



Central Coast Regional Water Quality Control Board

May 19, 2020

Scott Akin
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686
Email: sakin@valleywater.org

VIA ELECTRONIC MAIL

Dear Mr. Akin:

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION NUMBER 34319WQ06,
SANTA CLARA VALLEY WATER DISTRICT 2019-2023 STREAM MAINTENANCE
PROGRAM, SANTA CLARA COUNTY**

Thank you for the opportunity to review your August 12, 2019 application for water quality certification of the Santa Clara Valley Water District 2019-2023 Stream Maintenance Program. The application was completed on August 13, 2019. All supplemental information requested was received on March 5, 2020. The project, if implemented as described in your application and with the additional mitigation and other conditions required by this Clean Water Act Section 401 Water Quality Certification (Certification), appears to be protective of beneficial uses of state waters. We are issuing the enclosed Technically Conditioned Letter of Certification.

The District has been conducting routine stream maintenance under Water Quality Certification 34311WQ02 since 2014 for the Santa Clara Valley Water District 2014-2019 Stream Maintenance Program. With the issuance of this Certification, Certification 34311WQ02 expires and is replaced by this Certification.

At this time, we do not anticipate issuing additional requirements based on your application. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue waste discharge requirements, or take other action.

Your certification application and California Environmental Quality Act (CEQA) documents indicate that project activities have the potential to affect beneficial uses and water quality. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) issues this Certification to protect water quality and associated beneficial uses from project activities. We need reports to determine compliance with this Certification. All technical and monitoring reports requested in this Certification, or any time after, are required per section 13267 of the California Water Code.

Failure to submit reports required by this Certification, or failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per section 13268 of the California Water Code. The Central Coast Water Board will base enforcement

DR. JEAN-PIERRE WOLFF, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

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

If you have questions please contact **Mark Cassidy** at (805) 549-3689 or by email at mark.cassady@waterboards.ca.gov. Please mention the above certification number in all future correspondence pertaining to this project.

Sincerely,

for Matthew T. Keeling
Executive Officer

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

cc: with enclosures

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

Project: Santa Clara Valley Water District 2019-2023 Stream Maintenance Program

Permittee: Scott Akin
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

ACTION:

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

I. STANDARD CONDITIONS:

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

II. ADMINISTRATIVE CONDITIONS:

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

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

11. The total fee for this project is \$72,445. The remaining fee payable to the Central Coast Water Board is \$0.

III. ADDITIONAL CONDITIONS

A. General Conditions

1. This Certification covers routine stream maintenance activities conducted under the Santa Clara Valley Water District (District) Stream Maintenance Program (SMP), including vegetation management, sediment removal, bank stabilization, management of animal conflicts, minor maintenance activities, and large woody debris management in streams within the District's maintenance jurisdiction (below the 1,000-foot elevation in Santa Clara County). The SMP also includes a habitat protection and enhancement component that consists of the following programs: invasive plant management, native plant revegetation, gravel augmentation, instream habitat complexity enhancement, rehabilitation and cleanup of homeless encampments, and land acquisition and preservation. The District is currently conducting stream maintenance activities under certification 34311WQ02 issued by the Central Coast Water Board on April 15, 2014. The SMP maintenance activities provide flood protection and maintain channel conveyance capacity, while protecting natural resources through avoidance and minimization measures.
 - a. The goals of the SMP include: (1) maintain the flow conveyance capacity of District channels and facilities and (2) maintain the structural and functional integrity of District facilities.
 - b. The objectives of the SMP include: (1) remove sediment for flow conveyance and safety while maintaining the habitat functions of the creek systems; (2) manage vegetation for flow conveyance and safety while maintaining the habitat functions of the creeks, channels, and other District facilities and to allow for levee inspections and maintenance access; (3) stabilize stream and channel beds and banks to protect existing infrastructure, maintain public safety, reduce sediment loading, protect water quality, and protect habitat values; and (4) avoid, minimize, or mitigate impacts on the environment by identifying when maintenance work is necessary and incorporating stream stewardship measures to further reduce potential impacts and enhance conditions where possible.
 - c. The SMP implements the following objectives of the District's Governance Policies:
 - i. Natural Flood Protection: Preserve flood conveyance capacity and structural integrity of stream banks, while minimizing impacts on the environment and protecting habitat values.
 - ii. Water Resources Stewardship
 - 1) Preserve creeks, bay, and ecosystems through environmental stewardship.
 - 2) Improve watersheds, streams, and natural resources.
 - 3) Promote the protection of creeks, bay, and other aquatic ecosystems from threats of pollution and degradation.
2. This Certification applies to the Pajaro watershed in Santa Clara County, which is located within the jurisdiction of the Central Coast Water Board. Therefore, all descriptions, findings, and conditions of this Certification apply only to stream maintenance activities within the Pajaro watershed. This Certification does not apply to the four watersheds within Santa Clara County (Lower Peninsula, West Valley, Guadalupe, and Coyote watersheds) that drain to San Francisco Bay, which are under the jurisdiction of the San Francisco Bay Regional Water Quality Control Board.

- a. For the purposes of the SMP and as used in this Certification, a Modified Channel is defined as a channel that has been substantially altered from historical conditions. Some Modified Channels have had recent capital improvement projects, while others were constructed as a condition of land development approvals or to maximize developable land adjacent to a creek. Some Modified Channels have established flood conveyance criteria and will be maintained to those criteria. However, other channels clearly have been modified over time but not necessarily to an engineered design with established flood flow conveyance criteria. Modified Channels typically include realigned, straightened, and/or hardened reaches that have been designed to maximize flow of water with minimal erosion. These channels are typically grass- or concrete-lined and may include a high flow channel. These channels may have the potential for some environmental enhancement but are differentiated from Modified Channels with Ecological Value, which have existing and often diverse ecological values present.
 - b. For the purposes of the SMP and as used in this Certification, a Modified Channel with Ecological Value is defined as a channel that has been significantly altered from historical conditions but also has features such as canopy, functional riparian corridor, and/or habitat known to support special-status species. Some of these channels have had recently completed capital improvement projects, while others have had some level of construction that did not eliminate all of the areas with ecological value or the reconfigured channel was allowed to return to a natural state. Some of these channels have established flood conveyance criteria and are maintained to those criteria. These channels include realigned, straightened, and/or hardened reaches designed to convey flood flows with minimal erosion. Modified Channels with Ecological Value include creeks identified as supporting steelhead, fall-run Chinook, and green sturgeon; have earthen beds; or provide features such as closed riparian woodland canopy and/or habitat known to support special-status species. Modified Channels with Ecological Value may or may not have concrete banks, but do not have concrete beds.
 - c. For the purposes of the SMP and as used in this Certification, an Unmodified Channel is defined as a creek that generally is unchanged from historic conditions. Unmodified Channels may have small areas of modification, including bridges, outfalls, culverts, gauges, or other appurtenant structures. Unmodified Channels usually are in areas adjacent to floodplains without other types of flood protection measures and generally occur in the foothills or higher elevations of the SMP Program area.
3. The following activities are not included in the Stream Maintenance Program Manual 2019 – 2023 (SMP Manual) and therefore are not covered in this Certification:
- a. Capital improvement projects;
 - b. Maintenance work that would increase the flow conveyance capacity of a channel or facility beyond the designed channel capacity (as-built design);
 - c. Maintenance work in channel reaches that are above 1,000 feet in elevation;
 - d. Maintenance work for dams, reservoirs, and other water supply facilities, such as pipelines outside of channel corridors, groundwater percolation ponds, and instream summer dams;
 - e. Installation of new or major modification of fish ladders;
 - f. Maintenance work conducted on private property by owners or other agencies;
 - g. Area-wide intensive maintenance or rehabilitation of large (i.e., greater than 0.05 acre) areas installed as part of a capital improvement project that have persisted beyond the establishment period (period of time until the plantings are self-sustaining);
 - h. Emergency activities and procedures. A situation is considered an “emergency” if it is a sudden, unexpected occurrence involving a clear and imminent danger that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or

essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage (California Public Resources Code Section 21060.3).

4. The District shall implement the SMP in accordance with the conditions described in the SMP Manual and all the associated attachments and this Certification. The SMP Manual includes, as attachments, the following documents: Best Management Practices (BMPs); Previously Mitigated Areas: Mitigation Provided Under SMP-1 and SMP-2; Special-Status Plants and Fish and Wildlife; Bank Stabilization Methods; Water Quality Monitoring Plan; Sediment Characterization Plan; Steelhead Impact Minimization Measures; Stream Maintenance Program Fish Ladder Inspection; and Compensatory Mitigation Plan. The SMP Manual and associated attachments are considered a “living document” that allows for minor updates and revisions in order to incorporate maintenance techniques and methods that are more protective of the environment or that improve the SMP. Any proposed minor changes shall be submitted via the Notice of Proposed Work (NPW) or the Annual Summary Report (ASR) for review and approval. Any substantive changes to the SMP Manual or the associated attachments must comply with all terms and conditions of this Certification and be approved in writing by the Central Coast Water Board Executive Officer.
5. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize disturbances that will adversely impact the water quality of waters of the state. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.
6. SMP activities shall not cause a violation of any applicable water quality standard for receiving waters contained in the Central Coast Water Board’s Water Quality Control Plan (Basin Plan) or adopted by the Central Coast Water Board or the State Water Board as required by the Clean Water Act (CWA) and regulations adopted thereunder. Prohibited discharges include, but are not limited to, discharges of the following:
 - a. Any material (including silt, sediment, or soil) in concentrations toxic to humans, plants, or wildlife;
 - b. Oil, grease, wax, or fuel to receiving waters or to the substrate (where it may enter receiving waters);
 - c. Any material that may cause a visible film or coating on the surface of or objects in receiving waters;
 - d. Sediments or biota so as to adversely affect beneficial uses of water or human health;
 - e. Discharges that cause a condition of pollution or nuisance as defined in California Water Code section 13050;
 - f. Discharges that contribute to excessive algae growth in the Project area or downstream waters;
 - g. Discharges that discolor receiving waters so as to be harmful to beneficial uses; and
 - h. Discharges that contain floating materials including solids, liquids, foam, or scum that adversely affect beneficial uses.
7. SMP activities shall not cause changes in turbidity in excess of the following receiving water limits: Where natural turbidity is between 0 and 50 NTU, increases shall not exceed 20 percent. Where natural turbidity is between 50 and 100 NTU, increases shall not exceed 10 NTU. Where natural turbidity is greater than 100 NTU, increases shall not exceed 10 percent.
8. The natural water temperature of receiving waters shall not be altered unless it can be demonstrated to the satisfaction of Central Coast Water Board staff that such alteration in

temperature does not adversely affect beneficial uses. The temperature of any cold or warm freshwater habitat shall not be increased by more than 5°F (2.8°C) above natural water temperature.

9. SMP activities shall not cause degradation of any water supply.
10. SMP activities shall not cause degradation of groundwater beneficial uses.
11. The District shall comply with all necessary approvals or permits for the SMP and its mitigation projects from applicable government agencies, including, but not limited to, the Central Coast Water Board, California Department of Fish and Wildlife (CDFW), the U.S. Army Corps of Engineers (USACE), the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and local agencies.
12. On an annual basis, all District or District-contracted personnel who engage in maintenance activities shall first be educated on the terms of this Certification and the specific plans for the subject project site(s).
13. The District shall permit Central Coast Water Board staff or its authorized representative, upon presentation of credentials:
 - a. Entry onto the premises on which maintenance activities are planned or underway, wastes are located, or in which records are kept;
 - b. Access to copy any records required to be kept under the terms and conditions of this Certification;
 - c. Access to inspect any treatment equipment, monitoring equipment, or monitoring method required by this Certification; and
 - d. Access to sample any discharge or surface water covered by this Certification.
14. The Central Coast Water Board may add to or modify conditions of this Certification, as appropriate, to implement any new or revised total maximum daily load (TMDL) requirements or to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or CWA section 303.
15. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements of state law. The authorization of this Certification for SMP activities expires on December 31, 2023. Mitigation and monitoring requirements that extend beyond the term of this Certification are not subject to this expiration date and remain in full effect and are enforceable.

B. Vegetation Management

16. Vegetation management activities that could result in the destabilization of stream banks or increase sediment input into waters of the state that is not consistent with the SMP Manual are prohibited.
17. Vegetation management and replanting shall be conducted using a strategy that maximizes the functions of the vegetation to shade the active channel, stabilize active channel banks, and provide instream habitat.
18. Vegetation management activities shall not result in net adverse impacts to the riparian zone, shade, canopy coverage, or habitat following mitigation. Overall vegetation

management activities consistent with the SMP Manual, including implementation of the BMPs and compensatory mitigation as described in the SMP Manual, shall enhance beneficial uses.

C. Pesticides and Herbicides

19. The District shall not apply pesticides and herbicides except in accordance with all measures for protection of water quality and beneficial uses contained in the SMP Manual, the Final Subsequent Environmental Impact Report (FSEIR), and this Certification. The District shall adhere to all label instructions and terms of any applicable use permits.
20. The District shall continue coverage under the State Water Resources Control Board's General Permit No. CAG990005, *Statewide General National Pollutant Discharge Elimination System Permit for Residual Aquatic Pesticide Discharge to Waters of the United States from Algae and Aquatic Weed Control Applications*.
21. All vegetation management activities that could result in the runoff of herbicides, pesticides, or surfactants that are not registered for aquatic use into waters of the state are prohibited.

