, varying in width from 8 to 18 feet. The edges of the trail are generally well-defined and bounded by rock and sand beach to the east and a steep hillside on the west. The trail was constructed as an equipment access way as part of the Outer Breakwaters project, designed and constructed by the Corps from 1959-1961, to reduce wave exposure in the Harbor. The shoreline dynamics in the Project area have been altered since the Outer Breakwaters project was constructed. The trail is actively eroding, and the Project focuses on a 300-foot section of the trail and eroding bank.

The Project will construct a living shoreline along the eroded section of the trail to address the active erosion that threatens the trail. This nature-based solution will increase the West Trail's resilience to coastal erosion, extreme storms, and sea level rise. The Project will also implement drainage system improvements to remedy known runoff issues.

1.2 Construction Summary

The Project includes construction activities that will directly and may indirectly impact waters of the State. The Project will construct a living shoreline to protect and restore a severely eroded segment of the West Trail and address adjacent drainage issues in uplands. The living shoreline construction will directly impact waters of the State whereas the Project’s stormwater improvements may indirectly impact waters of the State.

The living shoreline that will be constructed adjacent to the West Trail will consist of a nourished beach with an elevated dune, a cobble berm, and two rock fingers. The beach will be constructed from beneficially reused sand from local sources. The elevated dune will vary in width and be built adjacent to the trail. Beneath the sand dune surface, a cobble berm and two rock fingers extending perpendicular to the trail will be installed. The cobble berm will be constructed from a combination of existing rock and imported cobble. The berm will vary in width from 10 to 30 feet and will have an approximate seaward facing 6 to 1 (horizontal to vertical) slope. The two rock fingers will be approximately 8 to 10 feet wide, extend about 10 feet past the eastern limit of the cobble berm, and space about 100 feet apart from one another. The cobble berm is intended to act as a dynamic revetment whereas the rock fingers were sized to retain the gravel-cobble beach berm and are intended to mimic native weathered rock outcrops and detached boulders that exist at the Project site.

The Project’s stormwater improvements consist of improving the on-site drainage from the bluff and will remove and replace a damaged concrete ditch on the bluff; remove and replace an existing corrugated metal pipe (CMP) with a concrete channel, check dam, and concrete energy dissipator; create a bioretention basin with native vegetation that will feed captured stormwater north towards the Pillar Point Marsh; improve one existing overflow discharge pipe from the new basin to feed water to upland portions of Pillar Point Marsh; and removing an existing 36-inch reinforced concrete pipe outfall which currently discharges directly into the harbor.

2. Impacts to Waters of the State

The Water Board has independently reviewed the Project record to analyze impacts to water quality and the environment and designated beneficial uses within the Project’s watershed.

2.1 Fill and Discharge

The Project will impact approximately about 0.95 acres of waters of the State, as summarized in Table 1.

Table 1: Summary of the Project’s impacts to waters of the State.

Activity	Aquatic Resource Type	Impact Type ¹	Temporary (acres)	Permanent (acres)
Construct beach with an elevated dune	Ocean/Bay/Estuary	--	0.28	
Construct beach with an elevated dune		Physical Loss		0.67
Total			0.95 acres	

¹This category only applies to permanent impacts for CIWQS reporting purposes.

3. Mitigation

The Project’s permanent impacts to waters of the State will be mitigated by the Permittee through the living shoreline’s ecological benefit, as summarized in Table 2.

Table 2: Summary of the compensatory mitigation provided by the Project.

Description	Aquatic Resource Type	Mitigation Type	Acres	Method
Living shoreline that will be below the projected 2050 high tide line			0.22	Re-establishment
Living shoreline area below the existing high tide line that will be enhanced	Ocean/Bay/Estuary	Permittee Responsible	0.28	Enhancement
Living shoreline area above the high tide line that will be improved over the existing condition			0.45	Enhancement
Total			0.95	

The living shoreline is expected to expand upon the immediate post-Project’s jurisdictional area by 2050, when projected sea level rise will increase the high tide line and inundate a portion of the living shoreline that will be above the current high tide line. The areas below and above the high tide line will enhance the habitat at the site and prevent further erosion along the trail. The living shoreline will be monitored for a minimum 5-year period to confirm the Project’s impacts to waters of the State have been sufficiently mitigated by the anticipated ecological uplift at the site, and to make adaptative management actions, as necessary (see Conditions 15 to 20). No further mitigation is required at this time.

