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## State Water Resources Control Board

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### GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF DREDGED OR FILL MATERIALS TO WATERS OF THE STATE AND PARTIAL CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND PARTIAL DENIAL OF THE CORPS' 2026 NATIONWIDE PERMITS ORDER NO. WQ 2025-0066-DWQ

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**Effective Date:** Effective Date of the Corps'  
2026 Nationwide Permits

<b>Reg. Meas. ID:</b>	461880
<b>SWRCB ID:</b>	SB25036GN

**Program Type:** Fill/Excavation

**Project:** 2026 State Water Board Nationwide Permits General Order  
(General Order)

**Applicant:** U.S. Army Corps of Engineers (Corps)  
**Applicant Contact:** Michael S. Jewell  
Chief, Regulatory Division  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922  
Phone: (916) 557-6605  
Email: [Michael.S.Jewell@usace.army.mil](mailto:Michael.S.Jewell@usace.army.mil)

**State Water Board Contact:** Samantha Parker  
Environmental Scientist  
1001 I Street, 15th floor  
Sacramento, CA 95814  
Phone: (916) 327-8653  
Email: [Samantha.Parker@waterboards.ca.gov](mailto:Samantha.Parker@waterboards.ca.gov)

#### State Water Board Contact Person:

If you have any questions, please call State Water Resources Control Board  
(State Water Board) contact listed above or contact your local Regional Water Quality Control  
Board using the Clean Water Act Section 401 Program [Staff Directory](#)  
([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/wqc\\_staffdir.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf)).

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## I. Background and Summary

This Waste Discharge Requirements (WDRs) and Clean Water Act section 401 Water Quality Certification (General Order), which includes attachments A through D, conditionally certifies 19 and denies 38 of the U.S. Army Corps of Engineers (Corps) Nationwide Permits (NWP). Certification is partially granted to NWPs 1, 3(a), 4, 5, 6, 9, 10, 11, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58 subject to this General Order's terms and conditions. Attachment D Lists Certified Nationwide Permits. All other NWPs are denied.

This General Order also serves as waste discharge requirements for projects that would qualify for enrollment in a NWP, but are not required to obtain a federal permit or license because the affected waters are not waters of the U.S.

The State Water Board's Certification of the 2021 NWPs remains in effect until the effective date of the Corps' final NWPs, which is anticipated in 2026.

## II. Findings

1. This Order is adopted pursuant to section 401 of the Clean Water Act and as waste discharge requirements under the California Porter-Cologne Water Quality Control Act (Cal. Water Code §§ 13000, et seq.). Because this General Order also serves as WDRs, the conditions contained herein continue to have full force and effect independent of any federal license or permit. Discharges to waters of the state are prohibited except when in accordance with Water Code section 13264.
2. Any violation or threatened violation of the conditions of this General Order may be subject to any remedies, penalties, or sanctions as provided for under state and federal law, including the Clean Water Act and the Porter-Cologne Water Quality Control Act.
3. This General Order does not provide coverage under the Construction General Permit. As applicable, dischargers shall maintain compliance with conditions described in, and required by, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002). For ground disturbing activities that do not require enrollment in Order No. 2022-0057-DWQ, project plans included with the Notice of Intent (NOI) shall include appropriate erosion and sediment control measures as described in section VI.B (Stormwater Condition 18) below.
4. This General Order does not authorize any act which results in the take of a threatened, endangered or candidate species under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this General Order, the discharger must obtain authorization for the take prior to any construction or operation of the portion of the project that may result in a take.

The discharger is responsible for meeting all requirements of the applicable endangered species act for the project authorized under this General Order.

5. This General Order does not authorize any activity adversely impacting a significant historical or archeological resource; directly or indirectly destroying a unique paleontological resource or site or unique geologic feature; disturbing any human remains; or eliminating important examples of the major periods of California history or prehistory, unless the activity is authorized by the appropriate historical resource agencies.
6. This General Order includes monitoring and reporting requirements pursuant to Water Code sections 13383 and 13267. The burden of preparing these reports, including costs, is reasonable to the need and benefits of obtaining the reports. The reports confirm that the best management practices required under this General Order are sufficient to protect beneficial uses and water quality objectives. 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. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.
7. This General Order regulates the discharge of dredged or fill material to waters of the state that may impact water quality in disadvantaged and tribal communities. Pursuant to Water Code section 13149.2, the anticipated water quality impacts within the scope of the State Water Board's authority are the discharge of dredged or fill material to waters of the state and the possibility of discharges associated with related activities, such as discharges of sediment, uncured concrete, or oil and grease. This General Order incorporates available measures within the scope of the State Water Board's authority to address the anticipated impacts of the permitted activities. As set forth in Section VI, this General Order imposes construction conditions, mitigation conditions, water quality monitoring, and reporting and notification requirements that ensure enrollees are required to avoid, minimize, and lastly, mitigate, for any impacts to waters.
8. The State Water Board has considered the factors in Water Code section 13241 in establishing the requirements in this General Order.
9. The ability to discharge waste is a privilege, not a right, and adoption of this General Order shall not be construed as creating a vested right to continue discharging waste (Wat. Code, § 13263, subd. (g).)

### **III. Summary of NWP**

The Corps issues NWPs to authorize certain activities that require Corps permits under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbor Act of 1899. NWPs authorize a variety of activities, including navigation, recreation, utilities, bank stabilization, response, and remediation activities. Attachment D of this General Order summarizes each certified NWP.

More information about the NWP's are available under docket ID number COE-2025-002 on the [Federal Register website](https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits) (<https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits>) (90 Fed. Reg. 26,100).

The NWP's include general conditions that modify, suspend, or revoke NWP's for specific activities or within specific geographic regions. In addition, districts or divisions add other conditions, called regional conditions, to the general conditions. In 2026, the Corps is expected to issue 57 NWP's (56 reissued and one new), with modifications to the general conditions and definitions.

#### **IV. Project Location**

An individual project authorized by the State Water Board under this General Order may occur anywhere within California except as restricted herein. The nine California Regional Water Quality Control Boards (Regional Water Boards) are the: North Coast Regional Water Board, San Francisco Regional Water Board, Central Coast Regional Water Board, Los Angeles Regional Water Board, Central Valley Regional Water Board, Lahontan Regional Water Board, Colorado River Regional Water Board, Santa Ana Regional Water Board and San Diego Regional Water Board. A map showing the jurisdictional boundaries of each board can be found on the [State Water Board's Website](https://www.waterboards.ca.gov/waterboards_map.html) ([https://www.waterboards.ca.gov/waterboards\\_map.html](https://www.waterboards.ca.gov/waterboards_map.html)).

#### **V. Description of Direct Impacts to Waters of the State**

Projects proposed under the Corps' NWP's cover a wide variety of activities. A complete list of activities, including Corps' supplemental decision documents, is available on the Federal Register for the Nationwide Permits (docket ID number COE-2025-002).

Direct impacts to waters of the state may include temporary fill activities such as placement of temporary stream crossings, or permanent impacts such as placement of permanent structures in waterways. These activities may result in temporary impacts to water quality or may result in a permanent loss of waters. Impacts are generally of limited scope individually. To ensure that project impacts do not cumulatively cause adverse impacts to waters or interfere with compliance with water quality standards or objectives, this certification includes only a subset of those permits as listed in Attachment D.

#### **VI. Conditions**

This General Order provides reasonable assurance that projects authorized under this General Order will comply with state and federally approved water quality requirements, provided that the following conditions are adhered to.

## A. General Conditions

1. This action is subject to remand, amendment, or vacatur by judicial or administrative adjudication, including review pursuant to Water Code section 13330, and California Code of Regulations, Title 23, chapter 28, Article 6 commencing with section 3867.
2. This General Order is not intended and shall not be construed to apply to 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 subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This General Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations.
  - a. Fees are not required for NWP 1, 4, 9, 10, and 11 or the equivalent discharges to non-federal waters of the state under this General Order. Fees are required for NWP 3(a), 5, 6, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58 or the equivalent discharges to non-federal waters of the state under this General Order. The fee amount is determined as required by the California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3). Annual fees apply based on the fee schedule in effect at the time of billing. Annual billing will continue until the project, including monitoring, is complete and the State Water Board receives an acceptable request for a Notice of Project Completion. Fees are periodically adjusted. Dischargers should confirm the correct fee amount prior to submitting an NOI.
4. Activities permitted under this General Order shall 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.
5. Projects authorized under this General Order shall be designed to avoid and minimize impacts to waters of the state to greatest practicable extent.
6. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the water quality control plans by any applicable Regional Water Board or any applicable State Water Board water quality control plan or policy (including the California Ocean Plan). The source of any such discharge must be eliminated as soon as practicable.
7. The discharger shall grant Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

- a. Enter upon the project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the project or the requirements of this General Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Order.
  - d. Sample or monitor for the purpose of assuring General Order compliance.
8. The discharger shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this General Order shall be provided to any consultants, contractors, and subcontractors working on this project. Copies of this General Order shall remain accessible from the project site for the duration of the project. All personnel performing work on the project shall be familiar with the content of this General Order and how to access a copy from the project site.
9. If the project discharges to waters of the U.S., this General Order shall not apply to projects for which any NWP conditions or regional conditions have been waived by the Corps' District Engineer. If the project discharges to waters of the state that are not also waters of the U.S., the discharger must comply with all conditions in the NWP that would have been applicable if the discharge was to a water of the U.S.
10. This General Order shall not apply to projects requiring compensatory mitigation for permanent impacts to waters except as provided in NWPs 3(a), 12, 14, 57 and 58 section VI.F.
11. Projects impacting histosols, fens, bogs, peatlands, in wetlands contiguous with fens and vernal pools are prohibited.
12. If issued, the discharger shall submit a signed copy of the Department of Fish and Wildlife's lake and streambed alteration agreement to the Water Board prior to any discharge to waters of the state.
13. Unless granted by a variance by the Lahontan Regional Water Board Executive Officer or there is an emergency that threatens the public health or welfare, there shall be neither removal of vegetation nor disturbance of existing ground surface conditions between October 15 of any year and May 1 of the following year. This prohibition period applies to the Lake Tahoe Hydrologic Unit and above the 5,000-foot elevation in Mono County within the Lahontan Region. If stated in the NOA, this prohibition period will also apply to the Truckee River, Little Truckee River, East Fork Carson River, West Fork Carson River, East Walker River, and West Walker River Hydrologic Units and above the 5,000-foot elevation in Alpine, and Inyo Counties within the Lahontan Region.

14. The State Water Board or Regional Water Quality Control Boards (collectively Water Boards) shall determine whether the activity is eligible for enrollment under this General Order. A discharger may choose to apply for an individual water quality certification or individual waste discharge requirements.

## **B. Construction Conditions**

1. All materials and supplies necessary for implementing these construction conditions must be on-site and ready for use at the start of the construction activity and must remain in supply and ready for implementation throughout the construction process. All non-structural best management practice (BMP) materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of construction.
2. Construction material, debris, rubbish, spoils, soil, silt, sawdust, rubbish, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to aquatic life that is discharged as a result of project related activities shall be prevented from entering waters of the state. Spoils from excavations shall not be stored in waters of the state.
3. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion prior to the start of construction. Such identification must be properly maintained until construction is completed and the soils have been stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of project disturbance are prohibited.
4. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.
5. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow are not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
6. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.
7. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary crossing structure.

8. Unless authorized for restoration, material excavated to prepare a site for placement of the permitted fill material must be properly disposed of in an upland area. The disposal site must be located at a sufficient distance away from flowing or standing water such that the excavated material does not erode or move in any way into any water of the state. The disposal area shall be identified in the project NOI.
9. **Topsoil:** For any excavation, including utility line trenches, the top 6 to 12 inches of topsoil shall be removed and stockpiled separately during construction. Following installation, the topsoil shall be replaced and seeded with native vegetation.
10. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designated, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.
11. **Dust Abatement:** Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, are detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Water Board staff.
12. **Use of Mechanized Equipment:** Activities permitted under this General Order shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting and other mechanical impacts. Equipment shall be operated and maintained in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to water bodies or wetlands. Appropriate project specific BMPs shall be specified by the discharger and shall be provided as part of the project description included in the NOI.
13. **Piers or Piles:** Piers or piles placed in the stream channel to support a linear transportation structure over a creek channel must be aligned parallel with the direction of flow to prevent erosive eddies.