D. Sediment Removal

22. In modified and modified with ecological value channel reaches, only sediment removal within the as-built design shall be allowed in accordance with the reach-specific thresholds and criteria specified in the Maintenance Guidelines (MGs). If maintenance thresholds and criteria have not yet been developed for the reach where sediment removal will be conducted, sediment removal shall be conducted as determined in accordance with Additional Condition 51 of this Certification.
23. In unmodified channel reaches, sediment removal shall be conducted in accordance with the reach-specific thresholds and criteria specified in the MGs. If maintenance thresholds and criteria have not yet been developed for the reach where sediment removal will be conducted, sediment removal shall be conducted as determined in accordance with Additional Condition 51 of this Certification.
24. In-channel features (e.g., bars and other depositional features) shall be preserved in their location unless they must be removed to provide conveyance capacity. If bars or depositional features must be removed, the NPW shall include an explanation of why these features cannot be avoided and propose mitigation. During removal of bars or other depositional features, the District shall minimize impacts and preserve habitat function to the extent practicable to protect beneficial uses.
25. After sediment removal, the District shall grade the channel so that the transition between the work area and the existing channel, both upstream and downstream, is smooth and continuous, and does not present a "wall" of sediment or other blockage that could erode or cause erosion once flows are restored.
26. After sediment removal, the District shall compact the soil to match pre-excavation conditions so that disturbed soils are not easily transported downstream.
27. The District may temporarily stockpile excavated sediment prior to disposal or reuse, provided that appropriate state and federal regulations are met and BMPs are implemented to protect water quality and beneficial uses. The excavated sediment may be stockpiled on site so that it can be loaded into trucks for offsite disposal within seven calendar days of the completion of active work. Onsite stockpiled materials shall be fully contained to prevent any

wind or water transport. The excavated sediment may also be temporarily stockpiled at an offsite location. Offsite stockpiles shall be covered and surrounded with perimeter sediment control BMPs to ensure that excavated materials remain stable. Runoff, sediment, or decant water from excavated materials shall not contact waters of the state.

28. To prevent sediment-laden water from being released back into waters of the state during transport of spoils to disposal or reuse locations, truck beds shall be lined with an impervious material (e.g., plastic), or the tailgate shall be blocked with wattles or other appropriate filtration material.
29. Sediment removed as part of maintenance activities shall be properly characterized through laboratory analytical testing, as described in the Sediment Characterization Plan (Attachment F of the SMP Manual), and be hauled off site to suitable upland disposal sites, a permitted landfill, or a reuse site in accordance with applicable state and federal regulations, including applicable conditions of this Certification. Proposed disposal and reuse locations shall be submitted by the District annually in the NPW for approval by Central Coast Water Board staff. Central Coast Water Board staff will approve the sediment disposal and reuse proposal and provide a notice to proceed, or indicate needed modifications, within 30 days of receipt.
30. For SMP maintenance projects that excavate or remove between 25 and 500 cubic yards of sediment, Central Coast Water Board staff will consider the District's request to waive the sediment characterization for beneficial reuse on a case-by-case basis.
 - a. As part of any sediment characterization waiver request, the District shall provide the following information: (1) a narrative discussion explaining the justification for waiving sediment characterization, which may include, but need not be limited to, interpretation of existing historic sediment characterization data for the project reach and/or entire stream channel; (2) project-specific information (location of the sediment removal project, stream length where sediment will be removed, and volume of sediment to be removed); and (3) sediment reuse information (location of reuse, sediment reuse purpose, foundation reuse or surface reuse, and volume of sediment to be reused).

Central Coast Water Board staff will utilize the Beneficial Reuse Guidelines and existing TMDL load allocations for the stream reach in reviewing sediment characterization waiver requests.

31. The District is not required to conduct sediment characterization for beneficial reuse of sediments from minor maintenance sediment removal projects (limited to 25 cubic yards per project as defined in the SMP Manual).
32. The District shall demonstrate compliance with all permitting and CEQA review requirements for offsite sediment disposal sites proposed for the SMP and for any alternative offsite sediment disposal sites. If requested by Central Coast Water Board staff, a delineation of existing jurisdictional waters of the state and United States at any temporary or permanent sediment disposal site, verified according to USACE delineation standards, shall be conducted prior to the preparation for disposal and submitted for approval by Central Coast Water Board staff prior to the disposal of sediment.

E. Vegetation Management and Sediment Removal

33. For all proposed sediment removal and vegetation management, the District shall follow the MGs and procedures described in Chapter 3 of the SMP Manual and Additional Conditions 48 - 50 of this Certification, to justify maintenance needs based on the analysis of channel capacity; hydraulic constrictions; and sediment, vegetation, and roughness objectives.

F. Bank Stabilization

34. The District shall follow the Bank Stabilization Method Selection Process specified in Chapter 6 of the SMP Manual to determine the most appropriate bank stabilization method for each bank stabilization project. The use of hardscape materials shall be limited to those areas where bioengineering systems are demonstrated to be infeasible. Any changes to the bank repair methods (Attachment D to the SMP Manual) shall be proposed in the NPW, or an equivalent document, and be approved in writing by Central Coast Water Board staff prior to implementation. Central Coast Water Board staff will approve any changes to the bank repair method(s) in the NPW or equivalent document, or indicate needed modifications, within 30 days of receipt.
35. Where bank stabilization activities may result in modifications to channel cross-sections and/or profiles, the banks shall be re-contoured to match the adjacent bank slope.
36. If at any time a bank stabilization measure or other maintenance area erodes or becomes unstable, the District shall implement immediate actions to address the instability, under an emergency permit if necessary. If the instability does not require emergency actions, the actions needed to rectify the instability shall be proposed in the subsequent NPW.

G. Management of Animal Conflicts

37. Management of animal conflict activities shall not result in direct or cumulative impacts to water quality or beneficial uses of waters of the state.

H. Minor Maintenance

38. Minor maintenance activities shall not result in direct or cumulative impacts to water quality or beneficial uses of waters of the state.
39. Minor maintenance activities shall not impact more than 0.08 acre of wetland and/or riparian habitat per activity site and 0.4 acre total per year for all minor maintenance activities (total for all watersheds). Minor maintenance projects resulting in impacts equal to or greater than 0.01 acre shall be included in annual reporting as described in the SMP Manual.

I. Large Woody Debris

40. The District shall comply with the specified program and project limits for each work activity as described in SMP Manual Chapters 3, 6, and 9. The SMP Manual defines large woody debris (LWD) as large, naturally occurring wood having a minimum diameter of 12 inches (30.5 cm) and a minimum length of 6 feet (1.82 meters) within stream beds and banks. SMP LWD management actions pertain to streams that function, or potentially could function, as habitat for anadromous salmonids.
41. LWD management shall be conducted in a manner that maximizes the environmental benefit of the LWD to stabilize stream banks and provide instream habitat.
42. The District shall follow the guidelines in SMP Manual Chapter 9 when manipulating or removing LWD for maintenance purposes. If a stream functions, or potentially could function, as habitat for salmonids, then LWD shall not be removed. If the LWD poses a credible risk of blocking a culvert, bridge, or otherwise obstructing flow, potentially resulting

in structural damage or destabilization of a channel, it may be cut, relocated, repositioned, or cabled to a stream bank in a manner that protects existing habitat.

