

April 1, 2020

Public Notice for Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects)

Bureau of Reclamation, Trinity River Restoration Program – Channel Rehabilitation for Remaining Phase 1 and Phase 2 Sites

Trinity County

The North Coast Regional Water Quality Control Board (Regional Water Board) is proposing to continue to regulate the Bureau of Reclamation, Trinity River Restoration Program – Channel Rehabilitation for Remaining Phase 1 and Phase 2 Sites (Project) pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. On May 20, 2010, the Regional Water Board issued General Water Quality Certification R1-2010-0028 for the proposed activities and on May 20, 2015 continued regulatory coverage by issuing General Water Quality Certification R1-2015-0028 for the same activities.

Regional Water Board staff will consider all written comments on the draft General Water Quality Certification received during the 45-day comment period. The comment period begins on the date of issuance of this notice and ends at 5:00 p.m. on the last day.

The General Water Quality Certification application and the Regional Water Board's file for past permitted activities contain additional project information and are available for public review by contacting Jake Shannon at Jacob.Shannon@waterboards.ca.gov or at (707) 576-2673.

Written comments can be submitted electronically to Northcoast@waterboards.ca.gov.

In the Matter of Order No. R1-2020-XXXX
General Water Quality Certification
for
Bureau of Reclamation, Trinity River Restoration Program – Channel
Rehabilitation for Remaining Phase 1 and Phase 2 Sites

APPLICANT: Bureau of Reclamation, Trinity River Restoration Program
RECEIVING WATER: Trinity River
HYDROLOGIC UNIT: Trinity River Hydrologic Unit 106.00
COUNTY: Trinity
FILE: Bureau of Reclamation, Trinity River Restoration Program –
General Water Quality Certification; CW-810681

Findings by the Executive Officer:

1. On November 22, 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) received a letter from the Bureau of Reclamation – Trinity River Restoration Program, Mike Dixon (Applicant), requesting reissuance of Federal Clean Water Act, section 401, Water Quality Certification for activities associated with the Trinity River Restoration Program – Channel Rehabilitation for Remaining Phase 1 and Phase 2 Sites Project (Project). On May 20, 2010, the Regional Water Board issued General Water Quality Certification R1-2010-0028 for the proposed activities and on May 20, 2015 issued General Water Quality Certification R1-2015-0028 for the same activities, which expires on May 20, 2020. The proposed Project has not changed and will cause disturbances to waters of the U.S. and waters of the state associated with the Trinity River, within the Trinity River Hydrologic Unit No. 106.00. The Applicant conducted channel rehabilitation activities each year during the last permit cycle. The Project is located along a 40-mile long reach of the mainstem Trinity River between the Lewiston Dam and the North Fork Trinity River. No permanent impacts to waters of the U.S. or waters of the state are proposed. All impacts to jurisdictional waters associated with the channel rehabilitation activities are considered temporary.
2. The primary objective of the federal Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters (Clean Water Act section 101(a)). To achieve the objectives of the Clean Water Act and the Porter-Cologne Water Quality Control Act, the Regional Water Board must take an active role in promoting the implementation of restoration projects that are expected to help restore the chemical, physical, and biological integrity of the waters within the region. (From the Policy in Support of Restoration in the North Coast Region Resolution No. R1-2015-0001 as adopted by the Regional Water Board on January 29, 2015).

