Attachment 4 – Notice of Intent Instructions

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How to Apply

The following provides an overview of the steps that need to occur before a project is covered under Board Order No R6 2025-0008, Granting Clean Water Act Section 401 Water Quality Certification for Regional General Permit 4 (RGP 4) for Lake Tahoe Minimal

Impact Activities and Structures (Order). Dischargers seeking enrollment under the Order are required to submit a Notice of Intent (NOI) to the Lahontan Regional Water Quality Control Board (Water Board) for projects involving notifying activities.

Form Instructions

Review Steps 1 through 4, below, prior to submitting the NOI.

Step 1: Establish your project is eligible for enrollment under the Order by reviewing the Basin Plan Prohibition Exemption Findings (Attachment 1) and the Order. The project must meet the findings included in Attachment 1 and eligibility criteria outlined in Section III of the Order. If the project does not meet those findings and conditions, you must seek coverage under an Individual 401 Water Quality Certification (WQC) or another general 401 WQC. Verify eligibility with Water Board staff if necessary.

Step 2: Identify whether project-related activities qualify as notifying or non-notifying.

Non-notifying activities: Activities covered under this category do not trigger the need for an NOI or application fee. All non-notifying activities must comply with all applicable conditions included in the Order.

Notifying activities: You must submit an NOI to the Water Board for projects involving activities under this category. Projects containing multiple activities under this category may be enrolled under the Order so long as they do not result in potentially significant cumulative impacts. Projects may not commence until a Notice of Applicability (NOA) has been issued, or 60 days have elapsed since submittal of a complete NOI, whichever is sooner.

Step 3: At least 30 days prior to formal submittal of the NOI, send a pre-application consultation request along with a draft NOI to the Water Board at lahontan@waterboards.ca.gov. During pre-application consultation, Water Board staff may review project materials and provide project-specific guidance for navigating the enrollment process.

Step 4: Based on feedback provided during pre-application consultation, update the draft NOI and submit a complete NOI to lahontan@waterboards.ca.gov and application fee (See Section 3 below). **Ensure appropriate references to supporting documentation are clearly identified in all relevant sections of the NOI.**

Section 1: Project Activities

Identify all the notifying activities associated with the project. A full list of covered activities can be found in the Order. The Order allows enrollment of a project involving more than one notifying activity so long as the project does not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Dischargers must comply with all applicable conditions specified in the Order.

Projects involving both notifying and non-notifying activities:
If a project contains both notifying and non-notifying activities, select all applicable notifying activities on the NOI and submit information describing the notifying activities. For notifying activities requiring Fish Habitat Mitigation, provide a description in Section 8: Compensatory Mitigation.

Projects involving only non-notifying activities:
Projects involving only non-notifying activities covered under this Order do not trigger the need for an NOI or application fee. Dischargers must comply with all applicable conditions specified in the Order.

Section 2: Legally Responsible Person and Duly Authorized Representative Information

Legally Responsible Person, Contact Name, and Title: See Section 10 of the NOI Instructions for a list of individuals authorized to act as the Legally Responsible Person. If the applicant is a private homeowner, that person should be designated as the Legally Responsible Person. The Legally Responsible Person is the individual responsible for compliance with state and federal regulations, including the Clean Water Act, California Water Code, Lahontan Water Quality Control Plan, and applicable Order conditions.

Legally Responsible Person Information: Provide the Legally Responsible Person's telephone number, email address, and mailing address including the street, city, state, and zip code. Note that annual invoices will be sent to the mailing address provided.

Duly Authorized Representative Information: The Duly Authorized Representative is authorized to certify and submit supporting NOI documentation and reports to the Water Board on behalf of the Legally Responsible Person. If applicable, provide the Duly Authorized Representative's telephone number, email address, and mailing address (not the project address) including the street, city, state, and zip code. If you choose not to be represented by an agent, leave this section blank.

Section 3: Fees

Fee amounts are determined according to the Cal. Code Regs., tit. 23, § 2200(a)(2) fee schedule (https://www.waterboards.ca.gov/resources/fees/stakeholder/docs/2024/fy2425-wq-feeschedule.pdf#page=6).