43. The SMP LWD management actions apply to LWD below ordinary high water (or bankfull) elevation. The SMP LWD management actions also apply to LWD above ordinary high water in specified high-quality reaches of the salmonid streams listed in Manual Chapter 9, Table 9.2.
44. LWD work activities are permitted year-round except where mechanized equipment is required to work within the live stream channel or if water quality may otherwise be adversely affected. If mechanized equipment is required to work within the live stream channel or if water quality may be adversely affected, LWD management actions shall be performed during the SMP work season of June 15 to October 15.

J. Program and Project Limits

45. The District shall comply with the specified program and project limits for each work activity as described in Chapters 3-9 of the SMP Manual. The SMP is managed programmatically and each work activity has a range of overall program and project-specific limitations. Types of limits include acreage, areal extent, linear feet, percentage of hardscape for bank stabilization, number of trees that can be removed, and the amount of herbicides and pesticides that can be used. These limits are provided to define maximum project, annual, and program (SMP) limits for maintenance activities until such time as MGs are established. Where MGs exist, projects shall comply with the quantitative objectives as described in the MGs for the particular reach. In the event that conformance with MGs results in exceedance of the limits described in the SMP Manual, the requirements of the MGs shall be followed.
46. The District may request Central Coast Water Board staff to waive the per-project limits described in the SMP Manual. Any request for a waiver of per-project limits shall be submitted with the NPW and include the following:
 - a. A narrative description of the waterbody. This should include known information about the volume and duration of flood flow events; the approximate length, width, and depth of the waterbody and characteristics observed associated with the ordinary high water mark (e.g., bed and bank, wrack line or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the adjacent areas (i.e., wetland or non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed; and any other relevant information;
 - b. An analysis of the potential impacts of the proposed SMP maintenance activity on the waterbody;
 - c. An analysis of the potential for special-status plants or animals to be impacted by the proposed SMP maintenance activity;
 - d. Measures the District will take to avoid and minimize impacts to waters of the state, including alternative implementation and construction methods; and
 - e. A compensatory mitigation plan describing how the District proposes to mitigate for unavoidable impacts resulting from the proposed activity.

K. Quantitative Assessments

47. The District shall adhere to the guidelines described in Chapter 3 of the SMP Manual, including application of MGs, to evaluate channel conditions and determine the need for maintenance. The District shall consider the natural function of the system, watershed processes, sensitive habitats, and local physical constraints in assessing how, where, and

when routine maintenance activities should occur. The District shall identify and implement solutions to minimize the on-going need for maintenance activities.

48. The District shall modify the MGs, as described in Chapter 3 of the SMP Manual, to incorporate numeric guidelines and thresholds to meet District goals and objectives while minimizing impacts to channels and natural resources. These MGs shall be developed according to the work plan description and implementation schedule described in Additional Condition No. 49 of this Certification.
49. The District shall develop a work plan and implementation schedule for developing new and updated MGs each year, as described in Chapter 3 of the SMP Manual. MGs shall describe general stream functions and characteristics, high flow capacity objectives, and estimates of flood stage-discharge relationships for creek reaches, so that quantifiable information will inform when maintenance is needed to provide for flood protection. The work plan shall be submitted to the Central Coast Water Board Executive Officer within 60 days following issuance of this Certification. The work plan shall include an implementation schedule that addresses all channels listed in Table 3-4 (List of Facilities for MG Development [2014-2023]) of the SMP Manual. Any changes to the work plan must be approved in writing by the Central Coast Water Board Executive Officer. All existing MGs shall be updated, and new MGs developed for channels without existing MGs, using the information described in Section 3.6 of the SMP Manual. The District shall prioritize development and/or updating of MGs based on the type of maintenance, associated impacts, and the volume or frequency of maintenance work. The list shall not include future capital improvement projects.
50. Each successive NPW during the term of this Certification shall contain a higher percentage of proposed maintenance work (e.g., proposed sediment removal and vegetation management) that is located within reaches where new or updated MGs have been developed.
51. For routine sediment removal or vegetation management work proposed to be performed in channels without updated or new MGs, the District shall provide analytical documentation for each maintenance work line item in the NPW. Analytical documentation shall include the information listed in Section 3.6 of the SMP Manual.

L. Best Management Practices

52. The District shall implement the BMPs (Attachment A to the SMP Manual) to prevent pollutants from draining, washing, or otherwise discharging into waters of the state during SMP maintenance activities. Appropriate soil erosion control measures, as specified in the SMP Manual and Attachment A, shall be undertaken and maintained to prevent discharge of sediment to surface waters or surface water drainage courses. Attachment A may be revised, as necessary, with the written approval of the Central Coast Water Board Executive Officer, provided that any revisions meet the overall criteria described in this Certification and the revised SMP is as protective or more protective of water quality and beneficial uses of waters of the state.
53. The District shall conduct SMP maintenance activities during the dry season, June 15 – October 15, as indicated in the work windows tables below. Depending on channel conditions (i.e., dry channel conditions) and whether the channel supports anadromous fish, the District may conduct limited SMP maintenance activities outside of the dry season as indicated in the tables.

Table 1 – Work Windows for Maintenance Activities Below Ordinary High Water or High Tide Line in Creeks That Support Sensitive Fish Species (e.g., Anadromous Salmonids)

Work Activity	Jun 15 through Oct 15	Oct 15 through Oct 31 No work once significant rainfall occurs. ¹	Nov 1 Through Dec 31 No work once significant rainfall occurs. ¹	Year Round, except where mechanized equipment crosses a creek or water quality is otherwise affected
Hand pruning, tree removal, and stump treatment	X	X	X	
Herbicide Use ²	X ²	X ²	X ²	
Sediment Removal ³	X	X ³		
Bank Stabilization ³	X	X ³		
Concrete Removal /Bank Rehabilitation Mitigation	X	X		
Encampment Cleanup				X ⁴
Minor Maintenance				X
Management of Animal Conflict - Burrow Filling				X ⁴
Large Woody Debris				X ⁴

Footnotes:

- X indicates work is allowed.
 - All SMP activities that require dewatering of areas within anadromous salmonid streams are restricted to the period between June 15 and October 31.
- 1 No work is authorized once significant rainfall occurs. After October 1, the Discharger shall consult 72-hour look-ahead weather forecasts from the National Weather Service (or other qualified local vendor) to prepare for possible winterization measures. If a significant rainfall is forecast within the coming 72-hr window, maintenance work that may result in sediment runoff to the stream shall be stopped to allow adequate time to complete implementation of erosion control measures. Winterization materials shall be available and installed prior to significant rainfall. Significant rainfall is the local rainfall of 0.5 inches or greater within a 24-hour period in the subject watershed, below the 1,000-foot contour.
- 2 Herbicide use shall adhere to Material Safety Data Sheet and product label limitations. Aquatic herbicide use in California red-legged frog and California tiger salamander SMP potential range map areas is authorized only when the creek is dry and no rain is forecast for the next 48 hours. Surfactant use on the 14 creeks supporting anadromous salmonids is permitted when the stream is dry in the immediate work location and no rain is forecast for the next 24 hours.
- 3 May continue only if at least 50% complete on October 15; no new instream sediment removal or bank stabilization projects may be initiated after October 15.
- 4 If work is occurring within the wetted channel, biological pre-activity surveys shall occur within 7 days prior to the initiation of work activities and a qualified biologist must be on site to monitor the work (See BMP GEN-1 in the SMP Manual).