3. The primary purpose of the Trinity River Restoration Program's (TRRP) proposed channel rehabilitation activities is to increase salmonid habitat for all life-stages. The proposed activities will create complex fish habitat and improve juvenile rearing habitat in the mainstem Trinity River and its side channels. Projects are designed to use alluvial processes of the Trinity River to maintain and increase salmonid habitat and complexity over time and to provide conditions suitable for reestablishing and sustaining native riparian vegetation. Channel rehabilitation activities include removal of encroaching riparian vegetation, rehabilitation of floodplain and in-channel alluvial features, construction of in-channel and off-channel habitat for aquatic and riparian dependent species, coarse and fine sediment management, and rehabilitation of upland habitat. Project-specific proposals for channel rehabilitation activities shall be submitted annually to the Regional Water Board for review, approval, and enrollment under the General Water Quality Certification.
4. Proposed channel rehabilitation activities will occur at the "Remaining Phase 1" sites and 23 additional locations referred to as the "Phase 2" sites, listed below under Eligibility Requirements. Site-specific projects eligible for authorization under this Order involve a variety of similar channel habitat rehabilitation activities.
5. Pursuant to title 23, California Code of Regulations, section 3861, the Regional Water Board may take a "general" certification action on discharges within its own geographic area of jurisdiction that may result from a class or classes of activities. A class of activities receiving general certification shall: 1) consist of the same or similar types of activities; 2) involve the same or similar types of discharges and possible adverse impacts requiring the same or similar certification conditions or limitations in order to alleviate potential adverse impacts to water quality; and 3) be determined by the certifying agency to more appropriately be regulated under a general certification action than under individual certification actions.
6. The Regional Water Board has determined that discharges associated with the Applicant's channel habitat rehabilitation projects at the Remaining Phase 1 and Phase 2 sites are produced by similar activities, involve the same or similar certification conditions to alleviate potential adverse impacts to water quality, and are more appropriately regulated under this general Order.
7. The Project activities are planned to be conducted annually from 2020 through 2025.
8. Channel habitat rehabilitation activities at the Remaining Phase 1 and Phase 2 sites will not include installation of any permanent structures and the primary purpose of project activities is to restore aquatic habitat in the Trinity River. Due to the nature of these similar restoration activities, all impacts are considered temporary.
9. The Applicant has received authorization from the U.S. Army Corps of Engineers to perform the channel rehabilitation projects pursuant to Clean Water Act Section 404

and will apply for continued authorization. The Applicant has determined that a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife is not required for the Project.

10. The Regional Water Board, as lead agency under the California Environmental Quality Act (CEQA), submitted a Joint Environmental Document including a Draft Master Environmental Impact Report (MEIR) and an Environmental Assessment/Draft EIR (EA/DEIR) (SCH# 2008032110) for the initial project to the State Clearinghouse on June 5, 2009 for a 45-day review and comment period. The Regional Water Board issued the Final MEIR/EIR on August 24, 2009 and filed a Notice of Determination on August 25, 2009. The proposed Project is identical to the initial project proposed and authorized in 2010 and 2015, and as such, will have no additional significant effect on the environment beyond what was previously examined in the MEIR. Pursuant to California Code of Regulations, title 14, section 15177, subdivision (b)(2), the Regional Water Board prepared an Initial Study to review, analyze, and determine if the subsequent project is adequately described, analyzed, and mitigated for, and is within the scope of the MEIR findings. Pursuant to California Code of Regulations, title 14, section 15179, subd. (b)(1), the Regional Water Board finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified, and that there is no new available information that was not previously known or could not be known at the time the MEIR was certified. All mitigation measures identified in the MEIR are incorporated as enforceable conditions of this Order.
11. Compensatory mitigation is not required for the proposed project activities. The Project has been designed to avoid and minimize adverse impacts and permanent impacts to waters of the U.S. and state. Non-compensatory mitigation for the proposed Project includes Best Management Practices for heavy equipment use in and near a waterway to prevent or reduce any discharges during and after construction. Additionally, Project impacts shall not increase turbidity levels at the point of compliance (500 linear feet downstream of the point impact) greater than 20 percent above naturally occurring background or 20 NTUs, whichever is greater. Detailed CEQA findings and mitigation measures are in Attachment 1 of this Order, and monitoring and reporting requirements (MMRP) are detailed in Appendix A in the MEIR and EA/EIR. Applicable mitigation measures to reduce or eliminate significant impacts on the environment and the MMRP are incorporated as enforceable conditions of this Order.
12. The Applicant has been collecting scientific monitoring data to comprehensively evaluate the effectiveness of all Trinity River rehabilitation projects implemented by the TRRP. Information gained from this long-term monitoring program is incorporated into avoidance and mitigation measures of each Trinity River restoration project. The Regional Water Board receives appropriate monitoring reports, updates, attends workshops and reviews the findings of the Applicant's ongoing research analysis and adaptive management of projects.