4. California EcoAtlas

Regional, state, and national studies have determined that tracking of mitigation and restoration projects must be improved to better assess the performance of these projects, following monitoring periods that last several years. To effectively carry out the State’s Wetlands Conservation Policy of no net loss to wetlands, the State needs to closely track both losses and successes of mitigation and restoration projects affecting wetlands and other waters of the State. The Water Board must also track project performance in Bay Area creeks subject to routine repair and maintenance activities, such as recurring instabilities. Therefore, we adopted the digital interactive mapping tool called *EcoAtlas*.^[1] *EcoAtlas* is a web-based tool that integrates maps, project plans, site conditions, restoration efforts, and other elements on a project-by-project basis based on data inputs. Accordingly, we require the Permittee to upload their Project

^[1] Source: California Wetlands Monitoring Workgroup (CWMW). *EcoAtlas*. Accessed March 12, 2019. <https://www.ecoatlas.org>. CWMW includes SFEI, State Board, U.S. EPA-Region IX, and other agencies with similar goals to track effects of projects in wetlands and other aquatic habitats.

information to *EcoAtlas* with the *Project Tracker* tool at <https://ptrack.ecoatlas.org> (see Condition 8). The San Francisco Estuary Institute developed *EcoAtlas* and maintains detailed instructions for *Project Tracker* on its website at <https://ptrack.ecoatlas.org/instructions>.

5. CEQA Compliance

The Permittee, as lead agency, evaluated and mitigated the Project's potentially significant impacts in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 2100 *et seq.* and title 14, California Code of Regulations (14 CCR) Sections 15000 to 15387. The Project's environmental impacts were evaluated in the CEQA document, titled *Pillar Point Harbor West Trail Living Shoreline Project, Initial Study/Notice of Intent to Adopt a Mitigated Negative Declaration* (ESA, July 2020) (IS/MND), and as revised in February 2021. The Permittee filed the Project's Notice of Determination (NOD) with the Office of Planning and Research, received on February 24, 2021 (State Clearinghouse No. 2020079020). The Water Board, as a responsible agency under CEQA, has determined that the IS/MND, in combination with this Certification's requirements, appropriately addresses the Project's potentially significant impacts under the Water Board's purview and the NOD is appropriate.

6. Conditions

I, Michael Montgomery, Executive Officer, do hereby issue this Order certifying that any discharge from the proposed Project will 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 CWA, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this Order, including the following:

6.1 Regulatory Compliance and Work Windows

1. **Design Conformance.** The Project work shall be constructed in conformance with the design plans and description provided in the Application materials and herein. Any changes to these plans that may impact waters of the State must be accepted by the Executive Officer before they are implemented. To request Executive Officer acceptance, the Permittee shall submit the proposed revisions, clearly marked and described, to the attention of the Water Board staff listed on the cover page of this Order. The Permittee shall not implement the proposed revisions until notified that they have been accepted by the Executive Officer;
2. **Corps Permit Compliance.** The Permittee shall adhere to the conditions of the Project's CWA Section 404 NWP (Corps File No. 2014-00294S), when issued;
3. **Special Status Species.** This Certification does not allow for the take, or incidental take, of any special status species. The Permittee shall contact the Corps to request appropriate protocols prescribed by the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) to ensure that Project activities do not

impact the Beneficial Use of the Preservation of Rare and Endangered Species, and shall implement the provided protocols, as appropriate;

4. **Precipitation and Construction Planning**. Precipitation forecasts shall be considered when planning construction activities. The Permittee shall monitor the 72-hour forecast from the National Weather Service at <http://www.nws.noaa.gov>. When there is a forecast of more than 40% chance of rain, or at the onset of unanticipated precipitation, the Permittee shall remove all equipment from waters of the State, implement erosion and sediment control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, straw), and cease all Project activities. If any construction activities will occur after October 15, a Winterization Plan shall be submitted to the Executive Officer for review and acceptance and contain, but not be limited to, the following:
 - a) *Activities and Timeline Description*—for any proposed activity that will begin or end after October 1, the activity and its respective construction timeline, from start to finish, shall be described in detail.
 - b) *Erosion Control Measures*—all erosion control measures shall be described in detail, including, but not limited to, the type of erosion control measure and its material, implementation timeline, and best management practices to be used during and after implementation;

6.2 General Construction

5. **Discharge Prohibition**. No unauthorized construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into waters of the State. When construction is completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be discharged to waters of the State;
6. **Equipment Maintenance Prohibition**. No fueling, cleaning, or maintenance of vehicles or equipment shall take place within waters of the State, or within any areas where an accidental discharge to waters of the State may occur; and construction materials and heavy equipment must be stored outside of waters of the State. When work within waters of the State is necessary, best management practices shall be implemented to prevent accidental discharges;
7. **Beneficial Use Impacts**. 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 disturbances along waters of the State 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;