Table 2 – Instream (Below Ordinary High Water or High Tide Line) Work Windows for Creeks That Do Not Support Sensitive Fish Species (e.g., Anadromous Salmonids)

Work Activity	Jun 15 through Oct 15	Oct 15 through Nov 30 No work once significant rainfall occurs. ¹	Dec 1 through Dec 31 No work once significant rainfall occurs. ¹	Year-round except where mechanized equipment crosses a creek or otherwise affects water quality
Hand pruning, tree removal, and stump treatment				X
Herbicide	X ²	X ²	X ²	
Sediment Removal	X	X ³		
Bank Stabilization	X	X ³		
Concrete Removal /Bank Rehabilitation Mitigation	X	X		
Encampment Cleanup				X
Minor Maintenance				X
Management of Animal Conflict - Burrow Filling				X

Footnotes:

- X indicates work is allowed.

1 No work is authorized once significant rainfall occurs. After October 1, 72-hour look-ahead weather forecasts from the National Weather Service (or local vendor such as the Western Weather Group) are consulted to prepare for possible winterization measures. If a significant rainfall is forecast within the coming 72-hr forecast window, then maintenance work that may result in discharge of sediment to the stream shall be stopped, to allow adequate time to complete implementation of erosion control measures. Winterization materials shall be available and installed when rain falls. If after a storm event occurs there was not significant rainfall, the project may continue until next significant rainfall or October 31. Significant rainfall is the local rainfall of 0.5 inches or greater within a 24-hour period in the subject watershed, below the 1,000-foot contour.

2 Herbicide use shall adhere to Material Safety Data Sheet and product label limitations. Aquatic herbicides use in California red-legged frog and California tiger salamander SMP potential ranges map areas is authorized only when the creek is dry and no rain is forecast for the next 48 hours.

3 May continue only if at least 50% complete on October 15 or, for bank stabilization, is a new project that will be completed in five (5) days or less.

Table 3 – Non-Instream (Above Ordinary High Water) Work Windows

Work Activity	Year-round, except where mechanized equipment crosses a creek or otherwise affects water quality	Date Specific Work Period
Vegetation Management (including pruning, limb removal, vegetation removal <6 inches dbh and tree removal 6-12 inches dbh)	X	
Herbicide ²	X ¹	
Mowing		Feb 1 through Nov 30
Grazing ³	X	
Management of Animal Conflicts	X ⁴	
Bank Rehabilitation Mitigation	X	
Encampment Cleanup Mitigation	X	
Minor Maintenance	X	
<p>Footnotes:</p> <ul style="list-style-type: none"> • X indicates work is allowed. • All maintenance vehicles shall stay on maintenance roads during the rainy season and when the soil is damp so as to avoid and minimize disturbed soil conditions within the bed and bank of the channel. <p>1 Herbicide use shall adhere to Material Safety Data Sheet and product label limitations.</p> <p>2 Herbicide application can only occur in California red-legged frog and California tiger salamander SMP mapped areas when the creek or area is dry and no rain is forecast for the next 48 hours.</p> <p>3 Grazing animals shall be restricted from entering the channel, all flowing and standing waters, and wetland habitats.</p> <p>4 Shall comply with special status species and pesticide requirements.</p>		

54. Any deviation from the approved work windows requires prior approval by Central Coast Water Board staff. The District may submit a work window extension request, prior to October 1, for review and approval by Central Coast Water Board staff, for SMP activities that need additional time for completion beyond the work windows described above. The extension request shall include, but not be limited to, the following information: channel names and reaches, conditions in the subject reach (including water level and flow conditions), maintenance activity type, reason for the request, and estimated date of completion. Central Coast Water Board staff will consider approval of the proposed work window extension request and provide a notice to proceed or indicate needed modifications to the work window extension request and/or proposed maintenance activities, within 15 days of receipt.

55. All staging shall occur on adjacent access roads or previously disturbed areas unless it is demonstrated to be infeasible. If the District is unable to use adjacent access roads or previously disturbed areas for staging, the District shall choose an area for staging that will result in the least environmental impact. The District shall implement BMPs to ensure impacts to waters of the state and adjacent riparian areas are avoided and minimized and

the site returned to pre-project conditions. If repair activities affect the active channel, the work area shall be isolated from flowing stream segments and restored to pre-project conditions after maintenance activities are complete.

56. The District shall not allow excavated materials, maintenance materials, and equipment to cover aquatic or riparian vegetation.
57. The District shall visually inspect winterized sites and each active maintenance site, during business hours, no more than two business days (48 hours) prior to each significant rain event. For the purposes of this Certification, "significant rain event" is defined as 0.5-inch or greater within a 24-hour period in the subject watershed. The visual observations shall include:
 - a. All stormwater drainage areas, to identify any spills, leaks, or uncontrolled pollutant sources. If needed, the District shall implement appropriate corrective actions;
 - b. All BMPs, to identify whether they have been properly implemented in accordance with the SMP Manual and this Certification. If needed, the District shall implement appropriate corrective actions; and
 - c. Any stormwater storage and containment areas, to detect and correct leaks and ensure maintenance of adequate freeboard.
58. The District shall visually inspect each maintenance site at least once daily during extended storm events to confirm that BMPs are effective and maintained as necessary.
59. The District shall visually inspect each maintenance site within two business days (48 hours) after each significant rain event to determine whether BMPs were effective and identify the need to modify or maintain existing BMPs or include additional BMPs to be protective. The District shall implement BMP modifications, additions, or maintenance, as needed for BMP effectiveness.
60. The District shall visually inspect the discharge of stored or contained storm water that is derived from and discharged subsequent to a significant rain event. Stored or contained storm water that will likely discharge after operating hours due to anticipated precipitation shall be inspected prior to discharge.
61. The District shall have erosion and sediment control materials available and on site after October 1 at each maintenance site that does not have post-construction erosion and sediment control measures in place and established. Whenever significant rainfall (defined as rainfall 0.5 inches or greater within a 24-hour period in the subject watershed) is forecasted within 48 hours, the District shall cease all maintenance work that may result in sediment runoff to the stream, and shall implement effective erosion and sediment control measures before rainfall begins.
62. If early season rainfall prevents implementation and establishment of post-construction erosion and sediment control measures or causes the District to cease work at a maintenance site before post-construction erosion and sediment control measures are established, the District shall implement winterization measures. For the purpose of this Certification, "winterization measures" means semi-permanent erosion and sediment controls designed to withstand a full rainy season.
63. The District shall record the time, date, and rain gauge reading of all qualifying rain events.
64. The District is not required to conduct visual inspections during dangerous weather conditions such as flooding and electrical storms or outside of scheduled site business hours.