13. The 40-mile stretch of the Trinity River from Lewiston to the North Fork Trinity River is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the rivers free-flowing condition, anadromous and resident fisheries, and outstanding geologic, wildlife, flora and fauna, historic and cultural, visual, recreational, and water quality values. The Trinity River is designated specifically because of its Outstanding Remarkable Value and its anadromous fishery value. Implementation of the Project would not affect the free-flowing condition of this segment of the Trinity River or significantly affect the river's water quality and would benefit the Outstanding Remarkable Value for which the river is designated. The Regional Water Board has previously notified the California Natural Resources Agency of its intent to approve TRRP projects.
14. The Trinity River Total Maximum Daily Load (TMDL) for sediment was established in 2001 by the United States Environmental Protection Agency (U.S. EPA) in accordance with section 303(d) of the Clean Water Act, because the state of California determined that the water quality standards for the Trinity River are exceeded due to excessive sediment. The primary adverse impacts associated with excessive sediment in the Trinity River pertain to anadromous salmonid fish habitat, which the TRRP was designed to correct. The U.S. EPA cites the Secretary of Interior's 2000 Record of Decision including flow regime, mainstem/watershed restoration, and adaptive management, in its TMDL implementation recommendations. This Order implements portions of the Trinity TMDL.
15. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to "rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste."
16. Section 131.12 of the U.S. EPA's Water Quality Standards regulations includes the "federal antidegradation policy" which emphasizes protection of instream beneficial uses, especially protection of aquatic organisms. As required by the federal antidegradation policy (40 C.F.R. §131.6(d)), each state's water quality standards must include a policy consistent with the federal antidegradation policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. Restoration projects must conform to the state and federal antidegradation policies. This Order is consistent with applicable federal and state antidegradation

policies. Restoration projects are intended to correct a water quality problem or condition, which is causing, or threatens to cause, a detrimental effect on an aquatic ecosystem and beneficial uses. Although a restoration project may result in a discharge of waste to waters of the U.S. or state, the impacts are intended to be temporary in nature with the purpose of providing a net benefit to water quality.

17. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification. State Water Resources Control Board Order No. 2003-0017-DWQ can be found at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf.

ELIGIBILITY REQUIREMENTS

Eligibility for coverage under this Order is limited to Applicant's channel rehabilitation activities at the "Remaining Phase 1" sites and "Phase 2" sites (listed below) as described in the Final MEIR/EIR, and additional channel rehabilitation activities that may be conducted to improve habitat conditions at previously constructed TRRP channel habitat rehabilitation sites.

Remaining Phase 1 Sites (upstream to downstream)

	Latitude/Longitude
Upper Rush Creek (UR)	40.721° N, 122.831 W°
Lowden Ranch (LR)	40.697° N, 122.853 W°
Trinity House Gulch (THG)	40.694° N, 122.865 W°
Steel Bridge Day Use (SB)	40.672° N, 122.921 W°
Reading Creek (RC)	40.644° N, 122.957 W°

Phase 2 Sites (upstream to downstream)

Lower Rush Creek (LRC)	40.716° N, 122.836 W°
Tom Lang Gulch (TLG)	40.686° N, 122.871 W°
Poker Bar (PB)	40.679° N, 122.889 W°
China Gulch (CG)	40.691° N, 122.887 W°
Limekiln Gulch (LKG)	40.682° N, 122.902 W°
McIntyre Gulch (MG)	40.666° N, 122.905 W°
Douglas City (DCY)	40.650° N, 122.943 W°
Steiner Flat Feather Edge (SFF)	40.654° N, 122.955 W°
Steiner Flat Campground (SFC)	40.660° N, 122.955 W°
Lower Steiner Flat (LSF)	40.654° N, 122.968 W°
Lorenz Gulch (LZG)	40.667° N, 122.966 W°
Dutch Creek (DCK)	40.669° N, 123.024 W°
Evan's Bar (EB)	40.680° N, 123.028 W°
Soldier Creek (SCK)	40.693° N, 123.026 W°
Chapman Ranch (CR)	40.697° N, 123.036 W°
Deep Gulch (DG)	40.703° N, 123.046 W°
Sheridan Creek (SHC)	40.711° N, 123.047 W°