#### **14. Culvert Replacement and Maintenance**

- a. Cured in Place Pipe (CIPP) is prohibited where it could cause detrimental physiological responses to human, plant, animal, or aquatic life, or cause discharges to waters of the state that do not comply with water quality objectives or goals.
- b. Replacement of culverts acting as grade control structures is prohibited. A vertical gap between the outlet of the culvert and the immediate downstream invert of the stream channel indicates that the culvert likely functions as a grade control structure.
- c. Projects proposing to replace culverts must repair any existing scour or head-cutting actively discharging sediment, caused by prior culvert design.
- d. Any replacement or existing culvert left in place by a repair or maintenance project shall be in alignment and at the same grade and orientation with the stream channel upstream and downstream of the culvert to ensure hydrologic connection of the stream channel and reduce plugging, overtopping and scour potential.
- e. Replacement of a culvert with a similarly sized culvert is allowable unless there is visual indication that the existing culvert is undersized. Visual indications of undersized culverts include, but are not limited to: sediment aggradation upstream of the culvert; evidence of flow over the top of the culvert (e.g., erosional rills in dirt road surfaces or erosion of shoulders adjacent to paved road surfaces), erosion of the fill cell between the culvert and the road surface, scour pools at the culvert outlet, or erosion of creek banks immediately downstream of the culvert.
- f. Culverts with solid bottoms (e.g., cylindrical culverts or box culverts) may be replaced with arch culverts or free-span bridges, if the existing culvert is not acting as a grade control structure.
- g. The culvert must not be located in a meander bend of the stream channel.
- h. Replacement culverts must be sized to convey a 100-year flow event with debris, without pressurizing flow passing through the culvert. The 100-year flow event should be modeled under climate change projections, if available.

#### **15. Toxic and Hazardous Materials**

- a. Activities permitted under this General Order shall not discharge toxic substances in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life.
- b. Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to

surface waters, ground waters, or land is prohibited. If concrete washout is necessary at the site, washout containment shall be used to prevent any discharge. Wastewater may only be disposed of by delivery to a sanitary waste-water collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.

- c.** Appropriate BMPs must be implemented throughout project activities to prevent and control potential leaks/spills/drainage of potentially hazardous materials such as: non-petroleum hydraulic fluid; epoxies; paints and other protective coating materials; cement concrete or asphalt concrete; and washings and cuttings thereof.
- d.** Activities permitted under this General Order shall not discharge waste classified as "hazardous" as defined in California Code of Regulations title 22, section 66261 and Water Code section 13173. Appropriate BMPs for hazardous substances shall be included in project plans provided in the NOI. These BMPs shall include, at a minimum:

  - i.** All personnel handling fuels and other hazardous materials shall be properly trained.
  - ii.** Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during project implementation.
  - iii.** All mechanized equipment shall be maintained in good operating order and inspected on a regular basis.
  - iv.** All on site fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.
  - v.** Unless approved by the Water Boards, all equipment shall be fueled, maintained, and/or parked overnight in an upland area at least 100 feet from any delineated waters of the state.
  - vi.** Unless approved by the Water Boards, hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any delineated waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.
  - vii.** Pumps or other stationary equipment operating within 100 feet of a waterbody or wetland shall utilize appropriate secondary containment systems to prevent spills.
  - viii.** Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely treated using appropriate materials and equipment.

- ix. Spill containment supplies shall be on site in all work areas in sufficient quantities to allow immediate remediation of fuel, oil, hydraulic fluid or similar leaks and spills.
- x. A staging area for equipment and vehicle fueling and storage shall be designated at least 100 feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.
- e. Projects that create new or affect existing wetland areas shall be designed to include features or management measures to reduce the production of methylmercury in the wetland, including minimizing the wetting and drying of soils by keeping wetlands flooded and sediment control measures to reduce the transport of total mercury or methylmercury out of the wetland.

## 16. Invasive Species and Soil Borne Pathogens

- a. The discharger is responsible for ensuring that all project personnel follow proper weed control practices, and that appropriate weed prevention measures are included in project plans.
- b. Any straw, hay or other unprocessed plant material used for any purpose must be certified or documented as being weed free.
- c. Soil borne pathogens are any nematodes, or any bacterial, protozoan, viral or fungal pathogens that can cause disease or death to native plants, agricultural crops or ornamental plants (e.g., *Phytophthora ramorum*, the cause of sudden oak syndrome, and *Phytophthora lateralis*, the cause of Port Orford cedar root disease). Any equipment entering or leaving the project area from an area of known soil borne pathogen infestation shall be thoroughly cleaned using methods appropriate for the known pathogen before entering or leaving the project area. The fungus that causes Valley Fever, *Coccidioides spp.*, is not considered a soil borne pathogen in this certification.

## 17. In-Water Work

- a. In-water work must not cause or contribute to an exceedance of water quality objectives in any receiving waters. Work in delineated waters commences at the initiation of the regulated activity and concludes when the activity is finished, and all restoration of the affected work area is complete. The term “in-water work” means activities in any delineated waters of the state that are permitted under this General Order, regardless of the presence or absence of flowing or standing water.
- b. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to waters of the state.

- c.** Except for the following conditions, equipment must not be operated in standing or flowing waters without site-specific approval in a Notice of Applicability (NOA):

  - i.** All construction activities must be effectively isolated from water flows to the greatest extent possible. This may be accomplished by working in the dry season or dewatering the work area in the wet season. When work in standing or flowing water is required, structures for isolating the in-water work area and/or diverting the water flow must not be contaminated by construction activities. All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion. Structures used to isolate the in-water work area and/or diverting the water (e.g., coffer dam, geotextile silt curtain) must not be removed until all disturbed areas are stabilized.
  - ii.** Cofferdams and water barrier construction must be adequate to prevent seepage into or from the work area to the greatest extent feasible.
  - iii.** Flow diversions must be conducted in a manner that prevents pollution and/or siltation and in a manner that restores pre-project flows (except for variation in flows due to seasonality, upstream diversions, etc.) upon completion of the activity. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion. Diversions must be designed, installed, and maintained to reduce erosion. Pre-project flows must be restored to the affected surface water body upon completion of work at that location.
- d.** All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the diversion 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 diversion area. All dewatering methods shall be removed immediately upon completion of activities for which diversions are needed.
- e.** If groundwater dewatering is required for the project, the discharger shall consult with the Water Board to determine if additional permits are required. If additional Water Board permits relating to dewatering are required, the designated Water Board staff contact identified in the project's NOA must be notified and copied on pertinent correspondence pertaining to those other required permits.
- f.** Temporary diversions or impoundments of water, cofferdams, or similar structures used to temporarily dewater work areas may be authorized provided that the project description submitted by the discharger in the NOI includes a draft dewatering plan and complies with the following conditions:

- i. The draft dewatering plan shall describe the dewatering design, methods, and equipment; identify the location of intake and discharge points; specify the anticipated duration of dewatering activities; identify appropriate BMPs to protect water quality during installation, operation, maintenance, and removal of dewatering structures; and demonstrate compliance with Section VI.B.17.
- ii. The discharger shall submit any revisions to the dewatering plan to the Water Board for acceptance at least thirty (30) days<sup>1</sup> prior to any discharge to the affected water body.
- iii. All temporary dewatering activities shall comply with the reporting and monitoring conditions in Sections VI.D.10 and VI.D.12.

**18. Stormwater:** Dischargers that require enrollment in the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002) shall maintain compliance with that Order. Compliance with that Order constitutes compliance with Erosion and Sediment Control Conditions 18.a.i-ii and Stormwater Management Condition 18.b.i-ii, below.

For ground disturbing activities that do not require enrollment in Order No. 2022-0057-DWQ, project plans included with the NOI shall include the appropriate erosion and sediment control and stormwater management conditions described below.

**a. Erosion and Sediment Control**

- i. No later than 24 hours prior to the start of a likely rain event, the discharger shall ensure that disturbed areas that drain to waters of the state are protected with correctly installed erosion control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, straw) or revegetated with propagules (seeds, cuttings, divisions) of locally collected native plants. The likely rain event is defined as any weather pattern that is forecast to have a fifty (50) percent or greater probability of producing precipitation in the project area, as predicted by the National Weather Service. The discharger shall obtain on a daily basis a printed copy of the precipitation forecast information (and keep for record).
- ii. The timing for installation of the post-construction stormwater BMP subdrains, soils, mulch, and plants shall be scheduled to ensure that the installed bioretention areas do not receive runoff from exposed or disturbed areas that have not been landscaped. The constructed post-project stormwater BMPs shall not receive site runoff until all project

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<sup>1</sup> Unless otherwise specified, all references to “days” in this General Order refer to calendar days.

landscaping is planted, and effective erosion control measures implemented to ensure that the stormwater features are protected from sediment accumulation.

**b. Stormwater Management:**

- i. Disturbed areas must be temporarily stabilized to prevent erosion and accidental discharge into waters of the state no later than 24 hours prior to any likely precipitation event. A likely precipitation event is any weather pattern that is forecast to have a fifty (50) percent probability of producing precipitation in the project area, as predicted by the National Weather Service. If commencement of a precipitation event is predicted to begin less than 24 hours after the forecast is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.
- ii. No individual construction activity that could discharge sediment or other pollutants may be initiated if that activity and its associated erosion control measures cannot be completed prior to the onset of precipitation. After any rain event, the discharger shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sedimentation problems and take corrective action as needed. Seventy-two-hour weather forecasts from the National Weather Service shall be consulted prior to start-up of any phase of the project that may result in sediment-laden runoff to the project site, and construction plans made to meet this condition.

**C. Mitigation for Temporary Impacts**

1. The discharger shall restore all areas of temporary impacts to waters of the state and all project site upland areas of temporary disturbance which could result in a discharge of waters of the state as described in an approved restoration plan. The restoration plan shall be submitted with the NOI for written approval by Water Board staff. The restoration plan shall provide the following: a schedule; plans for grading disturbed areas to pre-project contours; a planting palette with plant species native to the project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g., watering, weeding, and replanting).
2. In cases where implementation actions in the restoration plan cannot be reasonably conducted within one year, or where the adverse temporary impacts result in temporary loss of aquatic resource function(s), the discharger may be required to provide compensatory mitigation to offset temporal loss of waters of the state. Examples of additional mitigation include, but are not limited to, enhancement activities such as increasing the presence of native species and reducing dominance of non-native/invasive species, native willow stalking, planting of native riparian vegetation and trash removal.

3. The Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Water Board staff that the performance standards have not been met or are not likely to be met within the monitoring period.

#### **D. Application for Coverage and Termination**

The following sections describe the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment B, including specifications for photo and map documentation. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment B, which must be signed by the Legally Responsible Party or authorized representative. The following notifications and reports are required, as applicable:

1. All document submittals shall comply with the signatory requirements set forth in Attachment C of this General Order.
2. **Enrollment:** The administrative process for authorization by this General Order varies according to NWP, as follows:
  - a. Dischargers shall submit an NOI for certification under NWPs 3(a), 5, 6, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58 at least 45 days before any project activity. The NOI shall describe all proposed direct project impacts and project design steps taken to first avoid, and then minimize, impacts to waters of the state to the maximum extent practicable. The NOI shall also include a delineation report. Impact sites must be identified, mapped and accompanied by photo documentation of each proposed impact site. Photographs shall be taken from a consistent vantage point and at a comparable field of view that will be used for photo documentation submitted with the Request for Notice of Project Completion, to allow for accurate comparison of pre and post project conditions. The NOI must also comply with the requirements and instructions in Attachment A.
  - b. Upon receipt of an NOI, Water Board staff will evaluate the NOI and determine its completeness.
    - i. Within thirty (30) days of NOI receipt, incomplete NOIs will be returned with a description of the information required for the NOI to be determined complete.
    - ii. After receipt of a complete NOI, the Water Board will issue one of the following:
      1. A Notice of Exclusion that describes the reason the project is ineligible for General Order enrollment. Dischargers that receive a Notice of Exclusion may not proceed with their project until a certification or WDR is obtained.