65. The District shall divert any flow around active maintenance areas consistent with Chapter 3, Attachment A (BMPs), and Attachment E (Water Quality Monitoring Plan) of the SMP Manual.
66. The District shall halt work activities and notify Central Coast Water Board and California Department of Fish and Wildlife staff if fish, amphibians, or other aquatic organisms are exhibiting stress or death within 1,000 feet of maintenance activities or discharges. The District shall immediately assign a qualified biologist to investigate the cause of the problem and to determine if the cause is related to SMP activities. If so, the District shall prepare and implement an acceptable corrective action plan.
67. The District shall have a spill response plan and appropriate spill control and appropriate clean up materials on site (or readily available nearby) for rapid deployment in the event the District has caused, or potentially may cause, a discharge that is not consistent with the conditions of this Certification.
68. The District shall clean up, remove, and relocate any wastes that are discharged in violation of this Certification.
69. The District shall correct any and all problems that arise from an SMP activity, including a failure to meet the conditions of this Certification that results in an unauthorized release of pollutants, including sediment. If at any time an unauthorized discharge to surface water (including wetlands, rivers, or streams) occurs, or any water quality problem arises that is not consistent with the requirements of this Certification and the water quality objectives specified in the Basin Plan, the associated SMP activities shall cease immediately until corrective actions have been implemented, including ensuring that adequate BMPs are implemented to eliminate the discharge and clean up and remediate any recoverable pollutants. The District shall notify the Central Coast Water Board promptly, and in no case more than 24 hours, after the unauthorized discharge or water quality problem arises.
70. The District shall file an incident report with the Office of Emergency Services and notify the Central Coast Water Board promptly by telephone or email, and in no case more than 24 hours, after an adverse condition occurs as a result of a discharge. An adverse condition includes, but is not limited to, a violation or threatened violation of the conditions of this Certification, spill of petroleum products or toxic chemicals, or damage to control facilities that could affect compliance. A written notification of the adverse condition shall be submitted to the Central Coast Water Board within five days of occurrence. The written notification shall identify the adverse condition, describe the actions taken or planned to remedy the condition, and specify a timetable, subject to approval by Central Coast Water Board staff, for the remedial actions that follow any initial response to the adverse condition.
71. If an emergency exists, particularly one that requires work outside of the dry season, the District shall immediately contact Central Coast Water Board staff and shall comply with all requirements for coverage under Department of the Army Regional General Permit 5 (RGP5), and the Central Coast Water Board's certification for RGP5.
72. All District or District-contracted personnel who engage in SMP maintenance activities shall be trained in fluid (e.g., chemicals, fuels, or oil) spill cleanup procedures.

M. Compensatory Mitigation

73. Mitigation for impacts where certain SMP maintenance activities occurred during the 2002-2013 period (SMP-1) has been provided through the compensatory mitigation program under SMP-1. These areas are identified as Previously Mitigated Areas (PMAs) and are

listed in Attachment B (Previously Mitigated Areas) of the SMP Manual. No additional mitigation is required under this Order for SMP maintenance activities conducted during the 2014-2023 period (SMP-2) that are of the same work activity, on the same creek, and in the same location as those previously mitigated under SMP-1. Work activities within PMAs include pruning of overhanging growth (over maintenance roads and fence lines) and in-channel (below the ordinary high water mark) herbicide application, sediment removal, or vegetation removal <6" diameter at breast height (dbh).

74. The District shall implement the mitigation program described in Chapter 10 of the SMP Manual to mitigate for impacts to water quality and beneficial uses from SMP maintenance activities. The mitigation types, methods, and ratios described in Chapter 10 of the SMP Manual, and summarized below, apply to SMP-2 maintenance activities.
- a. Onsite and Offsite Ecological Services Based Mitigation: Onsite and Offsite Ecological Services Based Mitigation consists of replacing or enhancing ecological services at the impact site or nearby. Ecological services may include the removal of non-native invasive species to facilitate growth of native species; restoration of native plant communities following maintenance activities; homeless encampment cleanup and associated bank rehabilitation; or concrete removal from stream channels. Ecological Services Based Mitigation shall be conducted using the mitigation ratios summarized in Chapter 10 of the SMP Manual and be consistent with the following:
 - i. Invasive Plant Management Program (IPMP): IPMP mitigation eliminates or significantly reduces populations of invasive plant species by removing or controlling the growth of invasive plants within the SMP Program area, as described in Chapters 10 and 11 of the SMP Manual. Mitigation needs and credit will be determined annually, depending on the proposed work for the year. IPMP may be used to compensate for impacts from vegetation maintenance activities, sediment removal, and certain bank stabilization projects.
 - ii. Riparian Restoration Planting Program: The Riparian Restoration Planting Program restores and enhances riparian habitat along the channel banks and floodplain. Restoration will be accomplished primarily through the revegetation of creek banks and floodplains within the SMP area where the existing physical conditions (i.e., topography, hydrology, and soils) are suitable to establish native-dominated riparian habitat. Revegetation mitigation credit will be calculated based on the total area (as measured in square feet) of the revegetation site multiplied by the mitigation credit ratio based on the channel type of the associated stream (Modified Channel; Modified Channel with Ecological Value; Unmodified Channel). Removal of trees 6-12" dbh will incur additional mitigation balancing through tree replacement ratios described in Chapter 10 of the SMP Manual.
 - iii. Encampment Cleanup/Bank Rehabilitation: Encampment cleanup mitigation includes removal of human waste and organic and inorganic trash that is in, or positioned to enter, aquatic and riparian habitats. Encampment cleanup may also include repair and rehabilitation of stream banks impacted by encampment-related excavation that is not considered necessary for flood protection. Encampment cleanup mitigation may be used to compensate for impacts from vegetation removal <6" dbh, pruning, limb removal >4" dbh, herbicide application, and sediment removal.
 - iv. Concrete Removal: Concrete removal involves the removal of concrete from areas below the ordinary high water mark. Removal of concrete may include removal of any concrete structures or fragments of concrete regardless of their provenance. Concrete removals will only be considered valid mitigation if softscape is left behind in the footprint of the removal.