6.3 Pre-Construction Reporting and Other Requirements

8. **Construction General Permit**. The Permittee shall obtain coverage under and comply with the NPDES General Permit for Storm Water Discharges Associated with

Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002, as amended, and as may be subsequently reissued;

9. **EcoAtlas Form.** The Permittee shall input Project information into *EcoAtlas* no later than 14 days from this Certification's issuance date, consistent with Section 4 herein. The Project information shall be added to the *Project Tracker* tool in *EcoAtlas* online at <https://ptrack.ecoatlas.org>. Instructions for adding information to *EcoAtlas* are available at <https://ptrack.ecoatlas.org/instructions>, or by contacting the Water Board staff listed on the cover page of this Certification;
10. **Commencement of Construction.** The Permittee shall submit a Commencement of Construction Report acceptable to the Executive Officer. The Commencement of Construction Report shall be submitted no later than seven days prior to start of initial ground disturbance activities and notify the Water Board at least 48 hours prior to initiating in-water work and any stream diversions. Notification may be via telephone, email, delivered written notice, or other verifiable means. The Commencement of Construction shall be submitted in same timeframe specified herein for multiple construction seasons, if necessary;
11. **Photo-Documentation Points.** Prior to the start of construction, the Permittee shall establish a minimum of 10 photo-documentation points at the Project site where Project related impacts to waters of the State occur. The points shall be used to track the Project's construction impacts, the pre- and post-construction condition, and overall Project success. The Permittee shall prepare a site map with the photo-documentation points clearly marked. Prior to and following construction, the Permittee shall photographically document the immediate pre- and post-Project condition at locations where impacts to waters of the State occur, including temporary impacts. These post-construction photographs and map shall be submitted, along with the as-built and construction completion reports (See Conditions 12 and 13);

6.4 Active Construction and Post-Construction Reporting Requirements

12. **As-Built Report.** The Permittee shall prepare an as-built report acceptable to the Executive Officer. The as-built report shall be submitted to the Water Board no later than 60 days after completing Project construction activities, including revegetation. The report shall include a description of the areas of actual disturbance during Project construction and the photographs and map specified in Condition 11. The report shall clearly identify and illustrate the Project site, the locations of permanent and temporary impacts, and the species and quantities of any vegetation planted in waters of the State. The as-built report shall include the 100 percent construction plans marked with the contractor's field notes that clearly depict any deviations made during construction from the designs reviewed by the Water Board;
13. **Project Construction Completion Report.** The Permittee shall submit a Notice of Project Construction Completion (Completion Notice) acceptable to the Executive Officer to notify the Water Board that the Project has been completed. The Completion Notice shall be submitted to the Water Board no later than 60 days after completing Project construction activities. The Completion Notice shall include the

as-built report (see Condition 12), the post-construction photographs (see Condition 11), the date of the first Project-related disturbance of waters of the State occurred, Place ID 868845, and the date construction was completed. The Completion Notice shall be sent via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see address on the letterhead);

14. **Annual Project Status.** The Permittee shall submit an Annual Project Status Report acceptable to the Executive Officer. The Annual Project Status report shall be submitted each year by January 31 until the Project is completed, commencing the calendar year after this Certification's issuance. The report shall reference Place ID 868845 and state whether Project construction activities have been initiated or delayed. The Annual Project Status Report shall continue until a Notice of Project Construction Completion is received (see Condition 13);

6.5 Mitigation and Monitoring Requirements

15. **Monitoring and Monitoring Requirements.** The Permittee shall monitor the living shoreline created by the Project for a minimum 5-year period to evaluate whether the Project's impacts have been sufficiently, and appropriately mitigated and beneficial uses have not been adversely affected by the Project following its implementation. The annual monitoring shall assess the beach's condition at the Project site where impacts occurred, including the adjacent shoreline conditions, and implemented in accordance with the Adaptive Management Plan (see Condition 16) and the Conditions herein. If any signs of instability or excessive erosion are observed at the site, the Permittee shall document these observations in the annual reports and make recommendations for corrective actions, as necessary (see Condition 19). The monitoring reports shall also include a summary of the monitoring efforts to date and update SLR guidance, as appropriate. If any adverse impacts to waters of the State are observed during the monitoring period, additional mitigation may be required by the Executive Officer, including, but not limited to, extension of the monitoring period;
16. **Adaptive Management Plan.** The Permittee shall finalize and submit the *Draft Adaptive Management and Monitoring Plan, Pillar Point Harbor West Trail Living Shoreline Project* (GHD, 2020) (Adaptive Management Plan) that was submitted with the Application. The Adaptive Management Plan shall detail the operation, maintenance, and monitoring procedures and activities that will be implemented to ensure the Project's success and the living shoreline is functioning as intended. The final Adaptive Management Plan shall be submitted to the Executive Officer not later than 180 days following this Certification's issuance date, and the plan shall not be implemented until the Executive Officer notifies the Permittee the plan is acceptable. The final Adaptive Management Plan shall include and reference input from the living shoreline design team. An acceptable Adaptive Management Plan shall include, but not be limited to, the following: monitoring frequency and schedule, a detailed description of monitoring activities and methods that will be implemented, triggers for modifications to monitoring activities or frequency, annual performance criteria to be used during the monitoring period to assess the living shoreline's progress towards meeting the final success criteria, final success criteria to be used in the final