2. An NOA. Dischargers may not proceed with their project until an NOA has been issued by the Water Board.
  3. If the Water Board does not issue a Notice of Exclusion or NOA within forty-five (45) days of receipt of a complete NOI, the Discharger may proceed with the project according to all applicable General Order conditions.
- iii. In order for an application to be determined complete, the following items must be provided in sufficient detail to inform a permitting decision:
1. Information required in the NOI Form (Attachment A), including applicant information, the location of the proposed project and a description of impacts;
  2. Proof of payment of the applicable fee (Section VI.A.3.a);
  3. NOI signed by the Legally Responsible Party;
  4. A delineation report; pre-project photos of the project area and proposed impact sites; maps which clearly identify the project site and proposed impacts (Section VI.D.2.a);
  5. A restoration plan for projects which propose temporary impacts (Section VI.C.1);
  6. Mitigation information to offset proposed permanent impacts, as described in the applicable NWP section (Section IV.F);
  7. Any applicable drawings or design plans, as identified in the applicable NWP section (Section IV.F); and
  8. A dewatering plan for any projects which propose site dewatering (Section VI.B.17.f.i).
- c. Other than the accidental discharge of hazardous materials reporting, dischargers with projects authorized under NWPs 1, 4, 9, 10, and 11 need not submit other notifications or reports to the Water Board. Dischargers shall comply with all other applicable General Order conditions.
3. **Commencement of Construction:** The discharger shall submit a Commencement of Construction Notice at least seven (7) days prior to start of initial disturbance activities.
  4. **Notice of Project Completion:** A request for a Notice of Project Completion shall be submitted to the Water Board within thirty (30) days following completion of all project activities including post-construction monitoring of restoration sites. Upon approval of the request, the Water Board will issue a Notice of Project Complete to

the discharger. Dischargers are responsible for payment of annual fees until the Water Board issues a Notice of Project Completion. Because of the timing of the annual billing cycle, a final invoice may be issued after the Notice of Project Completion, depending on the billing date and the date of notice issuance.

- 5. Annual Reporting:** If required in the NOA, the discharger shall submit an Annual Report each year on the date specified in the NOA. Annual reporting shall continue until a Notice of Project Completion is issued to the discharger. If the project is completed in less than one year, the discharger shall submit at least one annual report.
- 6. Transfer of Property Ownership:** Authorization by this General Order is not transferable in its entirety or in part to any person or organization except in accordance with the following terms:
  - a.** The discharger must notify the Water Board of any change in ownership or interest in ownership of the project area by submitting a Transfer of Property Ownership Report. The discharger and purchaser must sign and date the notification and provide such notification to the Water Board at least fourteen (14) days prior to the transfer of ownership. The purchaser must also submit a written request to the Water Board to be named as the discharger in a revised order.
  - b.** Until such time as this Order has been modified to name the purchaser as the discharger, the discharger named on the NOI shall continue to be responsible for all requirements set forth in this Order.
- 7. Transfer of Long-Term Best Management Practices Maintenance:** If maintenance responsibility for post-construction best management practices is legally transferred, the discharger must submit to the Water Board a copy of such documentation and must provide the transferee with a copy of a Long-Term Best Management Practices Maintenance Plan that complies with manufacturer or designer specifications. The discharger must provide such notification to the Water Board with a Transfer of Long-Term Best Management Practices Maintenance Report at least fourteen (14) days prior to the transfer of best management practices maintenance responsibility.
- 8. Accidental Discharges of Hazardous Materials.**<sup>2</sup> Following an accidental discharge of a reportable quantity of hazardous material, sewage, or an unknown material, the following applies (Wat. Code § 13271):

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<sup>2</sup> “Hazardous material” means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the

- a. As soon as (A) discharger has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
    1. First call – 911 (to notify local response agency)
    2. Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
    3. Lastly, follow the required OES procedures as set forth in: [Summary of Laws and Regulations for Hazardous Material Spill / Release Reporting](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/Summary-Spill-Release-Feb2014.pdf) (https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/Summary-Spill-Release-Feb2014.pdf)
  - b. Following notification to OES, the discharger shall notify the Water Board as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
  - c. Within seven (7) days of notification to the Water Board, the discharger must submit an Accidental Discharge of Hazardous Material Report to the Water Board.
- 9. Violation of Compliance with Water Quality Standards:** The discharger shall notify the Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- a. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
  - b. This notification must be followed within four (4) days by submission of a Violation of Compliance with Water Quality Standards Report.

#### **10. In-Water Work:**

- a. The discharger shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions.

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environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health and Saf. Code § 25501.)

Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- b. Within ten (10) days following completion of in-water work or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to the Water Board.

**11. Modifications to Project:** Project modifications may require an amendment to an enrolled project's NOA. The discharger shall provide advance notice to the Water Board if project changes, as described in the application materials, affect compliance with this General Order or the NOA, including changes that result from subsequent permit conditions imposed by any local, state or federal regulatory authority, by submitting a Modifications to Project Report.

## 12. Water Quality Monitoring

- a. **General:** During construction in waters, visual monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, or uncured concrete).
- b. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, the Water Board may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
- c. **In-Water Work or Diversions:** For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to the Water Board for approval at least thirty (30) days before any discharges to water. Water quality monitoring shall be conducted in accordance with the approved plan.
- d. **Post-Construction:** If the proposed project includes ground disturbance, the discharger shall visually inspect the project site during the rainy season (October 1 – April 30) until a Notice of Project Completion is issued to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the project site. If water quality pollution occurs, the discharger shall contact the Water Board staff member overseeing the project within three (3) days. The Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required for any necessary site remediation.

## E. Nationwide Permit-Specific Impact Size Limits

### 1. NWP 3(a) – Maintenance; and NWP 14 – Linear Transportation Projects:

Total impacts (temporary plus permanent) and permanent impacts to waters of the state are subject to the project size limits and restrictions below. This General Order does not authorize any activities seeking coverage under NWP 3 category (b) (removal of accumulation of sediments and debris), or NWP 3 category (c) (temporary structures, fills, and work necessary to conduct maintenance activity).

#### a. Individual Project Impact Size Limits to Waters of the State:

- i. **Permanent Impact Acreage:** The project shall not result in more than one hundredth (0.01) of an acre of permanent impacts to waters of the state.
- ii. **Total Impact Acreage:** The project shall not result in more than two-tenths (0.2) of an acre of total impacts to waters of the state.
- iii. **Permanent Impact Length:** The project shall not result in more than 100 linear feet of permanent impacts to waters of the state.
- iv. **Total Impact Length:** The project shall not result in more than 300 linear feet of total impacts to waters of the state.

### 2. NWP 12 – Oil or Natural Gas Pipeline Activities; NWP 57 – Electric Utility Line and Telecommunication Activities; and NWP 58 – Utility Line and Activities for Water and Other Substances: Permanent and temporary impacts to waters of the state are subject to the project size limits and restrictions below.

#### a. Individual Project Impact Size Limits to Waters of the State:

- i. **Permanent Impact Acreage:** The project shall not result in more than five thousandths (0.005) of an acre of permanent impacts to waters of the state.
- ii. **Temporary Impact Acreage:** The project shall not result in more than one half (0.5) of an acre of total impacts to waters of the state.
- iii. **Permanent Impact Length:** The project shall not result in more than 50 linear feet of permanent impacts to waters of the state.
- iv. **Temporary Impact Length:** The project shall not result in more than 400 linear feet of total impacts to waters of the state.
- v. **Vehicle Travel Through Dry Wash:** Vehicle travel through dry washes or other ephemeral waters of the state for the purpose of site access may be included in the calculation of total project impacts. However,

related impacts will not be included in the impact limits defined in sections VI.E.2.a.i through iv., above.

3. **NWP 13 – Bank Stabilization:** Permanent and total (temporary plus permanent) impacts to waters of the state are subject to the project size limits and restrictions below.

- a. **Individual Project Impact Size Limits to Waters of the State:**

- i. **Permanent Impact Acreage:** The project shall not result in more than one tenth (0.1) of an acre of permanent impacts to waters of the state.
    - ii. **Total Impact Acreage:** The project shall not result in more than two tenths (0.2) of an acre of total impacts to waters of the state.
    - iii. **Permanent Impact Length:** The project shall not result in more than 200 linear feet of permanent impacts to waters of the state.
    - iv. **Total Impact Length:** The project shall not result in more than 300 linear feet of total impacts to waters of the state.

## F. Nationwide Permit-Specific Compliance

1. **NWP 3(a) – Maintenance:** This General Order authorizes impacts resulting from the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, subject to the size limits in section VI.E. and all other applicable General Order conditions, including:

- a. **NWP 3(a) Prohibitions:**

- i. **Lahontan Water Board:** Any NWP 3(a) activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.
    - ii. **Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.
    - iii. **Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.
    - iv. **Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening, or improvements. Grading of throughcut roads (any road

having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

- v. **Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.
  - vi. **Gabions:** Use of gabions (“rock gabions” and similar wire basket structures) in or along waters of the state is prohibited.
  - vii. **Riprap Installation:** New riprap installed as part of the maintenance of existing structures shall not increase the footprint of the structure in jurisdictional waters by more than fifteen (15) percent or place new fill across the complete width of the active channel in a manner that creates a new grade control structure in the channel.
  - viii. **Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.
  - ix. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.
  - x. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.
- b. **NWP 3(a) Compensatory Mitigation Requirements:** Compensatory mitigation is required to offset permanent impacts to waters of the state, unless the discharger has demonstrated that the project authorized by this General Order was designed to restore or improve the ecological function of the impacted aquatic resource. When compensatory mitigation is required, the discharger shall provide the following:
- i. A draft compensatory mitigation plan at a level of detail sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to the project considering the overall size and scope of impact.
  - ii. Compensatory mitigation at a minimum of a one-to-one mitigation ratio, measured in area or length. The Water Board will require a higher overall mitigation ratio where necessary to ensure replacement of lost aquatic resource functions.

- iii. Subject to Water Board approval, the mitigation may be satisfied using any of the following compensatory mitigation methods: restoration, enhancement, establishment, and/or preservation.<sup>3</sup>
- iv. Compensatory mitigation shall be provided through a mitigation bank or in-lieu fee program, where feasible. If no mitigation bank or in-lieu fee program options are available, mitigation may be provided through on-site or off-site permittee responsible mitigation, subject to Water Board approval.
- v. No discharge of dredged or fill material to waters of the state shall occur prior to Water Board approval of a final mitigation plan.

**2. NWP 12 –Oil or Natural gas Pipeline Activities:** This General Order authorizes the following activity types only when associated with the construction, maintenance, or repair of oil or natural gas pipelines. This General Order authorizes projects for which one or more NWP has been authorized subject to the size limits in section VI.E. and all other applicable General Order conditions, including:

**a. NWP 12 Prohibitions:**

- i. **Lahontan Water Board:** Any NWP 12 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.
- ii. **Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.
- iii. **Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.
- iv. **Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening or improvements. Grading of throughcut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

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<sup>3</sup> Restoration should generally be the first option considered because the likelihood of success is greater and the impacts to potentially ecologically important uplands are reduced compared to establishment, and the potential gains in terms of aquatic resource functions are greater, compared to enhancement and preservation.

- v. **Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.
  - vi. **Gabions:** Use of gabions (“rock gabions” and similar wire basket structures) in or along waters of the state is prohibited.
  - vii. **Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.
  - viii. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.
  - ix. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.
- b. **NWP 12 Directional Drilling:** The following conditions shall apply to all drilling operations under waters of the state.
- i. The discharge of bentonite, drilling muds, lubricants or any drilling compounds into waters of the state is prohibited. A draft HDD or drilling plan shall be submitted for approval by Water Board staff at least thirty (30) days before drilling activities under waters of the state. No HDD or other drilling operations under waters of the state shall commence until the HDD plan is approved by Water Board staff.
  - ii. Release of bentonite, drilling muds, lubricants through fractures in the streambed or bank substrate during drilling is referred to as a “frack-out”. Because of the potential for frack outs to occur, the HDD or drilling plan shall include a frack out response plan. The frack-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations.
  - iii. For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that could be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structure.
  - iv. An environmental monitor shall provide monitoring for compliance with the HDD or drilling plan throughout drilling operations under waters of the state.