- b. Bank Stabilization: Mitigation for bank stabilization impacts will depend on the bank stabilization method and channel type, and ranges from 0:1 for self-mitigating activities to 3:1 for hardscape. Bank stabilization projects that use entirely softscape or biotechnical techniques are generally self-mitigating. Mitigation ratios for the different bank stabilization treatments shall be in accordance with Table 10.2 of the SMP Manual. Various bank stabilization techniques are described in Attachment D of the SMP Manual. Impacts from bank stabilization projects shall be avoided and minimized through evaluating and refining project needs, designing projects to affect the minimum feasible area, and employing BMPs to reduce impacts during project construction. Mitigation for bank stabilization impacts may be accomplished through revegetation, land acquisition, or through concrete removal. Remaining mitigation credits from the Pajaro Basin Freshwater Wetland mitigation site created under SMP-1 may be employed for bank stabilization impacts that occur within the jurisdiction of the Central Coast Water Board.
- c. Land Acquisition Based Mitigation: Land acquisition-based mitigation under SMP-2 is separate from and independent of the land acquisition requirements associated with SMP-1. Land will be acquired and protected in perpetuity to address repeated impacts and longer-term mitigation needs and may include in-kind or out-of-kind preservation, enhancement, restoration, or establishment as described in Chapter 10 of the SMP Manual. The District may also collaborate with other landowners to fund, develop, monitor, and ensure success of aquatic resource preservation, enhancement, restoration, or establishment projects on non-District owned lands. Mitigation ratios will vary depending on the type of mitigation activity conducted in the acquired land and will be included in the NPW for review and approval by Central Coast Water Board staff. The District shall develop a long-term management plan, acceptable to the Central Coast Water Board Executive Officer, for all acquired lands. The District shall also provide protection in perpetuity for non-District owned lands acquired as mitigation for SMP-2 activities through a conservation easement or other instrument acceptable to the Central Coast Water Board Executive Officer. If the District is not able to manage a mitigation property, either in part or in full, consistent with the approved long-term management plan for the property, then the District shall notify the Central Coast Water Board within 30 days.
 - i. Single-user Programmatic Mitigation Bank: The District may develop a single-user umbrella mitigation bank in coordination with USACE and the Central Coast Water Board as described in Chapter 10 of the SMP Manual. The single-user umbrella mitigation bank must be acceptable to the Central Coast Water Board Executive Officer and will allow for establishment of multiple mitigation sites over time and establish site protection requirements set forth in a formal banking agreement between USACE, the Central Coast Water Board, and the District, and possibly the California Department of Fish and Wildlife. The single-user mitigation bank will afford a consolidated structure for off-site mitigation for activities that cannot be mitigated on-site. The single-user mitigation bank shall incorporate any new land acquisition-based mitigation, other offsite mitigation for bank stabilization projects, and mitigation for other permanent or repeat impacts not addressed through the other mitigation approaches.
- d. Species-Targeted Habitat Mitigation: Species-targeted habitat mitigation will provide mitigation for impacts to sensitive habitats and resources within waters of the state. The following mitigation actions may be performed and integrated to compensate for effects on multiple sensitive habitats and resources:
 - i. Mitigation for Impacts to Anadromous Salmonids: When mitigation for SMP impacts to waters of the state and riparian habitats is conducted along creeks supporting

anadromous salmonids (e.g., steelhead), the District shall design the mitigation to benefit those species. Mitigation for the loss of spawning gravels and instream complexity features shall be determined using maintenance site assessments as described in the SMP Manual.

1. Gravel Augmentation: The District shall implement gravel augmentation as described in Chapters 10-12 and Attachment G (Steelhead Impact Minimization Measures) to the SMP Manual. The District shall recommend a list of sites for review and approval by the regulatory permitting agencies in the NPW. Mitigation shall be provided by placement of coarse substrate at identified and approved sites.
 2. Instream Complexity Mitigation: The District shall implement instream complexity mitigation as described in Chapters 10-12 of the SMP Manual. The District shall recommend in the NPW a list of sites for review and approval by the regulatory permitting agencies. Instream complexity features impacted by bank stabilization and sediment removal activities shall be replaced on site where conditions allow. Where onsite conditions do not permit replacement of instream complexity features, the District shall install mitigation features at a site or sites selected from the approved list. The District shall evaluate incorporation of habitat complexity features into project-specific designs for bank stabilization treatments.
 3. Large Woody Debris (LWD) Mitigation: The District shall implement LWD mitigation as described in chapters 9-12 to the SMP Manual. LWD includes downed logs, trees, and other woody debris positioned along the streambed. The District will assess site-specific LWD conditions to determine whether LWD features will be (1) retained; (2) repositioned; (3) modified; (4) relocated; or (5) removed, as Tiers 1 through 5 LWD actions. The District shall provide LWD mitigation for all LWD features in anadromous salmonid channels based on the Tier of the actions, consistent with Chapters 9-10 of the SMP Manual, to compensate for the important ecological, geomorphic, and hydraulic functions the LWD provides in the stream channel. The mitigation requirement for removal of LWD shall be based on the volume of wood removed. The District shall estimate the volume of wood to be removed during pre-project assessments and use the estimated volume to determine a preliminary mitigation proposal to be included in the NPW for review. The District shall implement LWD mitigation based on actual LWD removed from the maintenance site.
75. The SMP Manual includes mitigation ratios (Chapter 10) associated with each maintenance activity (e.g., sediment removal, vegetation management, tree removal, etc.) and each mitigation type (e.g., Invasive Plant Management Program, Land Acquisition Based Mitigation). Due to the variation in maintenance activity impacts and mitigation types associated with land acquisition-based mitigation, the District shall propose mitigation for review and approval by Central Coast Water Board staff. If Central Coast Water Board staff determines that the District has not proposed adequate mitigation for the potential impact to waters of the state, additional or alternative mitigation shall be required.
76. To the maximum extent practicable, the District shall implement compensatory mitigation projects in advance of or concurrent with the activity causing the permitted impacts, particularly when offsite mitigation is pursued. Due to the nature of onsite mitigation, the Central Coast Water Board recognizes that onsite mitigation activities will likely occur during or following the maintenance activities.