- monitoring year, long-term maintenance activities, triggers to determine when long-term maintenance activities are needed, and a list of potential adaptive management actions that may be taken and triggers for when revisions or new adaptive management actions would be necessary;
17. **Mitigation Performance Criteria.** The Permittee shall evaluate the living shoreline's performance during the monitoring period by using the annual performance criteria in monitoring years 1 to 4 specified in the final Adaptive Management Plan (see Condition 16). In each annual monitoring report, the Permittee shall document the living shoreline's stability and progress towards meeting the final success criteria (see Condition 18)
 18. **Mitigation Final Success Criteria.** The Project's mitigation shall be considered successful if the Executive Officer determines the final success criteria specified in the final Adaptive Management Plan (see Condition 16) has been met in the final monitoring year's annual report and no adverse impacts to waters of the State have otherwise occurred;
 19. **Corrective Actions.** If any signs of instability are observed along the living shoreline area, including along the adjacent shoreline, the Permittee shall document these observations in the annual reports and make corrective action recommendations, as necessary. If the annual monitoring periods indicate the Project may not meet the final success criteria specified in the Adaptive Management Plan without additional action, the Permittee shall recommend corrective actions in that annual report to alleviate the underperformance, as necessary. After receipt of an annual monitoring report, if corrective actions are determined necessary by the Executive Officer to improve the likelihood that the final success criteria are met in the final monitoring year, the Permittee shall be required to re-submit the aforementioned annual report or revise the Adaptive Management Plan to include corrective actions, or revise recommended corrective actions that were previously proposed or accepted by the Executive Officer;
 20. **Annual Monitoring Reports.** The Permittee shall submit annual monitoring reports, acceptable to the Executive Officer, by January 31 following each monitoring year. The first monitoring year commences in the calendar year after completing the Project. At the time of this Certification and Order, the Project completion is anticipated in 2021. Therefore, the first annual monitoring report shall be due on January 31, 2023, unless the Project is completed at a different time. Annual reports shall include, but not be limited to, the following:
 - a) *Photographs*—photographs taken during the monitoring year from the photo-documentation points specified in Condition 11. The photographs shall include captions with respect to the photograph's point of view, direction of flow, locations of Project activities, location of the photo-documentation point, and date photographed.

- b) *Environmental Drivers*—each monitoring report shall describe the precipitation events that occurred at the site during the monitoring year. The effects of the Project and environmental drivers (e.g., precipitation events, drought events) on site conditions shall be described in reference to the monitoring year’s precipitation events.
- c) *Cumulative Monitoring*—each annual report shall summarize all data from previous monitoring reports in addition to the current year’s monitoring data, including the need for, and implementation of, any remedial actions. Monitoring data may include all relevant qualitative and quantitative data necessary to determine whether the site is stable and temporarily impacted areas are revegetating as anticipated. The final monitoring report shall document whether the temporarily impacted areas were restored to their pre-Project condition.

The overall Project and mitigation success shall be determined by, and acceptable to, the Executive Officer. If monitoring indicates that beneficial uses have been, or have the potential to be, adversely affected, the Permittee shall, in consultation with the appropriate agencies, identify remedial measures to be undertaken, including compensatory mitigation and extension of the monitoring and reporting period until the final success criteria are met. If a Corrective Action Plan is required and approved by the Executive Officer, the Permittee shall implement all remedial measures identified therein. Annual monitoring reports shall reference Place ID 868845 and shall be submitted via email to RB2-401Reports@waterboards.ca.gov, or by mail to the attention of 401 Certifications Reports (see the address on the letterhead);