- v. Any HDD or other drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frack-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for frack-out.
- vi. All drilling muds or compounds shall be contained and properly disposed of after drilling activities are completed.
- vii. If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from the top of the bank of streams or wetland/riparian boundary, where feasible; if site specific conditions warrant storing spoils less than 25 feet from the top of the bank of streams or wetland/riparian boundary this request must be provide in the HDD or drilling plan submitted to the Water Board prior to any drilling activities with potential impacts to waters of the state. Spoils shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized (e.g., tackifiers, mulch, or detention).

**c. NWP 12 Authorized Permanent Impacts:**

- i. **Facility Replacements:** such as underground lines, foundations, and other activities associated with pipelines or their access roads (e.g., wet crossings, culverts, bridge abutments) and appurtenances (e.g., valves, flanges, fittings, end modules, end terminals) located more than 30 feet from the original location. May also include structure removals.
- ii. **Access Road Crossing Repair, Improvements, and Upgrades:** the replacement or repair of existing culverts and associated outlets/headwalls, bridge abutments, or other road crossings, repairs, or resurfacing in waters of the state. The repair of existing or installation of new minor non-grouted riprap, armoring or other erosion control measures to protect existing access roads or existing structures from scour or erosion.
- iii. **New Access Road Crossings/Structures/Outfalls and Widening of Existing Roads:** includes new structures, outfalls, bridge abutments, road repairs or resurfacing, installation of new culverts or associated outlets, and erosion control/dissipation devices to protect the existing access roads. For example, the installation of concrete or non-grouted riprap on an existing access road to create a low-water (Arizona) crossing. Also includes the minor widening of existing roads.
- iv. **Structure Upgrades:** includes the installation of similar facilities with upgrades (e.g., new caissons), upgrades to larger facilities or facilities of different composition. Also includes the installation of new caissons,

non-grouted riprap, or other armoring to protect existing structures from scour and erosion.

- v. **Underground Linear Activities:** excavation for inspection or repair of underground facilities, installation of new pipes across streams, placement of structures or erosion control to protect under-stream pipes, and installation of new valves or other appurtenances.
- vi. **Other:** includes facility drainage system repair, maintenance, or installation of existing facilities and other bank stabilization efforts.

**d. NWP 12 Specially Designated Temporary Impacts**

- i. **Culvert Relocation:** Relocating culverts within 30 feet of the original location is considered a temporary impact if the new replacement structure does not expand the footprint beyond ten (10) percent of the original footprint, and the original footprint is completely restored.
- ii. **Roadside Ditches:** Impacts to roadside ditches are considered temporary if the roadside ditch has the following characteristics:
  - 1. the feature is artificially constructed (i.e., man-made).
  - 2. the feature is not in or part of a stream channel or other waters of the state, or in a stream channel or other waters of the state that has been relocated in uplands.
  - 3. the feature would not cause or contribute to an impairment of downstream beneficial uses; and
  - 4. the feature is restored following construction such that the pre-construction course, condition and capacity are retained to the maximum extent practicable.

**e. NWP 12 Compensatory Mitigation Requirements:** The discharger shall adhere to the process below for any proposed projects that would result in permanent impacts to waters of the state:

- i. By January 30 of each year, the discharger shall submit to the State Water Board a draft mitigation plan that includes elements as outlined in Dredge or Fill Procedures, § IV.A.1.h; Appendix A: State Supplemental Dredge or Fill Guidelines, Subpart J, § 230.94(c)(5)-(6) and the following:
  - 1. A report of permanent impacts incurred through December 31 of the previous year as detailed in Attachment B; and

2. Proposed mitigation bank or in-lieu fee program credit purchase to offset the previous year's permanent impacts.

The following mitigation ratios apply towards the purchase of establishment or reestablishment credits. If enhancement or preservation credits are proposed, mitigation ratios will be determined on an individual project basis:

- a. In-kind, in watershed = 1:1 mitigation ratio
- b. In-kind, outside of watershed = 2:1 mitigation ratio
- c. Out-of-kind, in watershed = 3:1 mitigation ratio
- d. Out-of-kind, outside of watershed = 4:1 mitigation ratio

These ratios apply only if credits are purchased within eighteen months of permanent impacts, otherwise mitigation ratios may be increased to account for temporal loss.

3. By June 1, the discharger shall submit to the State Water Board proof of credit purchase that offset the previous year's permanent impacts.

3. **NWP 13 – Bank Stabilization:** This General Order authorizes temporary and permanent impacts resulting from NWP 13 Bank Stabilization projects that prioritize a bioengineered approach and incorporate rock riprap only where bioengineered methods are infeasible due to site-specific constraints (e.g., hydraulic forces, infrastructure proximity, or geotechnical instability) and as part of a mixed measure approach. Bank Stabilization projects are subject to the size limits in Section VI.E.3, and all other applicable General Order conditions, including:

- a. **Bioengineered and Mixed Measure Use:**

- i. **Bioengineered Measures:** Vegetative stabilization measures, such as live staking, brush mattresses, vegetated soil lifts, coir logs, or native revegetation.
- ii. **Mixed Measures:** If vegetated bioengineered measures alone are not feasible due to high volume or velocity flow or where severe scour occurs in the channel, or if vegetation cannot adequately take hold, mixed measures in areas with a combination of both bioengineered measures and rock riprap (riprap with live stakes planted between the individual rocks throughout the stabilization area) shall be used.

**b. NWP 13 Prohibitions:**

- i. Any activities not listed under Section VI.F.3.a, above, are prohibited under this General Order. If a project includes work not listed in Section F.3.a., the discharger must obtain an individual permit from the Regional Board.
- ii. **Lahontan Water Board:** Any NWP 13 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.
- iii. **Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.
- iv. **Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening, or improvements. Grading of through-cut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.
- v. **Gabions:** Use of gabions (“rock gabions” and similar wire basket structures) in and along waters of the state is prohibited.
- vi. **Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.
- vii. **Geotextiles:** Gravel filters/blankets are preferred over geotextiles. If geotextiles are used, only 100% biodegradable geotextiles shall be used within waters of the state. Biodegradable geotextiles shall not contain synthetic materials, including photodegradable plastics or nylon.
- viii. **Hydromodification:** The discharger shall provide information analyzing potential upstream and downstream hydromodification impacts. The discussion must address potential effects on channel stability, sediment transport, and the potential to cause, worsen, or fail to reduce channel incision. If the analysis shows that the project will have significant impacts on the hydrology and geomorphology of the stream, the project is ineligible for General Order coverage.

**c. NWP 13 Authorized Permanent Impacts:**

- i. Streambank Stabilization Structures:** Includes the installation, repair, or replacement of permanent bank stabilization features such as riprap toe protection, vegetated soil lifts, coir logs, brush mattresses, and other biotechnical treatments designed to prevent erosion or channel migration.
- ii. Channel Regrading and Keyways:** Permanent regrading of eroded or unstable banks to achieve stable slope geometry (e.g., 2:1 slope), including excavation of keyways for anchoring stabilization materials such as rock toes, coir logs, or live plant installations.
- iii. Native Vegetation Establishment:** Includes permanent revegetation of streambanks with native riparian trees, shrubs, and herbaceous species for the purposes of long-term erosion control, aquatic resource restoration, and water quality protection.

**d. NWP 13 Specially Designated Temporary Impacts**

- i. Temporary Dewatering and Channel Access:**  
Use of cofferdams, diversion channels, or temporary stream crossings for construction access or isolation of work areas.

**e. NWP 13 Mitigation Requirements:** Mitigation is required to offset adverse impacts to waters of the state. When using a fully bioengineered approach, including native plantings, wood habitat structures, rock and other approved materials, mitigation may not be required, upon Water Board approval. When mitigation is required, the discharger shall provide the following:

- i.** A draft mitigation plan at a level of detail sufficient to accurately evaluate whether mitigation offsets the adverse impacts attributed to the project considering the overall size and scope of impact.
- ii.** No discharge of dredged or fill material to waters of the state shall occur prior to Water Board approval of a final mitigation plan.  
The discharger shall implement the approved final mitigation plan.

**4. NWP 14 – Linear Transportation Projects:** This General Order authorizes projects for which one or more NWP has been authorized as long as NWP specific size limits in section VI.E. are not exceeded. This General Order authorizes impacts resulting from the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, subject to the size limits in section VI.E.1 and all other applicable General Order conditions, including:

**a. NWP 14 Prohibitions:**

- i. Lahontan Water Board:** Any NWP 14 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.
- ii. Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.
- iii. Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.
- iv. Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening, or improvements. Grading of throughcut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.
- v. Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.
- vi. Gabions:** Use of gabions (“rock gabions” and similar wire basket structures) in or along waters of the state is prohibited.
- vii. Riprap Installation:** New riprap installed as part of the maintenance of existing structures shall not increase the footprint of the structure in jurisdictional waters by more than fifteen (15) percent or place new fill across the complete width of the active channel in a manner that creates a new grade control structure in the channel.
- viii. Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.
- ix.** Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.
- x.** Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.

- b. NWP 14 Compensatory Mitigation Requirements:** Compensatory mitigation is required to offset permanent impacts to waters of the state, unless the discharger has demonstrated that the project authorized by this General Order was designed to restore or improve the ecological function of the impacted aquatic resource. When compensatory mitigation is required, the discharger shall provide the following:
- i. A draft compensatory mitigation plan at a level of detail sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to a project considering the overall size and scope of impact.
  - ii. Compensatory mitigation at a minimum of a one-to-one mitigation ratio, measured in area or length. A higher overall mitigation ratio shall be used where necessary to ensure replacement of lost aquatic resource functions.
  - iii. Subject to Water Board approval, the mitigation may be satisfied using any of the following compensatory mitigation methods: restoration, enhancement, establishment, and/or preservation.
  - iv. Compensatory mitigation shall be provided through a mitigation bank or in-lieu fee program, where feasible. If no mitigation bank or in-lieu fee program options are available, mitigation may be provided through on-site or off-site permittee-responsible mitigation, subject to Water Board approval.
  - v. No discharge of dredged or fill material to waters of the state shall occur prior to Water Board approval of a final mitigation plan.

**5. NWP 36 – Boat Ramps:**

- a. **Lahontan Water Board:** Any NWP 36 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.
- b. To prevent the release of uncured cement components into water, use of concrete in areas where ramps may be submerged before the concrete is fully cured is prohibited.

- 6. NWP 57 — Electric Utility Line and Telecommunication Activities:** This General Order authorizes the following activity types only when associated with the construction, maintenance, or repair of electrical utility lines. This General Order authorizes projects for which one or more NWP has been authorized subject to the size limits in section VI.E. and all other applicable General Order conditions, including:

**a. NWP 57 Prohibitions:**

- i. Lahontan Water Board:** Any NWP 57 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.
- ii. Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.
- iii. Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.
- iv. Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening or improvements. Grading of throughcut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.
- v. Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.
- vi. Gabions:** Use of gabions (“rock gabions” and similar wire basket structures) in or along waters of the state is prohibited.
- vii. Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.
- viii.** Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.
- ix.** Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.

**b. NWP 57 Directional Drilling:** The following conditions shall apply to all drilling operations under waters of the state.

- i.** The discharge of bentonite, drilling muds, lubricants or any drilling compounds into waters of the state is prohibited. A draft HDD or drilling plan shall be submitted for approval by Water Board staff at least thirty (30) days before drilling activities under waters of the state. No HDD or other drilling operations under waters of the state shall commence until the HDD plan is approved by Water Board staff.

- ii. Release of bentonite, drilling muds, lubricants through fractures in the streambed or bank substrate during drilling is referred to as a “frack-out”. Because of the potential for frack outs to occur, the HDD or drilling plan shall include a frack out response plan. The frack-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations.
- iii. For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that could be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structure.
- iv. An environmental monitor shall provide monitoring for compliance with the HDD or drilling plan throughout drilling operations under waters of the state.
- v. Any HDD or other drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frack-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for frack-out.
- vi. All drilling muds or compounds shall be contained and properly disposed of after drilling activities are completed.
- vii. If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from the top of the bank of streams or wetland/riparian boundary, where feasible; if site specific conditions warrant storing spoils less than 25 feet from the top of the bank of streams or wetland/riparian boundary this request must be provide in the HDD or drilling plan submitted to the Water Board prior to any drilling activities with potential impacts to waters of the state. Spoils shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized (e.g., tackifiers, mulch, or detention).