- Application fees are required for notifying activities only.
- A fee calculator is available online and should be used to determine the current application fee (https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees).
- Include only the application fee with the NOI. Water Board staff will determine whether an additional project fee is required during NOI review.
- Fees may be paid online or by check, money order, or cashier check. Information on how to make an online payment is available at the State Water Board's Fee Payment Website (https://www.waterboards.ca.gov/make_a_payment/). If fees are

paid online, attach payment receipt to the NOI. **Make all checks, money orders, and cashier checks payable to the "State Water Resources Control Board**" and include "**Lahontan"** and the project name in the memo section, and send to:

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150

- Fees are subject to change and are based on the date the NOI is formally submitted.

Section 4: Other Agency Permits, Licenses, Agreements, Plans, and Email Correspondence

Attach proof of enrollment, application, or correspondence with other required agency permits. Provide the following information for each applicable permit from other agencies:

- Have you applied?: Indicate yes if you have applied for the specified permit; indicate no if you have not.
- Have you received the permit?: Indicate yes if you have received the permit; indicate no if you have not.
- ID Number: Provide the relevant agency's project identification number or unique identifier.

Section 5: Project Information

Project Name: Provide the project name, which will be used in correspondence referencing the project. Ensure the project name is consistent with other agency permits and applications, and on all maps, drawings, and reports. The project name should clearly be relevant to the project (e.g., Blue Creek Bridge Project; Jones Subdivision Road Widening Project).

Project Address: Provide the street address of the project location and the Assessor's Parcel Number (APN). If the project is not located at a physical street address, be as descriptive as possible in this section. For example, "Leisure Town Rd., 5.5 miles south of the intersection of I-80 and Leisure Town Rd."

Coordinates: Indicate the location of the center point of the project in decimal degrees (approximate location is acceptable).

Construction Timeframe: Provide the estimated start and end dates for the project, including the month and year, as well as an estimate of the total amount of working days needed to complete the project.

Total project size: Provide the entire size of the project in acres, encompassing the entire perimeter of the project area. The perimeter includes turbidity curtains or other Best

Management Practices (BMPs), access routes, fish habitat mitigation areas, storage or stockpile areas, any upland work, and refueling areas.

Describe the substrate in the project area: Provide a description of the lakebed substrate within the project area: clay, silt, sand, gravel, cobble, boulders, etc., and any combination of grain size.

Project Description/Purpose: Provide a detailed, technically accurate narrative description of the project purpose, project design, and all activities planned to complete the project. Include total impacts, area of ground disturbance and area of impact to all aquatic resources on the site (i.e., lake and SEZs).

Date pre-application consultation was requested: Provide the date a pre-application consultation was requested (must be at least 30 days prior to formal NOI submittal).

Does the proposed project include any soil disturbance above elevation 6,229.1 feet?: Provide a response of “Yes” or “No”. If yes, and the project has the potential to generate erodible material, an Erosion Control Plan is required.

If “Yes” was selected above, provide a description of all soil disturbance work occurring above elevation 6,229.1 feet or indicate where information is located within an attachment. If “No” was selected, provide the response “N/A” in this box. At a minimum, a description of soil disturbance should include the following:

- Type of soil disturbing activity (grading, excavation, etc.)
- Proposed dimensions
- Proposed duration and schedule until final stabilization

Section 6: Direct Impacts, Avoidance, and Minimization.

Definitions for terms used in this section are included below.

Direct Impact: For the purposes of the Order, include all areas where dredge/excavation or fill activity will occur within Lake Tahoe.

Permanent impacts will permanently change an aquatic resource to a non- aquatic habitat type or permanently change the bottom elevation of an aquatic resource. Permanent impacts can result in physical loss of area and/or ecological degradation.

Temporary impacts are impacts that temporarily cause a physical loss or ecological degradation of an aquatic resource. The impact must be restored to pre-project conditions through natural ecological processes or active restoration in order to be classified as temporary. If the impact is not restored to pre-project conditions, it is classified as permanent.