6.6 Administrative and General Compliance

- 21. **Site Access.** The Permittee shall grant Water Board staff or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to: (1) enter upon the Project site or compensatory mitigation site(s) where a regulated facility or activity is located or conducted, or where records are kept; (2) have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order; (3) inspect any facilities, equipment, practices, or operations regulated or required under this Order; and (4) sample or monitor for the purposes of assuring Order compliance;
- 22. **Certification and Order at Site.** A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors;
- 23. **Ownership Change Notification.** The Permittee shall provide a signed and dated notification to the Water Board of any change in ownership or interest in ownership of any Project area at least 10 days prior to the transfer of ownership. The purchaser shall also submit a written request to the Water Board to be named as the permittee in an amended order. Until this Order has been modified to name the purchaser as the

- permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order;
24. **Water Quality Violations Notification.** The Permittee shall notify the Water Board of any violations of water quality standards, along with the cause of such violations, as soon as practicable (ideally within 24 hours). Notification may be via telephone, email, delivered written notice, or other verifiable means;
 25. **Discharge Change Notification.** In accordance with Water Code section 13260, the Permittee shall file with the Water Board a report of any material change or proposed change in the ownership, character, location, or quantity of this waste discharge. Any proposed material change in operation shall be reported to the Executive Officer at least 30 days in advance of the proposed implementation of any change. Changes to discharges include, but are not be limited to, significant new soil disturbances, proposed expansions of development, or any change in drainage characteristics at the Project site. For the purpose of this Order, this includes any proposed change in the boundaries of the area of wetland/waters of the State to be impacted;
 26. **Submittal of Reports.** Where this Certification requires submittal of reports, including plans, reports, or related information, the submitted reports shall be acceptable to the Executive Officer;
 27. **Individual Waste Discharge Requirements.** Should new information come to our attention that indicates a water quality problem with this Project, the Water Board may issue Waste Discharge Requirements pursuant to Water Code sections 13263 and/or 13377 and 23 CCR section 3857;
 28. **Expiration.** This Order shall continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project;

6.7 Standard Conditions

29. **Certification and Order Modification.** This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code sections 13320 and 13330 and 23 CCR section 3867;
30. **Hydroelectric Facilities.** This Order does not 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 pursuant to 23 CCR subsection 3855(b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;
31. **Application Fee.** This Certification and Order is conditioned upon full payment of the required fee, including annual fees, as set forth in 23 CCR section 3833. The required \$520 Project fee, calculated using the 2019/2020 Water Quality Certification Dredge and Fill Application Fee Calculator, Category D–*Ecological Restoration and Enhancement Projects*, was received by the Water Board on September 28, 2020;

6.8 Annual Fees

32. **Annual Fee.** In accordance with 23 CCR section 2200, the Permittee shall pay an annual fee to the Water Board each fiscal year (July 1 – June 30) until Project construction activities are completed and an acceptable Notice of Project Construction Completion is received by the Water Board. If monitoring is required, the Permittee shall pay an annual fee to the Water Board until monitoring activities are completed and an acceptable Notice of Mitigation Monitoring Completion is received by the Water Board (Note: the Annual Post Discharge Monitoring Fee may be changed by the State Water Board; at the time of Certification it was \$276 per year for Category D projects).

This Order applies to the Project as proposed in the application materials and designs referenced above in the conditions of Certification. Be advised that failure to implement the Project in conformance with this Order is a violation of this Certification. Any violation of Certification conditions is a violation of State law and subject to administrative civil liability pursuant to Water Code sections 13350, 13385, or 13399.2. Failure to meet any condition of this Certification may subject the Permittee to civil liability imposed by the Water Board to a maximum of \$25,000 per day of violation and/or \$25 for each gallon of waste discharged in violation of this action above 1000 gallons. Any requirement for a report made as a condition to this Certification (e.g., conditions 4, 8-14, 15-20 and 23-25) is a formal requirement pursuant to Water Code sections 13267 and 13383, and failure or refusal to provide, or falsification of such required report, is subject to civil liability as described in Water Code section 13268 and criminal liability under 13387. The burden, including costs, of these reports bears a reasonable relationship to the need for the report and the benefits to be obtained. Should new information come to our attention that indicates a water quality problem with this Project, the Water Board may issue Waste Discharge Requirements.

If you have any questions concerning this Order, please contact Tahsa Sturgis of my staff at (510) 622-2316 or tahsa.sturgis@waterboards.ca.gov. All future correspondence regarding this Project should reference the Place ID No. indicated at the top of this letter.

Sincerely,

for Michael Montgomery
Executive Officer

cc: SWRCB, DWQ, stateboard401@waterboards.ca.gov
Water Board, Victor Aelion, victor.aelion@waterboards.ca.gov
U.S. EPA, Region IX, Jennifer Siu, siu.jennifer@epa.gov
Corps, SF Regulatory Branch: Katerina Galacatos, katerina.galacatos@usace.army.mil
Naomi Schowalter, naomi.a.schowalter@usace.army.mil