**c. NWP 57 Authorized Permanent Impacts:**

- i. **Facility Replacements:** such as poles, underground lines, foundations for overhead utility line towers, and other activities associated with utility lines or their access roads (e.g., wet crossings, culverts, bridge abutments) and appurtenances (e.g., guy wires, anchors, grounding wires, valves, flanges, fittings, end

modules, end terminals) located more than 30 feet from the original location. May also include structure removals.

- ii. **Access Road Crossing Repair, Improvements, and Upgrades:** the replacement or repair of existing culverts and associated outlets/headwalls, bridge abutments, or other road crossings repairs or resurfacing in waters of the state. The repair of existing or installation of new minor non-grouted riprap, armoring or other erosion control measures to protect existing access roads or existing structures from scour or erosion.
- iii. **New Access Road Crossings/Structures/Outfalls and Widening of Existing Roads:** includes new structures, outfalls, bridge abutments, road repairs or resurfacing, installation of new culverts or associated outlets, and erosion control/dissipation devices to protect the existing utility access roads. For example, the installation of concrete or non-grouted riprap on an existing utility access road to create a low-water (Arizona) crossing. Also includes the minor widening of existing roads.
- iv. **Utility Structure Upgrades:** includes the installation of similar poles with upgrades (e.g., new caissons), upgrades to larger poles or poles of different composition, conversion of overhead to underground, etc. Also includes the installation of new caissons, non-grouted riprap, or other armoring to protect existing structures from scour and erosion, and new minor line extensions.
- v. **Underground Linear Activities:** excavation for inspection or repair of underground facilities, installation of new pipes/cables across streams, placement of structures or erosion control to protect under-stream pipes/cables, and installation of new valves or other appurtenances.
- vi. **Other:** includes facility drainage system repair, maintenance, or installation of existing facilities such as substations and other bank stabilization efforts.

**d. NWP 57 Specially Designated Temporary Impacts**

- i. **Poles or Culvert Relocation:** Relocating poles or culverts within 30 feet of the original location is considered a temporary impact if the new replacement structure doesn't expand the footprint beyond ten (10) percent of the original footprint, and the original footprint is completely restored.
- ii. **Roadside Ditches:** Impacts to roadside ditches are considered temporary if the roadside ditch has the following characteristics:
  - 1. the feature is artificially constructed (i.e., man-made);

2. the feature is not in or part of a stream channel or other waters of the state, or in a stream channel or other waters of the state that has been relocated in uplands;
  3. the feature would not cause or contribute to an impairment of downstream beneficial uses; and
  4. the feature is restored following construction such that the pre-construction course, condition and capacity are retained to the maximum extent practicable.
- e. NWP 57 Compensatory Mitigation Requirements:** The discharger shall adhere to the process below for any proposed projects that would result in permanent impacts to waters of the state:
- i. By January 30 of each year, the discharger shall submit to the State Water Board a draft mitigation plan that includes elements as outlined in Dredge or Fill Procedures, § IV.A.1.h; Appendix A: State Supplemental Dredge or Fill Guidelines, Subpart J, § 230.94(c)(5)-(6) and the following:
    1. A report of permanent impacts incurred through December 31 of the previous year as detailed in Attachment B; and
    2. Proposed mitigation bank or in-lieu fee program credit purchase to offset the previous year's permanent impacts.

The following mitigation ratios apply towards the purchase of establishment or reestablishment credits. If enhancement or preservation credits are proposed, mitigation ratios will be determined on an individual project basis:

    - a. In-kind, in watershed = 1:1 mitigation ratio
    - b. In-kind, outside of watershed = 2:1 mitigation ratio
    - c. Out-of-kind, in watershed = 3:1 mitigation ratio
    - d. Out-of-kind, outside of watershed = 4:1 mitigation ratio

These ratios apply only if credits are purchased within eighteen months of permanent impacts, otherwise mitigation ratios may be increased to account for temporal loss.
  3. By June 1, the discharger shall submit to the State Water Board proof of credit purchase that offset the previous year's permanent impacts.

**7. NWP 58 – Utility Line Activities for Water and Other Substances:** This General Order authorizes the following activity types only when associated with the construction, maintenance, or repair of utility lines for water and other substances. This General Order authorizes projects for which one or more NWP has been authorized subject to the size limits in section VI.E. and all other applicable General Order conditions, including:

**a. NWP 58 Prohibitions:**

- i. Lahontan Water Board:** Any NWP 58 activity within the Lake Tahoe Hydrologic Unit (HUC; 634.00), the Truckee River HUC (635.00), and the Little Truckee River HUC (636.00) is prohibited.
- ii. Riparian Vegetation:** Repair, rehabilitation, or replacement is only authorized when trimming of riparian vegetation does not result in significant adverse effects to water quality or impair beneficial uses.
- iii. Riparian Tree Removal:** Project designs shall avoid removal of mature riparian trees. Any necessary removal of riparian trees must be documented in the NOI with species, DBH, and functional context (overstory/understory). Any tree removal that results in adverse effects to water quality is prohibited.
- iv. Roads:** Maintenance of access roads under this General Order shall be confined to the previously existing road prism, except for minor, targeted widening or improvements. Grading of throughcut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.
- v. Armoring Facilities:** Placement of in-stream armor above streambed elevation is prohibited, except as otherwise authorized by the Water Boards.
- vi. Gabions:** Use of gabions (“rock gabions” and similar wire basket structures) in or along waters of the state is prohibited.
- vii. Grouted Riprap:** Use of grouted riprap in waters of the state is prohibited.
- viii.** Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof shall require a preliminary survey to confirm that activities will not impact any offshore eelgrass habitat.
- ix.** Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or shores thereof are prohibited in marine eelgrass habitat.

- b. NWP 58 Directional Drilling:** The following conditions shall apply to all drilling operations under waters of the state.
- i.** The discharge of bentonite, drilling muds, lubricants or any drilling compounds into waters of the state is prohibited. A draft HDD or drilling plan shall be submitted for approval by Water Board staff at least thirty (30) days before drilling activities under waters of the state. No HDD or other drilling operations under waters of the state shall commence until the HDD plan is approved by Water Board staff.
  - ii.** Release of bentonite, drilling muds, lubricants through fractures in the streambed or bank substrate during drilling is referred to as a “frack-out”. Because of the potential for frack outs to occur, the HDD or drilling plan shall include a frack out response plan. The frack-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations.
  - iii.** For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that could be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structure.
  - iv.** An environmental monitor shall provide monitoring for compliance with the HDD or drilling plan throughout drilling operations under waters of the state.
  - v.** Any HDD or other drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frack-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for frack-out.
  - vi.** All drilling muds or compounds shall be contained and properly disposed of after drilling activities are completed.
  - vii.** If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from the top of the bank of streams or wetland/riparian boundary, where feasible; if site specific conditions warrant storing spoils less than 25 feet from the top of the bank of streams or wetland/riparian boundary this request must be provide in the HDD or drilling plan submitted to the Water Board prior to any drilling activities with potential impacts to waters of the state. Spoils shall be

stored behind a sediment barrier and covered with plastic or otherwise stabilized (i.e., tackifiers, mulch, or detention).

**c. NWP 58 Authorized Permanent Impacts:**

- i. Facility Replacements:** underground lines, foundations, and other activities associated with pipelines or their access roads (e.g., wet crossings, culverts, bridge abutments) and appurtenances (e.g., valves, flanges, fittings, end modules, end terminals) located more than 30 feet from the original location. May also include structure removals.
- ii. Access Road Crossing Repair, Improvements, and Upgrades:** the replacement or repair of existing culverts and associated outlets/headwalls, bridge abutments, or other road crossings repairs or resurfacing in waters of the state. The repair of existing or installation of new minor non-grouted rip rap, armoring or other erosion control measures to protect existing access roads or existing structures from scour or erosion.
- iii. New Access Road Crossings/Structures/Outfalls and Widening of Existing Roads:** includes new structures, outfalls, bridge abutments, road repairs or resurfacing, installation of new culverts or associated outlets, and erosion control/dissipation devices to protect the existing access roads. For example, the installation of concrete or non-grouted riprap on an existing access road to create a low-water (Arizona) crossing. Also includes the minor widening of existing roads.
- iv. Structure Upgrades:** includes the installation of similar facilities with upgrades (e.g., new caissons), upgrades to larger facilities or facilities of different composition. Also includes the installation of new caissons, non-grouted riprap, or other armoring to protect existing structures from scour and erosion.
- v. Underground Linear Activities:** excavation for inspection or repair of underground facilities, installation of new pipes across streams, placement of structures or erosion control to protect under-stream pipes, and installation of new valves or other appurtenances.
- vi. Other:** includes facility drainage system repair, maintenance, or installation of existing facilities and other bank stabilization efforts.

**d. NWP 58 Specially Designated Temporary Impacts**

- i. Culvert Relocation:** Relocating culverts within 30 feet of the original location is considered a temporary impact if the new replacement structure doesn't expand the footprint beyond ten (10) percent of the original footprint, and the original footprint is completely restored.

- ii. Roadside Ditches:** Impacts to roadside ditches are considered temporary if the roadside ditch has the following characteristics:
1. the feature is artificially constructed (e.g., man-made).
  2. the feature is not in or part of a stream channel or other waters of the state, or in a stream channel or other waters of the state that has been relocated in uplands.
  3. the feature would not cause or contribute to an impairment of downstream beneficial uses; and
  4. the feature is restored following construction such that the pre-construction course, condition and capacity are retained to the maximum extent practicable.
- e. NWP 58 Compensatory Mitigation Requirements:** The discharger shall adhere to the process below for any proposed projects that would result in permanent impacts to waters of the state:
- i. By January 30 of each year, the discharger shall submit to the State Water Board a draft mitigation plan that includes elements as outlined in Dredge or Fill Procedures, § IV.A.1.h; Appendix A: State Supplemental Dredge or Fill Guidelines, Subpart J, § 230.94(c)(5)-(6) and the following:
1. A report of permanent impacts incurred through December 31 of the previous year as detailed in Attachment B; and
  2. Proposed mitigation bank or in-lieu fee program credit purchase to offset the previous year's permanent impacts.

The following mitigation ratios apply towards the purchase of establishment or reestablishment credits. If enhancement or preservation credits are proposed, mitigation ratios will be determined on an individual project basis:

- a. In-kind, in watershed = 1:1 mitigation ratio
- b. In-kind, outside of watershed = 2:1 mitigation ratio
- c. Out-of-kind, in watershed = 3:1 mitigation ratio
- d. Out-of-kind, outside of watershed = 4:1 mitigation ratio

These ratios apply only if credits are purchased within eighteen months of permanent impacts, otherwise mitigation ratios may be increased to account for temporal loss.

3. By June 1, the discharger shall submit to the State Water Board proof of credit purchase that offset the previous year's permanent impacts.

## **VII. California Environmental Quality Act (CEQA)**

The State Water Board has determined that the projects authorized by this General Order are exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15601. Specifically, the issuance of this General Order and the activities described herein meet the exemption criteria under the California Code of regulations, title 14, section(s) listed in the table provided in Attachment D List of Certified Nationwide Permits. Additionally, the State Water Board concludes that no exceptions to the CEQA exemptions apply to the issuance of this General Order.

The State Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) days from the issuance of this Order (Cal. Code Regs., tit. 14, § 15062).

## **VIII. Public Notice**

In accordance with Water Code section 13167.5 and California Code of Regulations, title 23, chapter 28, article 6, section 3861, the State Water Board provided public notice of this General Order from October 17, 2025, to December 2, 2025.

The State Water Board received one comment letter from the California Department of Transportation. The commenter expressed support for expanding the General Order from certification of Corps' projects to WDRs for activities exclusively within waters of the state. Additional comments addressed coverage of non-CEQA-exempt projects, increased impact size limits, greater flexibility in compensatory mitigation options, and revisions to restoration plan requirements.

The WDR approach was included in the draft and remains in the final General Order. As a response to comments, clarifications were also made to the list of items required for a complete application to improve consistency and transparency in submittal requirements.

The draft's proposed expansion to include non-CEQA-exempt projects was modified to cover only CEQA-exempt projects.