Table 1 - Direct Impact Information: Populate Table 1 with dredge/excavation or fill activity information.

- Activity: Identify each activity that corresponds to the description of direct impacts section below.
- Permanent or Temporary: Indicate if the direct impact is permanent or temporary.
- Acres, Cubic Yards, and Linear Feet: Provide the area in acres, volume of dredged/ excavated or fill material in cubic yards, and length in linear feet along the shoreline for each activity listed. For area, round to the nearest thousandth of an acre.
- Dredge/ Excavation or Fill? For each activity, identify if the impact is from dredging/excavation or from fill activities.
- Totals: At the bottom of the "acres, cubic yards, and linear feet" columns, add up the total impacts.

Description of Direct Impacts to Lake Tahoe: Provide a description of impacts where dredge/excavation or fill activity will occur below elevation 6,229.1 feet. If applicable (such as for complex projects with several impact areas), reference activity-specific identifiers from Table 1.

Avoidance and Minimization of Direct Impacts: Describe steps taken during project development/design to avoid and minimize direct impacts to Lake Tahoe.

Describe how temporary impact areas will be restored to pre-project or natural conditions and/or indicate where that information is located in supporting documentation.

Section 7: Indirect Impacts, Avoidance, and Minimization

Indirect Impact: For the purposes of the Order, includes all *potential* water quality impacts that are not a direct result of fill or dredging/excavation activities. These impacts can generally be avoided or mitigated through implementation of various BMPs.

Description of potential indirect impacts to water quality: Describe all potential indirect impacts. Examples include sedimentation from upland disturbance, generation of turbid water from in-water work, leaks or spills, and spread or introduction of invasive species.

Avoidance and Minimization of Indirect Impacts: Describe measures to avoid and minimize potential indirect impacts described above. Include a description of how all avoidance and minimization measures will be implemented and reference all relevant documentation. Examples include actions or methods proposed to contain or prevent turbidity, erosion or sediment controls, and prevention of invasive species spread or introduction. Provide BMP installation details and/or specifications (e.g. for turbidity curtain: curtain type, thickness, location, and description of how sides and bottom will be anchored). Clearly reference supporting documentation and locations (e.g. file names and page numbers) in this section.

Section 8: Compensatory Mitigation:

Description of Compensatory Mitigation: Compensatory mitigation may be required for

permanent ecological degradation, physical loss of area in Lake Tahoe, and temporal loss of aquatic resource function. If required by the Water Board, you must include the information and documentation described in Section 9, Compensatory Mitigation Plan.

Section 9: Documentation

Use the checklist to confirm all required documentation is attached to the NOI. If needed, consult with Water Board staff during your pre-application consultation to determine which of the listed items are required for a complete NOI. Where applicable, include references to these documents in all relevant sections of the NOI. Documentation prepared for other agencies may be acceptable so long as all required elements are provided. If one of the listed items does not pertain to your project, leave the checkbox empty.

Copy of Fee Check or Online Payment Receipt: Required for all notifying activities

Other Agency Correspondence, Permits, and Permit Applications: Required for all notifying activities. Attach other agency permits, applications, or correspondence as required in Section 4 of the NOI. If the USACE requires submittal of a Pre-Construction Notification (PCN), include a copy with the NOI.

Drawings or Design Plans: Required for all notifying activities. As applicable, attach drawings, including plan and cross-section views, clearly depicting the location, size, and dimensions of the proposed activity, as well as the location of waters on the site (including SEZs). The drawings should contain a title block, legend and scale, amount (in cubic yards, if applicable) and area (in acres) of fill, including both permanent and temporary impacts. The ordinary high-water mark should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation. Maps prepared according to the description below may satisfy some or all of this requirement.