Oregon Gulch (OG)
Sky Ranch (SR)

40.719° N, 123.040 W°
40.722° N, 123.049 W°

APPLICATION REQUIREMENTS

1. **Pre-Discharge Notification Requirements:** At least 30 days prior to initiation of any ground disturbing activities at any of the eligible channel habitat rehabilitation sites, the Applicant shall provide the Regional Water Board a complete application for water quality certification. The contents of a complete application for water quality certification are listed in California Code of Regulations, title 23, section 3556. Information required for a complete application may be submitted using the Regional Water Board's current application form for Water Quality Certification and/or Waste Discharge Requirements or by submitting a complete copy of Applicant's application for Department of Army Permit and Preconstruction Notification as submitted to the United States Army Corps of Engineers to perform channel rehabilitation activities under Nationwide Permit Number 27. At a minimum, a complete application for coverage under this Order shall include all the following information and items:
 - The name(s), address(s) and telephone number(s) of the applicant and the applicant's agent or representative.
 - A full, technically accurate project description, including the purpose and final goal, of the entire proposed activity.
 - Complete identification of all federal licenses/permits being sought for or applying to the proposed activity, including the federal agency, permit type and number (if applying for any license/permit other than Nationwide Permit 27), and file number assigned by the federal agency (if available).
 - Complete copies of either the application for federal license/permit being sought for the activity or any notification issued by the federal agency concerning the proposed activity if no application is required. If no federal applications or notices are issued by the federal agency, any correspondence between the Applicant and the federal agency regarding the proposed activity, shall be provided.
 - Applications for Phase 2 sites shall include a copy of any final CEQA document required for the Phase 2 activities. The Regional Water Board anticipates that the MEIR portion of the joint environmental document will be used as a tiering document for project-level CEQA analyses of the Phase 2 sites. Applications submitted for the Remaining Phase 1 sites are not required to contain any additional CEQA documentation as the project-level CEQA analyses of the proposed activities at the Remaining Phase 1 sites are contained in the EIR portion of the joint environmental document. Applications submitted for projects that are intended to improve habitat conditions at previously constructed Phase 1 sites shall include a copy of any updated environmental documents that may be required to comply with CEQA.
2. **Fee:** A check in the amount specified in California Code of Regulations, title 23, section 2200(a)(3), payable to the State Water Resources Control Board, shall be included with the application sent to the Regional Water Board. This Project qualifies

for the Restoration Flat Fee category and the certification will be subject to annual billing during the construction and restoration monitoring phases of the project, per the current fee schedule, which can be found at:

http://www.swrcb.ca.gov/northcoast/water_issues/programs/water_quality_certification.shtml. These fees will be automatically invoiced to the applicant.

3. **Regional Water Board Approval:** After receiving a complete application, the Regional Water Board (Executive Officer) may, at its discretion, issue a Notice of Applicability to the Applicant indicating that the site-specific project may proceed under this Order, or a Notice of Exclusion indicating that the discharge will require project-specific review for certification. The Regional Water Board will post issued Notices of Applicability its website.

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinity River Restoration Program – Channel Rehabilitation for Remaining Phase 1 and Phase 2 Sites Project (CW-810681), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.

STANDARD CONDITIONS

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.

ADDITIONAL CONDITIONS

4. The mitigation measures detailed in Attachment 1 of this Order and the monitoring and reporting requirements detailed in Appendix A in the Final MEIR/EIR are

hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all applicable mitigation measures identified in the MMRP.