## **IX. General Order Expiration**

Except for reporting obligations and enforcement purposes, authorization under this General Order shall extend until the NWP's expire. Projects authorized under a previous certification of the Corps' Nationwide Permits (Order No. 2020-0039-EXEC and Order No. WQ 2021-0048-DWQ) that have commenced or are under contract to commence within one year of the effective date of this General Order may proceed with project activities. If a project has not commenced or is not under contract to commence by one

year after the effective date of this General Order, an application for a new water quality certification or waste discharge requirements, including any applicable fees, is required.

#### **X. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State Water Board to reconsider this General Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within thirty (30) calendar days of the issuance of this General Order.

#### **XI. Denied Nationwide Permits**

Clean Water Act section 401 water quality certification for the following NWP's are denied, unless they qualify for coverage under another applicable general certification: 2, 3(b), 3(c), 7, 8, 15, 16, 17, 18, 19, 21, 23, 24, 25, 27, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 55, 59, and NWP A.

The State Water Board does not have reasonable assurance that the denied NWP's will comply with the applicable provisions of sections 301, 302, 303, 306 and 307 of the Clean Water Act and appropriate requirements of state law. (See 33 USC § 1341.)

Clean Water Act section 401 certification action on projects authorized by these denied NWP's will be considered on an individual, project-specific basis, or if eligible, may enroll under another applicable general certification.

#### **XII. Conclusion**

I hereby issue the General Order for the State Water Board Certified Corps' Nationwide Permits (file number SB25036GN) certifying that as long as all of the conditions listed in this General Order are met, any discharges authorized by NWP's 1, 3(a), 4, 5, 6, 9, 10, 11, 12, 13, 14, 20, 22, 28, 32, 36, 54, 57, and 58 will comply with the applicable provisions of Clean Water Act 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). The State Water Board will file a Notice of Exemption (NOE) at the SCH within five (5) business days of issuance of this General Order.

In addition to a section 401 certification, this General Order serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Authorization under this General Order is contingent on: (a) compliance with the conditions of this General Order and the attachments to this General Order; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies and the Regional Water Boards' Water Quality Control Plans.

**Phillip Crader**  Digitally signed by Phillip Crader  
Date: 2025.12.15 16:37:46 -08'00'

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Date

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Phil Crader, Deputy Director  
Division of Water Quality

## Attachment A – Notice of Intent Instructions

### How to Apply

Applicants seeking General Order authorization for Nationwide Permits (NWP) are required to submit a Notice of Intent (NOI) to the appropriate Water Board. A [map showing regional water board jurisdictional boundaries](#) is available on the State Water Board's website (<http://www.waterboards.ca.gov/waterboardsmap.shtml>). Addresses and contact information can be found in the online [Staff Directory](#) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/wqc\\_staffdir.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf)).

### Regional Water Board NOI Submission

Submit the NOI and application fee to the Regional Water Board with jurisdiction where the proposed project impacts would occur. For projects that cross regional board boundaries or seek authorization under NWP 12, 57 or 58, submit the NOI to the State Water Board as directed below.

### State Water Board NOI Submission

For projects that cross regional board boundaries or seek authorization under NWP 12, 57 or 58, submit the NOI to the State Water Board with the application fee. The appropriate Regional Board(s) should also be provided a copy of any NOI submitted to the State Water Board. Submit State Water Board NOIs by email (preferred) to [SWBNWP@waterboards.ca.gov](mailto:SWBNWP@waterboards.ca.gov), or mail to:

State Water Resources Control Board, Division of Water Quality  
1001 I Street; 15th Floor  
Sacramento, CA 95814

### Notice of Intent Review Process

**To avoid project delays, submit an NOI as early as possible.** Within 30 days<sup>1</sup> of NOI receipt, Water Board staff will determine if the NOI is complete.

- Incomplete NOIs will be returned to the applicant with a request to provide information needed to determine the NOI complete.
- If the NOI is determined complete, within 45 days of NOI receipt, the Water Board will either issue a Notice of Applicability (NOA) or a Notice of Exclusion (NOE).
  - If the Water Board does not issue an NOA or NOE within 45 days of receiving a complete NOI, the discharger may proceed with the project according to all applicable General Order conditions.

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<sup>1</sup> Unless otherwise specified, all references to "days" in this Attachment refer to calendar days.

- An NOA authorizes the proposed activity for enrollment under the General Order. An NOE denies authorization and enrollment of the proposed activity under the General Order.

## Definitions

*Consider the following definitions while completing your NOI.*

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

**Temporary aquatic resource 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 condition, it is classified as permanent.

### Form Instructions

#### **Section 1: Nationwide Permit Number**

Identify the NWP number(s) that applies to the project. If more than one NWP applies to the project, the individual size limits for each NWP still apply.

If all impacts are state waters that are not also waters of the United States, please check the box to indicate that impacts are to waters outside of federal jurisdiction. Staff will evaluate these projects for waste discharge requirement issuance.

#### **Section 2: Legally Responsible Party and Duly Authorized Representative Information**

**Legally Responsible Party, Contact Name, and Title:** Provide the full, legal company name of the responsible party (applicant). Most commonly, the applicant is the property and/or facility owner. If the applicant is an individual and not a company, indicate that a company name is not applicable. If the applicant is an agency, company, corporation or other organization, a contact name (first, middle initial, last) of the main representative of the company and their title must be provided. The applicant will be the entity or individual responsible for compliance with state and federal regulations, including the Clean Water Act, California Water Code, applicable Water Quality Control Plans, and General Order Conditions.

**Legally Responsible Party Contact Information:** Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state, and zip code must be provided. **Note that the company's mailing address will also be used for billing purposes.**

**Duly Authorized Representative Name and Title:** The Duly Authorized Representative (agent) is authorized to certify and submit applications or reports to the Water Boards on behalf of the Legally Responsible Party. Telephone number, email address, and the agent's mailing address (not the project address) including the street, city, state, and zip code must be provided. It is not a requirement to have an agent. If you choose to be represented by an agent, provide the agent's information in this section. If you choose to not 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://waterboards.ca.gov/resources/fees/stakeholder/docs/2025/wqcfeeschedule.pdf) (<https://waterboards.ca.gov/resources/fees/stakeholder/docs/2025/wqcfeeschedule.pdf>).

- A [fee calculator](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees) is available online and may be used to **estimate** fees ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#fees](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees)).
- Include only the application fee with your NOI. Water Board staff will determine whether any additional project fees are required during NOI review.
- Fees may be paid online or by check, money order, or cashier check. Guidance on how to make an online payment is available at the State Water Board's [Website](https://www.waterboards.ca.gov/make_a_payment/) ([https://www.waterboards.ca.gov/make\\_a\\_payment/](https://www.waterboards.ca.gov/make_a_payment/)). If fees are paid online prior to application submission, attach payment receipt to the NOI. Although fees should be included with the NOI and submitted to the appropriate Water Board, **make all checks, money orders, and cashier checks payable to the "State Water Board."**
- The fee schedule is adopted annually and are subject to change.

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

Provide the following information for each 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.
- **Permit Type:** Provide the name of the permit.
- **ID Number:** Provide the permit's identification number or unique identifier.

### Section 5: California Environmental Quality Act

If the project meets a CEQA exemption, provide the proposed exemption number. Note that if the project is not CEQA exempt, it does not qualify for enrollment under the General Order.

### Section 6: Project Information

**Project Name:** Provide the project name. The project name will be used in all correspondence referencing the project. Be sure the project name is consistent with other agency permits and

applications for the same project, and is consistent on all maps, drawings, and reports. The project name should be clearly 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 proposed project does not have 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 for the center point of your project in decimal degrees (approximate location is acceptable). For long linear projects, enter the starting and ending coordinates. Assistance in determining a project's coordinates is widely available through various free online services and applications.

**Construction Timeline:** Provide the estimated start and end dates for the entire proposed project, and the in-water work.

**Project Description/Purpose:** Provide a detailed, technically accurate narrative description of the proposed project purpose, project design, all activities planned to complete the design. Include total impacts, area of ground disturbance and area of impact to all aquatic resources on the site (i.e., any and all streams, wetlands, lakes, ponds, beaches, shorelines, etc.). If temporary diversions or impoundments of water, cofferdams, or similar structures are proposed, include a dewatering plan as required in General Order section VI.B.17. If trimming of riparian vegetation is proposed, describe the species impacted and explain why trimming is necessary to complete the project. If relying on the Specially Designated Temporary Impacts condition for NWP 12, 57 and 58 (General Order sections VI.F.2.d, VI.F.6.d, and VI.F.7.d.) to quantify impacts as temporary, provide a brief explanation that the replacement footprint is within 10% of the replaced infrastructure and within 30 feet of existing fill. For NWP 13 Bank Stabilization projects, provide information analyzing potential upstream and downstream hydromodification impacts (General Order Section VI.F.3.b.viii).

## **Section 7: Avoidance, Minimization, and Cumulative Impacts**

**Avoidance and Minimization:** Describe steps taken to avoid impacts to waters and measures incorporated into the project design to minimize loss of, or significant adverse impacts to, beneficial uses of waters of the state, including on-site restoration of the project area. A description may include actions or methods proposed for erosion control, including winterization strategies to stabilize bare soils and revegetation proposals. A map may be included to indicate the approximate location and area of soil, land and vegetation disturbance, and proposed erosion and sediment control best management practices (BMPs) proposed to avoid and minimize project impacts to waters of the state, including BMPs for hazardous substances. Refer to the Procedures' state Supplemental Dredge or Fill Guidelines, subpart H, for actions to minimize adverse impacts to waters of the state. If the effects of impervious surfaces will be minimized through implementation of Low Impact Development treatments, describe those minimization treatments.

**Cumulative Impacts:** Include a discussion of any potential cumulative impacts. Provide a brief description, including estimated adverse impacts of any projects implemented by the project applicant within the last five years or planned for implementation by the applicant within the next five years that are in any way related to the proposed activity or that may impact the same receiving water body(ies) as the proposed activity. For this item, the waterbody extends to a named source or stream segment identified in the relevant Regional Water Quality Control Plan (Basin Plan). Water Board Basin Plans are found on the applicable Regional Board Basin Plan webpage, and also located on the [State Water Board's Plans and Policies website](https://www.waterboards.ca.gov/plans_policies/) ([https://www.waterboards.ca.gov/plans\\_policies/](https://www.waterboards.ca.gov/plans_policies/)).

## Section 8: Temporary Impacts, Permanent Impacts, and Compensatory Mitigation

**Riparian Tree Removal:** Indicate yes if your project results in the removal of trees in the riparian area; indicate no if it will not. If yes, populate Table 1 with the requested information, or attach a similar table if additional rows are needed.

- Species name
- Common name
- Diameter at breast height (DBH)
- Indicate if the tree(s) are part of the riparian overstory or understory

**Temporary Impacts:** Indicate yes if your project will result in temporary impacts to waters of the state. Provide the total temporarily impacted area in acres, to the nearest thousandth of an acre. Provide the total temporarily impacted length to the nearest whole foot. These quantities must match the sum of the temporary impact quantities provided in Table 3. If you are proposing temporary impacts attach a restoration plan, that contains all General Order requirements (a schedule; plans for grading of disturbed areas to pre-project contours; a planting palette with plan species native to the project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g., watering, weeding, and replanting). A restoration plan must be provided before your NOI may be determined complete.

**Permanent Impacts:** Indicate yes if your project would result in permanent impacts; indicate no if it would not. Provide the total permanently impacted area in acres, to the nearest thousandth of an acre. Provide the total permanently impacted length to the nearest whole foot.

**Table 2: Receiving Waters Information:** Populate Table 2 with the requested information as described below.

- **Impact Site ID:** Identify the impact site with a site ID. Site IDs should correspond to those used in project maps and other agency application materials.
- **Waterbody Name:** List the waterbody name found in the applicable Basin Plan. If the impact site ID occurs in an unnamed waterbody enter "unnamed" and provide the first named downstream receiving water. Contact Water Board staff for Basin Plan maps or general assistance completing this section, if needed. Regional Board Basin Plans are also located on

the [State Water Board's Plans and Policies website](https://www.waterboards.ca.gov/plans_policies/) ([https://www.waterboards.ca.gov/plans\\_policies/](https://www.waterboards.ca.gov/plans_policies/)).