Map(s): Required for all notifying activities. Submit map(s) of sufficient detail to clearly illustrate all project elements, site characteristics, access routes, staging areas, and impacts, with a scale of at least 1:24000 (1” = 200’) and of sufficient detail to show:

- The boundaries of the lands owned or to be utilized in carrying out the proposed activity, including grading limits, proposed land uses, and the location, dimensions and type of any structures erected (if known) or to be erected.
- All aquatic resources that may qualify as waters of the state, within the boundaries of the project area, and all aquatic resources that may qualify as waters of the state outside of the boundary of the project that could be impacted by the project.
- All SEZs and 100-year floodplains within the project vicinity.
- A map verified by the Corps may satisfy this requirement if it includes all potential waters of the state.
- Acceptable map formats, listed in order of preference, are:
    - GIS Shapefiles: Shapefiles must depict the boundaries of all project areas,

site characteristics, and extent of aquatic resources impacted or avoided. Each shapefile should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and, if possible, provide map with north American datum of 1983 (NAD 83) in the California Teale Albers projection in feet.

- KLM Files: Saved from online mapping services. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Other electronic format: (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacts. If this format is used, include a table with the object ID and attributed with the extent/type of aquatic resources impacted.

Compensatory Mitigation Plan: Compensatory mitigation may be required for permanent ecological degradation, physical loss of area in Lake Tahoe, and temporal loss of aquatic resources. Unless determined otherwise by Water Board staff, you must submit, at a minimum, the following:

- Mitigation Method: mitigation bank, in-lieu fee, or permittee-responsible (e.g. fish habitat mitigation)
- Compensatory Mitigation Description: include type of aquatic resource enhanced or restored, area and linear feet, and mitigation bank or in-lieu fee program information
- Mitigation Site Location (map or site drawings)

Pre-Project Photo Points: Required for all notifying activities. Successive photos should be taken at sufficient intervals from the same vantage points as to compare pre- and post-construction conditions. Pre-Project Photo Points must be representative of the project area and encompass all work areas (including all direct impact locations), staging areas, and access routes, and include all of the following:

- a unique identifier
- date and time stamp
- orientation
- photo description
- coordinates (in decimal degrees) and/or map with photo locations

Land Capability Verification: Required for projects involving disturbance or motorized access in or directly adjacent to functional SEZs.

Tahoe Yellow Cress Survey For all projects where overland access occurs on beach soils above elevation 6,229.1 feet, a Tahoe Yellow Cress (*Rorippa subumbellata*)

Survey performed during the most recent growing season prior to project implementation is required.

Erosion Control Plan: Required for all projects with the potential to generate erodible materials above elevation 6,229.1 feet. If enrollment in the Lake Tahoe Construction General Permit or a superseding stormwater Construction General Permit is required, then a Stormwater Pollution and Prevention Plan must be submitted in lieu of the Erosion Control Plan.

- Unless determined otherwise by Water Board staff, the Erosion Control Plan must include the following, at a minimum:
    - Identification of all locations where erodible materials may be generated
    - Descriptions and installation specifications of all soil stabilization (erosion control) and sediment control BMPs, including wind erosion control BMPs
    - Water pollution control drawings identifying BMP deployment locations, including locations of all temporary and permanent sediment and erosion control BMPs at all stages of project implementation
    - A BMP deployment schedule, including triggers for precipitation events
    - A weather forecast monitoring plan, visual monitoring inspection schedule, visual monitoring forms, procedures and schedule for addressing BMP deficiencies, and identification and roles of individuals responsible for implementing the Erosion Control Plan.

- If equipment access and/or staging above elevation 6,229.1 feet is proposed, describe protection measures (i.e. steel plates or functional equivalent) to avoid disturbing soil and vegetation under the Indirect Impact Avoidance and Minimization section. Soil protection measures may not be required for access routes in previously disturbed areas, pre-existing or existing roads or staging areas, paved surfaces, or hardened (e.g. gravel) surfaces.