5. The Applicant shall continue to collect scientific monitoring data to comprehensively evaluate the effectiveness of all Trinity River rehabilitation projects implemented by the Trinity River Restoration Program. The Applicant shall continue to provide annual reports to the Regional Water Board, starting at the end of 2020, that summarize TRRP implementation activities to date, monitoring results and findings, and recommendations based on their long-term monitoring and research.
6. This Order provides an allowable zone of turbidity dilution within which turbidity levels may be increased by more than 20 percent above naturally occurring background levels. To ensure that turbidity levels do not exceed the thresholds described above during in-river project construction activities, the Applicant shall monitor turbidity levels upstream within 50 feet of project activities (i.e. natural background) and 500 feet downstream of the in-river construction activities that could increase turbidity. The Applicant shall monitor for turbidity increases and shall collect field turbidity measurements in accordance with Mitigation Measure 4.5 -1a and Mitigation Measure 4.5-1b in the MMRP. At a minimum, field turbidity measurements shall be collected whenever a visible increase in turbidity is observed. Monitoring frequency shall be a minimum of every two hours during in-river work periods and when activities commence that are likely to increase turbidity levels above any previously monitored levels. If grab sample results indicate that turbidity levels exceed 20 percent above naturally occurring background or 20 NTUs, whichever is greater, at 500 feet downstream from construction activities, remedial actions will be implemented to reduce and maintain turbidity at or below this threshold level immediately downstream of the 500 linear foot zone of dilution. Potential remedial actions include halting or slowing construction activities and implementation of additional Best Management Practices (BMPs) until turbidity levels are at or below 20 percent above naturally occurring background or 20 NTU, whichever is greater. If naturally occurring background levels are greater than 20 NTUs, turbidity levels downstream of the 500 linear foot zone of dilution shall not be increased by more than 20 percent above the naturally occurring background level. A monitoring report containing all turbidity measurements shall be submitted in a tabular format to the Regional Water Board upon annual project completion. The monitoring report shall be written in a manner that clearly demonstrates compliance with all water quality monitoring requirements.
7. The Applicant shall prioritize the use of wildlife-friendly 100% biodegradable erosion control products and BMPs whenever feasible. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. The Applicant shall not use, or allow the use of, erosion control products that contain

synthetic netting or materials for permanent erosion control (erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that temporary erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.

8. BMPs shall be implemented as proposed in the application materials. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other Project activities that could result in erosion or sediment discharges to surface water. Severe and unseasonal rain events are becoming more frequent because of climate change, therefore, BMPs shall always be available for immediate deployment to prevent discharges to waters of the state.
9. The Applicant shall provide a copy of this Order and the application documents submitted for authorization under this certification to all contractors and subcontractors conducting the work and shall require that a copy of this Order remain in their possession at the work site. The Applicant shall be responsible for all work conducted by its contractors or subcontractors.
10. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.
11. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
12. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated Project activities shall cease immediately until adequate BMPs are implemented including stopping work. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
13. Prior to implementing any change to the Project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).

14. All Project work shall be conducted as described in this Order and in the application submitted by the Applicant and shall comply with all applicable water quality standards as detailed in the Basin Plan. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
15. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the Project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
16. This Order does not preclude the need for permits which may be required by other federal, state, or local governmental agencies.
17. This certification does not authorize any act which results in the “taking” of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, 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 certification, Applicant shall obtain authorization for the take prior to any construction or operation of the Project. The Applicant shall be responsible for meeting all requirements of the applicable Endangered Species Act for the Project authorized under this certification.
18. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
19. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the state including dry portions of the shoreline. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
20. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
21. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or

threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.

22. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall email a copy of the letter to NorthCoast@waterboards.ca.gov.

To discharge dredged or fill material under this Order, the successor-in-interest must email the Regional Water Board Executive Officer a written request for transfer of the Order to NorthCoast@waterboards.ca.gov. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order. Except as may be modified by any preceding conditions, all certification actions are contingent on 1) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the Applicant's Project description, and 2) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region.

23. The authorization of this certification for any dredge and fill activities expires on May XX, 2025. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above and remain in full effect and are enforceable. The Regional Water Board may consider reissuing this Order for additional five-year terms as necessary and appropriate.

Please Jake Shannon at (707) 576-2673 or at Jacob.Shannon@waterboards.ca.gov if you have any questions or comments.

Matthias St. John
Executive Officer

Attachment: California Environmental Quality Act Findings of Fact for the
Trinity River Restoration Program Channel Modification and Sediment
Management Project

DRAFT