- **Impacted Aquatic Resource Type:** For each impact site ID, identify the impacted aquatic resource type from the following list: lake, ocean, bay, estuary, riparian zone, stream channel, vernal pool, or wetland. (More refined or precise resource classifications may be used in project plans and related documents.)
- **Water Board Hydrologic Units:** Identify the Water Board Basin Plan hydrologic unit code (HUC). Note that the Basin Plan HUC is not the same as a U.S. Geological Survey HUC. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **Receiving Waters:** List the first downstream waterbody with beneficial use designation in the Water Board Basin Plan. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **Receiving Waters Beneficial Uses:** List the beneficial use designation. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **303d Listing Pollutant:** List pollutants for receiving waters that have a 303(d) impairment designation; if the water is not listed, indicate NA. If unknown, indicate UNK and this information will be completed by Water Board staff.
- **eCRAM ID:** If a California Rapid Assessment Method (CRAM) assessment has been performed at this location, provide the CRAM assessment area ID and attach the CRAM score sheet to the NOI.

**Table 3 - Individual Direct Impact Information:** Populate Table 3 with the requested information as described below. This table may be used for dredge or fill/excavation activities.

- **Impact Site ID:** Identify the impact site with a site ID; site IDs should correspond with those used in Table 2.
- **Latitude:** Provide the center coordinate of the impact site in decimal degrees.
- **Longitude:** Provide the center coordinate of the impact site in decimal degrees.
- **Permanent or Temporary:** Indicate if the impact at the impact site ID is permanent or temporary.
- **Acres, Cubic Yards, and Linear Feet:** Provide the area in acres, volume in cubic yards dredged (if applicable), and length in linear feet for each impact site. For acres, round to the nearest thousandth of an acre.
- **Dredge or Fill/Excavation?** For each impact site, identify if the impact is from dredging or from fill/excavation activities.

## Section 9: Documentation

Use the checklist to confirm the necessary documentation is attached to your NOI. If you determine one of the listed items does not pertain to your project, leave the checkbox empty:

- **Fee Check or Online Payment Receipt**
- **Riparian Trees Proposed for Removal**

- **Other Agency Correspondence, Permits, and Permit Applications:** Attach other agency permits, applications, or correspondence as required in Section 4. If the Corps requires submittal of a Pre-Construction Notification (PCN), include a copy with the NOI.
- **Aquatic Resource Delineation Report:** Include if available.
- **Drawings, or Design Plans:** 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 delineated waters on the site. 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 or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation and design plans. Maps prepared according to the description below may satisfy some or all of this information.
- **Temporary Impact Restoration Plan**
- **Map(s):** Submit maps of sufficient detail to clearly illustrate all project elements, site characteristics, and impacts, with a scale of at least 1:24000 (1" = 200'). 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.
  - **KML or KMZfiles:** 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.
  - Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps or Digital Orthophoto Quarter Quads (DOQQ):** Original or legible copies are acceptable. Maps must show boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used, include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Pre-Project Photographs:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.
- **Proposed Dewatering Plan:** If not included in project description.

- **Additional Pages and/or Supplemental Information:** For example, if the requested information does not fit in the space provided on the form, or if you would like to provide supplemental information not requested in the NOI.

### **Section 10: Legally Responsible Party and Duly Authorized Representative Signature**

The Legally Responsible Party (LRP) must comply with the eligibility requirements described below (and set forth in Attachment D). The LRP shall sign and submit the NOI to the appropriate Water Board. Water Board mailing addresses are located in the [Staff Directory](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/wqc\\_staffdir.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf)).

The attestation on the NOI form must be signed by the LRP. LRP 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.
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).



# Certification of the Corps' Nationwide Permits: Notice of Intent

## NOTICE OF INTENT (NOI) FORM

Section 1: Nationwide Permit Number<sup>1</sup>

Select the applicable Nationwide Permit(s) (NWP):

- NWP 3(a) Maintenance
- NWP 5 Scientific Measurement Devices
- NWP 6 Survey Activities
- NWP 12 Oil or Natural Gas Pipeline Activities
- NWP 13 Bank Stabilization
- NWP 14 Linear Transportation Projects
- NWP 20 Response Operations for Oil and Hazardous Substances
- NWP 22 Removal of Vessels
- NWP 28 Modification of Existing Marinas
- NWP 32 Completed Enforcement Actions
- NWP 36 Boat Ramps
- NWP 54 Living Shorelines
- NWP 57 Electrical Utility Line and Telecommunications Activities
- NWP 58 Utility Line Activities for Water and Other Substances

Are all project impacts to waters of the state outside of federal jurisdiction?

## Section 2: Legally Responsible Party (Applicant) and Duly Authorized Representative Information

Information	Legally Responsible Party	Duly Authorized Representative (optional)
Company/Agency Name		
Name of Contact		
Title		
Address		
City, State, Zip		
Phone Number(s)		
Email Address		

## Section 3: Fees

Pay the application fee online or include a check, money order or cashier check, payable to the State Water Board, with your NOI.

Information on how to pay fees is available on the State Water Board's program [website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#fees](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees)).

<sup>1</sup> Refer to Attachment A of the General Order for instructions on how to fill out this Notice of Intent.

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

Attach application if final action not yet taken.

Permit	Have you applied? (yes/no)	If yes, have you received the permit? (yes/no)	Permit Type	ID Number (e.g. Corps file number)
Army Corps NWP Pre-Construction Notification (PCN)				
Is this activity covered under an Army Corps non-notifying NWP? (yes/no)		N/A		N/A
US Fish and Wildlife Service Incidental Take Permit				
National Marine Fisheries Service Incidental Take Permit				
Other Federal Permits				
California Department of Fish and Wildlife Lake and Streambed Alteration Agreement (LSAA)				
Coastal Development Permit				
Other State Permits				
Local Permit(s)				
State Water Board Construction Stormwater General Permit Enrollment				

**Section 5: California Environmental Quality Act Compliance**

Does the project meet a statutory of categorical CEQA exemption?	
If Yes, enter the proposed exemption number: If No, the project does not qualify for coverage under the General Order.	

**Section 6: Project Information**

Project Name:
Project Address (Include city, zip code, county, and Assessor's Parcel Number):
Coordinates (decimal degrees):
Construction Timeframe (Provide approximate start and end dates): Entire Project  In-water work

Project Description/Purpose:

Section 7: Avoidance, Minimization, and Cumulative Impacts

Avoidance and Minimization:

Cumulative Impacts:

Section 8: Temporary Impacts, Permanent Impacts, and Compensatory Mitigation

**Riparian Tree Removal:** Would your project result in the removal of trees in the riparian area  
If yes, use the table below for each adult tree proposed for removal (or attach a similar table if  
additional rows are needed).

?

Table 1: Riparian Tree Removal

Species	Common Name	Diameter Breast Height	Indicate whether the tree is part of the Overstory or Understory

**Please ensure that the project meets the impact size limits described in Section VI.E. of the General Order.**

**Temporary Impacts:** Would your project result in temporary impacts to aquatic resources ?  
If yes, attach the restoration plan.

**Total Temporary Impacts:** \_\_\_\_\_ acres; \_\_\_\_\_ linear feet

**Permanent Impacts:** Would your project result in permanent impacts to aquatic resources?  
If yes, attach a plan to offset these new impacts.

**Total Permanent Impacts:** \_\_\_\_\_ acres; \_\_\_\_\_ linear feet

Table 2: Receiving Waters Information<sup>2</sup>

Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303(d) Listing Pollutant	eCRAM ID

Table 3: Individual Direct Impact Information

Impact Site ID	Latitude	Longitude	Permanent or Temporary Impact?	Acres	Cubic Yards	Linear Feet	Dredge or Fill/Excavation?

<sup>2</sup> Attach additional tables or add rows to the tables as needed. For receiving waters information (e.g., beneficial uses, watershed identification, etc.) refer to the Regional Water Basin Plans on the applicable Regional Water Board website or the [State Water Board’s Plans and Policies website](https://www.waterboards.ca.gov/plans_policies/) (https://www.waterboards.ca.gov/plans\_policies/).

**Section 9: Documentation**

Check any of the following documents that are applicable to your project and attach copies to your NOI.

- Fee Check or Online Payment Receipt
- Riparian Trees Proposed for Removal
- Other Agency Correspondence, Permits and Permit Applications
- Aquatic Resource Delineation Report
- Drawings, or Design Plans
- Temporary Impact Restoration Plan
- Map(s)
- Pre-Project Photographs
- Proposed Dewatering Plan
- CEQA Documentation
- Additional Pages and/or Supplemental Information

**Section 10: Legally Responsible Party and Duly Authorized Representative Signature**

See NOI Instructions for Legally Responsible Party eligibility.

***Legally Responsible Party Attestation***

I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in accordance with a process designed to assure that qualified personnel properly gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Legally Responsible Person Name (Not the Duly Authorized Representative)

X

\_\_\_\_\_  
Legally Responsible Person's Signature

Duly Authorized Representative assignment is as follows (optional):

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

*Optional Duly Authorized Representative Assignment*

I hereby authorize [Print Duly Authorized Representative's Name] to act on my behalf as the Duly Authorized Representative in the processing of this NOI, and to furnish upon request, supplemental information in support of this NOI.

Print Legally Responsible Person Name (not the Duly Authorized Representative)

X

\_\_\_\_\_  
Legally Responsible Person's Signature

For Internal Water Board Use Only

Reviewer:

Date Received:

Reg Measure ID:

WDID:

Check Number:

## Attachment B – Report and Notification Requirements

### Report Submittal Instructions:

1. Check the box on the Report and Notification Cover Sheet (page 9 and 10 of Attachment B) next to the report or notification you are submitting. See the General Order and Notice of Applicability (NOA) for report and notification requirements specific to your project.
2. Complete and sign the Report and Notification Cover Sheet and attach all information requested for the Report or Notification Type.
3. Submit the signed Report and Notification Cover Sheet and required information via email to the Water Board staff assigned to your project.
4. Include in the subject line of the email:  
ATTN: [Staff Name] and [Reg Measure ID] Report

### Map/Photo Instructions:

**Map Format Information:** Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of impacted aquatic resources. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
- **Google KML/KMZ files** saved from Google Maps: My Maps or Google Earth Pro. 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 attributed with the extent/type of each impacted aquatic resource.
- **Other electronic format** (CAD or illustration format) 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 impacted.
- Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted.

**Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

## Part A – Annual Reports

### Report Type 1 – Annual Report

1. **Report Purpose** - Notify the Water Board staff of project status throughout the duration of the project.
2. **When to Submit** – If required in the NOA, the discharger shall submit an annual report each year by the date specified in the NOA until a Notice of Project Completion is issued to the discharger.
3. **Report Contents** - The annual report shall include all the topics below:
  - **Topic 1: Construction Summary**
  - **Topic 2: Mitigation for Temporary Impacts Status**
  - **Topic 3: Compensatory Mitigation for Permanent Impacts Status**
    - a. **Annual Report Topic 1 - Construction Summary** - Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.
      - i. Map showing project progress.
      - ii. Summary of Conditional Notification and Report Types 6 and 7 (Part C below), if applicable.
    - b. **Annual Report Topic 2 - Mitigation for Temporary Impacts Status**
      - i. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.
      - ii. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
    - c. **Annual Report Topic 3 - Compensatory Mitigation for Permanent Impacts Status - \*If not applicable report “N/A.”**
      - i. Include the following as required by the approved Compensatory Mitigation Plan:

**Permittee Responsible:**

        - a. If mitigation has not been installed, the planned installation date(s).
        - b. If installation is in progress, a map of what has been completed to date.
        - c. If installation is complete, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.

**Mitigation Bank or In-Lieu Fee (ILF):**

- a. Status or proof of purchase of credit types and quantities.
- b. The name of bank/ILF program and contact information.
- c. If ILF, project location and type, if known.

**Part B – Project Status Notifications****Report Type 2 - Commencement of Construction**

1. **Report Purpose** - Notify Water Board staff prior to the start of construction.
2. **When to Submit** - Must be received at least seven (7) days<sup>1</sup> prior to start of initial ground disturbance activities.
3. **Report Contents** -
  - a. Date of commencement of construction.
  - b. Anticipated date when discharges to waters of the state will occur.
  - c. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.
  - d. Construction Storm Water General Permit WDID No., if applicable.