Spill Prevention and Response Plan: Required for any project with the potential to leak or spill petroleum hydrocarbons, hydraulic fluids, or greases. Unless determined otherwise by Water Board staff, the Spill Prevention and Response Plan must include the following, at a minimum:

- Be specific to the setting (i.e., over water, upland areas, etc.)
- Identify prevention measures (secondary containment, regular inspections, etc.)
- Identify persons or agencies to be notified in the event of a spill and timeline for notification.
- Define small spill (that on board personnel can clean up) vs. large spill (when outside assistance is needed)
- Quantify the size of spill that can be cleaned up using on site spill kit
- Include descriptions of equipment and materials required to be on site for cleanup of spills/leaks; and descriptions of appropriate spill response procedures, the responsible personnel, and the training records of such personnel including timing

and content of training conducted for site personnel and anyone joining the field crew after project commencement
- Include provisions to respond to potentially large spills that are beyond the capacity of the contractor to respond, and contact information in the event of a large spill

Suction Dredging Effluent Plan Required for all suction dredging projects. At a minimum, the plan must include the following:

- Description and figure(s) of piping configurations, effluent and temporary spoils disposal, dewatering effluent treatment, and access routes
- Anticipated flow rates and, if applicable, infiltration rates
- Monitoring plan to ensure leakage is rapidly identified/halted and dewatering effluent is contained within the temporary storage location
- Contingency plan in the event flow rates exceed system capacity

Water Quality Monitoring Plan (WQMP): Required for any project with the potential to generate significant volumes of turbid water. Examples of activities that would likely prompt the need for a WQMP include excavation/dredging, backfilling, and removal of structures. At a minimum, the WQMP must include the following:

- Constituents to be monitored
- Instrument calibration schedule
- Monitoring locations, timing, and frequency
- Monitoring data reporting schedule
- Notification procedures in the event of an exceedance of water quality objectives

Hazard Analysis and Critical Control Points (HACCP) Plan: Required for all projects involving Notifying Activities to prevent the spread and introduction of invasive species in surface waters. HACCP Plans evaluate activities to determine if and when invasives might be unintentionally moved during a project, identify the most effective ways to reduce that risk, and specify control measures needed. Unless determined otherwise by Water Board staff, the HACCP Plan must include the following, at a minimum:

- Identify non-target organisms, which for the purposes of the Order are defined as any aquatic invasive species that 1) can be moved from one area to another, 2) exist either within the perimeter of, or adjacent to the project area, or 3) may have come into contact with any equipment used to execute the project.
- Include a description of each activity associated with the project.
- Assess risk of moving or introducing aquatic invasive species during project activities.
- Identify Control Measures, defined as any action or activity that can reduce, eliminate, or prevent a significant hazard, that can be implemented during each activity.
- Identify one to two Critical Control Points (CCPs), defined as steps in the project where hazards will be prevented, reduced, or eliminated at specific steps or activities in order to proceed.

- Include a Non-Target Risk Action Plan for all CCPs identified
- Include any supporting documents (e.g., Management Plan, Checklist, Decontamination Techniques, Standard Operating Procedures, Scientific Journal Articles, Corrective actions).
- For further guidance, review the HACCP Plan resources included on the Water Board Clean Water Act 401 website, and contact the Water Board. (https://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/)

Additional Pages and/or Supplemental Information: If required information does not fit in the space provided on the form, or if you would like to provide supplemental information not required in the NOI. Ensure supplemental documentation is clearly referenced in relevant sections of the NOI.

Section 10: Legally Responsible Person and Duly Authorized Representative Signature

The Legally Responsible Person must comply with the eligibility requirements described below. The Legally Responsible Person must sign and submit the NOI to the Water Board's general mailbox at lahontan@waterboards.ca.gov.

The Legally Responsible Person Attestation and Duly Authorized Representative Assignment on the NOI form must both be signed by the Legally Responsible Person. Legally Responsible Person eligibility is as follows:

1. For a corporation: The NOI must be signed by a responsible corporate officer of at least the level of vice-president or equivalent level representative for the corporation.
2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
3. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. This includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the U.S. EPA).

The assigned Duly Authorized Representative must have responsibility for the overall operation of the regulated facility or activity, such as a person that is a manager, operator, superintendent, or another position of equivalent responsibility, or is an individual who has overall responsibility for environmental matters for the company.