**Report Type 3 – Notice of Project Completion**

1. **Report Purpose** - Notify Water Board staff that construction and/or any post-construction monitoring is complete, and no further project activity is planned. Water Board staff will review the request and send a Project Complete Letter to the discharger upon approval. Termination of annual invoicing of fees will correspond with the date of the Project Completion Letter.
2. **When to Submit** - Must be received by Water Board staff within thirty (30) days following completion of all project activities.
3. **Report Contents** -
  - a. **Part A: Stormwater Compliance**
    - i. Status of post-construction stormwater BMP installation, pursuant to the General Order.
  - b. **Part B: Mitigation for Temporary Impacts**
    - i. A report establishing that the performance standards outlined in the restoration plan have been met for project site upland areas of temporary disturbance which could result in a discharge to waters of the state.
    - ii. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to

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<sup>1</sup> Unless otherwise specified, all references to “days” in this Attachment refer to calendar days.

waters of the state. Pre- and post-photo documentation of all restoration sites.

**c. Part C: Permittee Responsible Compensatory Mitigation**

- i. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.
- ii. Status on the implementation of the long-term maintenance and management plan and funding of endowment.
- iii. Pre- and post-photo documentation of all compensatory mitigation sites.
- iv. Final maps of all compensatory mitigation areas (including buffers).

## **Part C – Conditional Notifications and Reports**

### **Report Type 4 - Accidental Discharge of Hazardous Material Report**

- 1. Report Purpose** - Notifies Water Board staff that an accidental discharge of hazardous material has occurred.
- 2. When to Submit** - Within seven (7) days following the date of an accidental discharge. Continue reporting as required by Water Board staff.
- 3. Report Contents** -
  - a. The report shall include the Office of Emergency Services (OES) Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.
  - b. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, and locations of sampling sites.
  - c. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

### **Report Type 5 - Violation of Compliance with Water Quality Standards Report**

- 1. Report Purpose** - Notifies Water Board staff that a violation of compliance with water quality standards has occurred.
- 2. When to Submit** - The discharger shall report any event that causes a violation of water quality standards within four (4) days of the noncompliance event notification to Water Board staff.
- 3. Report Contents** - The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Water Board staff.

**Report Type 6 - In-Water Work and Diversions Water Quality Monitoring Report**

1. **Report Purpose** - Notifies Water Board staff of the completion of in-water work.
2. **When to Submit** - Within ten (10) days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
3. **Report Contents** - As required by the approved water quality monitoring plan.

**Report Type 7 - Modifications to Project Report**

1. **Report Purpose** - Notifies Water Board staff if project changes, as described in the application materials, affect compliance with the General Order or the NOA, including changes that result from subsequent permit conditions imposed by any local, state or federal regulatory authority.
2. **When to Submit** – In advance of implementing changes.
3. **Report Contents** - A description and location of any alterations to project implementation. Identification of any project modifications that will interfere with the discharger's compliance with the General Order or NOA.

**Report Type 8 - Transfer of Property Ownership Report**

1. **Report Purpose** - Notifies Water Board staff of change in ownership of the project or permittee-responsible mitigation area.
2. **When to Submit** - At least fourteen (14) days prior to the transfer of ownership.
3. **Report Contents** -
  - a. A statement that the discharger has provided the purchaser with a copy of the General Order and NOA, and that the purchaser understands and accepts:
    - ii. The General Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and
    - iii. Responsibility for compliance with any long-term BMP maintenance plan requirements in the General Order.
    - iv. A statement that the discharger has informed the purchaser to submit a written request to the Water Board to be named as the discharger in a revised order.

**Report Type 9 - Transfer of Long-Term BMP Maintenance Report**

1. **Report Purpose** - Notifies Water Board staff of transfer of long-term BMP maintenance responsibility.
2. **When to Submit** - At least fourteen (14) days prior to the transfer of BMP maintenance responsibility.
3. **Report Contents** - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

## Report and Notification Cover Sheet

**Project:** [Project Name]  
**Discharger:** [Applicant]  
**WDID/File Number:** [#####]  
**Reg. Meas. ID:** [#####]  
**Place ID:** [#####]  
**Order Effective Date:**<sup>2</sup> [Click here to enter a date](#)

### Report Type Submitted

#### A. Part A – Project Reporting

Report Type 1  Annual Report

#### B. Part B – Project Status Notifications

Report Type 2  Commencement of Construction

Report Type 3  Request for Notice of Project Completion

#### C. Part C – Conditional Notifications and Reports

Report Type 4  Accidental Discharge of Hazardous Material Report

Report Type 5  Violation of Compliance with Water Quality Standards Report

Report Type 6  In-Water Work/Diversions Water Quality Monitoring Report

Report Type 7  Modifications to Project Report

Report Type 8  Transfer of Property Ownership Report

Report Type 9  Transfer of Long-Term BMP Maintenance Report

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<sup>2</sup> The date the NOA was issued. If an NOA or Notice of Exclusion (NOE) was not issued for the project, the effective date is 45 days from the date the discharger submitted a complete Notice of Intent (NOI) to the Water Boards.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

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**Print Name<sup>1</sup>**
**Affiliation and Job Title**


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**Signature**
**Date**

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

I hereby authorize \_\_\_\_\_ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

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**Signature**
**Date**

<p><b>*This Report and Notification Cover Sheet must be signed by a Duly Authorized Representative and included with all written submittals.</b></p>
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## ATTACHMENT C – SIGNATORY REQUIREMENTS

All documents submitted in compliance with this Order shall meet the following signatory requirements:

1. All applications, reports, or information submitted to the Water Board must be signed and certified by the legally responsible party as follows:
  - a. For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c. For a municipality, or a 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).
2. A duly authorized representative of the legally responsible party may sign documents if:
  - a. The authorization is made in writing by the legally responsible party.
  - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c. The written authorization is submitted to the Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

## Attachment D – Certified Nationwide Permits

As listed below, this General Order conditionally certifies 19 NWP's and denies<sup>1</sup> 38 NWP's.

NWP No.	Nationwide Permit	Decision	Commonly Applicable CCR Title 14 Section/Exemption
1	<b>Aids to Navigation:</b> Allows the placement of U.S. Coast Guard (USCG)-approved navigational aids.	Certify subject to conditions	§15304/Minor Alterations to Land; and §15311 Accessory Structures
3(a)	<b>(a) Maintenance:</b> Allows the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill.	Certify subject to conditions, specific activity restrictions, and notification requirements	§15301/Existing Facilities; §15302 Replacement of Reconstruction; §15303 New Construction or Conversion of Small Structures; §15304 Minor Alterations to Land; and §15309 Inspections
4	<b>Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities:</b> Allows fish and wildlife harvesting devices and activities.	Certify subject to conditions	§15304 Minor Alterations to Land
5	<b>Scientific Measurement Devices:</b> Allows the placement of scientific gages, recording devices, water quality testing and improvement devices, and similar structures; allows the construction of weirs and flumes constructed primarily to record water quantity data and velocity.	Certify subject to conditions and notification requirements	§15306 Information Collection
6	<b>Survey Activities:</b> Allows core sampling, seismic exploration, and plugging exploration bore holes.	Certify subject to conditions and notification requirements	§15304 Minor Alterations to Land

<sup>1</sup> The following NWP's are denied unless they qualify for coverage under another applicable general certification: 2, 3(b), 3(c), 7, 8, 15, 16, 17, 18, 19, 21, 23, 24, 25, 27, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 55, 59, and NWP A.

NWP No.	Nationwide Permit	Decision	Commonly Applicable CCR Title 14 Section/Exemption
9	<b>Structures in Fleeting and Anchorage Areas:</b> Allows placement of structures to facilitate mooring of vessels within anchorage areas established by the USCG.	Certify subject to conditions	§15301 Existing facilities; and §15304 Minor Alterations to Land
10	<b>Mooring Buoys:</b> Allows non-commercial, single-boat mooring buoys.	Certify subject to conditions	§15304 Minor Alterations to Land
11	<b>Temporary Recreational Structures:</b> Allows the temporary placement of buoys, markers, small floating docks, and similar structures placed during special water events.	Certify subject to conditions	§15304 Minor Alterations to Land
12	<b>Oil or Natural Gas Pipeline Activities:</b> Allows activities required for construction, maintenance, repair, and removal of oil or natural gas pipelines and associated facilities.	Certify subject to conditions, specific activity restrictions and notification requirements	§15301 Existing Facilities; §15302 Replacement or Reconstruction; §15303 New Construction or Conversion of Small Structures; §15304 Minor Alterations to Land; and §15309 Inspections
13	<b>Bank Stabilization:</b> Allows bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques.	Certify subject to conditions, specific activity restrictions and notification requirements	§15301/Existing Facilities; §15302 Replacement or Reconstruction; §15303 New Construction or Conversion of Small Structures; §15304 Minor Alterations to Land; and §15309 Inspections
14	<b>Linear Transportation Projects:</b> Allows the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill associated with linear transportation projects (e.g., roads, highways, railways).	Certify subject to conditions, specific activity restrictions and notification requirements	§15301 Existing Facilities; §15302 Replacement or Reconstruction; §15303 New Construction or Conversion of Small Structures; §15304 Minor Alterations to Land; and §15309 Inspections

NWP No.	Nationwide Permit	Decision	Commonly Applicable CCR Title 14 Section/Exemption
20	<p><b>Response Operations for Oil and Hazardous Substances:</b> Allows cleanup of oil and hazardous substances provided the work activity is done in accordance with federal regulations and any existing State contingency plans, and has the concurrence of the federal Regional Response Team</p>	<p>Certify subject to conditions and notification requirements</p>	<p>§15307 Actions by Regulatory Agencies for Protection of Natural Resources; §15308 Action by Regulatory Agencies for Protection of the Environment; and §15330 Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances</p>
22	<p><b>Removal of Vessels:</b> Allows minor discharges of fill in connection with removal of disabled or abandoned vessels or manmade obstructions to navigation. This NWP does not authorize maintenance dredging, shoal removal, or river snagging.</p>	<p>Certify subject to conditions and notification requirements</p>	<p>§15301 Existing facilities; and §15303 New Construction or Conversion of Small Structures</p>
28	<p><b>Modifications of Existing Marinas:</b> Allows the reconfiguration existing dock space in an authorized marina. No dredging or expansion of any kind would be permitted.</p>	<p>Certify subject to conditions and notification requirements</p>	<p>§15301 Existing facilities; and §15303 New Construction or Conversion of Small Structures</p>
32	<p><b>Completed Enforcement Actions:</b> Allows any structure, work, or discharge that is in compliance with a final federal court decision, consent decree, or settlement agreement resulting from a federal enforcement violation action under section 404 or section 10.</p>	<p>Certify subject to conditions and notification requirements</p>	<p>§15321 Enforcement Action by Regulatory Agencies</p>
36	<p><b>Boat Ramps:</b> Activities required for the construction of boat ramps.</p>	<p>Certify subject to conditions, specific activity restrictions, and notification requirements</p>	<p>§15303 New Construction or Conversion of Small Structures; and §15304 Minor Alterations to Land</p>

NWP No.	Nationwide Permit	Decision	Commonly Applicable CCR Title 14 Section/Exemption
54	<b>Living Shorelines:</b> Activities required for the construction and maintenance of living shorelines to stabilize banks and shores in coastal waters.	Certify subject to conditions and notification requirements	§15304 Minor Alterations to Land; and §15333 Small Habitat Restoration Projects
57	<b>Electric Utility Line and Telecommunications Activities:</b> Allows activities required for construction, maintenance, repair, and removal of electric utility and telecommunication lines and associated facilities.	Certify subject to conditions, specific activity restrictions and notification requirements	§15301 Existing Facilities; §15302 Replacement or Reconstruction; §15303 New Construction or Conversion of Small Structures; §15304 Minor Alterations to Land; and §15309 Inspections
58	<b>Utility Line Activities for Water and Other Substances:</b> Allows activities required for construction, maintenance, repair, and removal of pipelines for water and other substances and associated facilities.	Certify subject to conditions, specific activity restrictions and notification requirements	§15301 Existing Facilities; §15302 Replacement or Reconstruction; §15303 New Construction or Conversion of Small Structures; §15304 Minor Alterations to Land; and §15309 Inspections