77. Any minor changes to any of the aforementioned compensatory mitigation approaches included in the SMP Manual must meet the overall criteria and function of the methods described in this Certification and the SMP Manual and must be approved in writing by the Central Coast Water Board Executive Officer.
78. The District shall submit proposed mitigation as part of the NPW each year to Central Coast Water Board staff for approval. In the event that a proposed mitigation activity is denied by Central Coast Water Board staff, the District shall submit an alternative mitigation proposal to Central Coast Water Board staff for written approval within 30 days. Central Coast Water Board staff will approve the alternative mitigation proposal and provide a notice to proceed, or indicate needed modifications to the NPW, within 30 days of receipt. If the District becomes aware that an approved mitigation proposal is no longer viable, an alternative mitigation proposal shall be submitted to Central Coast Water Board staff for written approval within 90 days. The District shall implement alternative mitigation proposal(s) approved by Central Coast Water Board staff.
79. If any mitigation site has not developed in accordance with the performance criteria described in Chapters 10 and 11 of the SMP Manual by the fifth year following completion of mitigation construction, the District shall prepare and implement a revised mitigation plan acceptable to the Central Coast Water Board Executive Officer, addressing corrective action, outlining additional monitoring, or proposing new mitigation.
80. Throughout the course of the SMP, the District shall continue to look for in-kind mitigation opportunities within the District's jurisdiction to compensate for impacts resulting from maintenance activities.
81. Annual minor maintenance activities that impact more than 0.01 acre of wetland or riparian habitat shall be mitigated as described in Chapter 10 of the SMP Manual.
82. The District shall complete all mitigation activities as described in the SMP Manual and this Certification.

N. Monitoring

83. The District shall monitor all active maintenance project sites and mitigation project sites as described in Chapter 11 of the SMP Manual.
84. The District shall monitor LWD based on its Tier classification, as required under the procedures in SMP Manual Chapters 9-11. If the performance criteria, as specified in the approved NPW, have not been met and/or LWD features have created any adverse effects, the District shall propose (in the ASR) and implement corrective action and additional monitoring until the approved performance criteria have been met.
85. Any minor changes to any of the monitoring requirements or success criteria in Chapter 11 of the SMP Manual shall meet the overall criteria and function of the methods described in this Certification and the SMP Manual and shall be approved in writing by the Central Coast Water Board Executive Officer.
86. All monitoring reports shall be prepared and submitted to the Central Coast Water Board Executive Officer, in accordance with Chapters 11 and 12 of the SMP Manual.
87. The District shall implement the Sediment Characterization Plan for the Santa Clara Valley Water District Multi-Year Stream Maintenance Program (Sediment Plan), dated December 2019, contained in Attachment F to the SMP Manual. The Sediment Plan may be updated and improved with the written approval of the Central Coast Water Board Executive Officer,

provided that any amendments meet the overall criteria and function of the methods described in this Certification and the SMP.

88. The District shall implement the Water Quality Monitoring Plan for the Santa Clara Valley Water District Multi-Year Stream Maintenance Program (Water Quality Plan), dated October 2018, contained in Attachment E to the SMP Manual.

O. Reporting

89. The District shall submit searchable electronic versions of all submitted reports or documents to RB3_401Reporting@waterboards.ca.gov and to Central Coast Water Board staff.
90. The District shall submit a Notice of Proposed Work (NPW), acceptable to Central Coast Water Board staff, by April 15 of each year. The District shall submit NPWs according to the process established in the SMP Manual and this Certification. Annual maintenance plans and NPWs shall be developed by an interdisciplinary team with expertise in hydraulic engineering, horticulture, and biology. The team's expertise shall be documented in the NPWs. The NPW shall include the information specified in Chapter 12 of the SMP Manual. Central Coast Water Board staff will approve the NPW for that year's projects and provide a notice to proceed, or indicate needed modifications to the NPW, within 45 days of receipt. The District may also submit a second NPW (second submittal) that identifies additional maintenance projects that become necessary due to late season rain events. Second submittals will contain the same type of information as required in the NPW. Central Coast Water Board staff will approve the second submittals and provide a notice to proceed, or indicate needed modifications to the NPW, within 15 days of receipt.
- a. Where vegetation management and/or sediment removal is necessary but MGs do not exist, the District shall develop and submit the following information in the NPW:
 - i. Classification of the channel reach as Modified Channel, Modified Channel with Ecological Value, or Unmodified Channel;
 - ii. Statement as to whether the channel reach is part of a PMA, and if so, maintenance activities covered under the PMA;
 - iii. For modified and modified with ecological value channel reaches, the design flood return period for each reach (e.g., the one-hundred-year flood) and the design flow rate;
 - iv. For unmodified channel reaches, a description of the District's best estimate of the natural condition of the reach, and the assumptions used to develop it;
 - v. Roughness and sediment objectives for the proposed maintenance, including the assumptions and rationale used to develop the objectives;
 - vi. Vegetation objectives for the proposed maintenance describing the desired vegetation condition (e.g., vegetation type, density) that optimizes environmental values while still providing the design flood flow conveyance;
 - vii. Determination of any increase in water surface elevation compared to the as-built condition and the cause of this increase, including whether the work site is a hydraulic constriction, or is subject to backwater effects caused by a downstream constriction. This analysis shall be based on available field data and/or a hydraulic model, if available;
 - viii. Evaluation of alternative approaches that could achieve the same result (e.g., removing a hydraulic constriction, removing sediment instead of in-channel vegetation);
 - ix. General channel reach dimensions;
 - x. Anticipated frequency of maintenance; and

- xi. For all sediment removal and bank stabilization activities proposed in anadromous streams, regardless of channel type and whether MGs exist or not, an evaluation of alternative approaches (e.g. removing a hydraulic constriction, removing vegetation instead of sediment, considering an alternative bank stabilization method) that could achieve the same result while further minimizing or avoiding impacts to the sensitive habitat.
91. After May 1, and before June 15 of each year, the District shall organize a meeting and a field tour with Central Coast Water Board staff and staff of other regulatory agencies to discuss the maintenance activities proposed for that year.
92. The following activities are exempt from annual notification requirements and may occur any time at the discretion of the District and consistent with the SMP Manual and subject to Additional Condition 53 of this Certification:
- a. Non-in-channel vegetation management
 - i. Routine pruning – overhanging growth (of roadways and fence lines) and in PMAs;
 - ii. Pruning of vegetation that is expected to result in the removal of less than 0.01 acre (436 sq. ft.) of riparian vegetation;
 - b. Corrective pruning;
 - c. Coppicing;
 - d. Grazing;
 - e. Mowing, unless it is in sensitive habitats such as wetlands or woody riparian vegetation , or there is potential for impact to special-status species; and
 - f. Herbicide spraying on maintenance roads.
93. The District shall submit an Annual Summary Report (ASR) by January 31 each year according to the process described in Chapter 12 of the SMP Manual.
94. After each maintenance season, District and Central Coast Water Board staff will meet in February or March to discuss the performance of the SMP, review lessons learned from the completed construction season, and determine the need to implement improved stream maintenance techniques and BMPs. Since project-specific problems will already be included in ASRs, lessons-learned meetings will occur only if large-scale problems arise that District or Central Coast Water Board staff deem need discussion.

P. Records and Data Management

95. The District shall maintain a data management system to monitor stream maintenance activities, natural resources in the SMP maintenance jurisdiction, permitting requirements, and mitigation efforts, consistent with Chapter 12 of the SMP Manual and this Certification.
96. The Central Coast Water Board Executive Officer may request that data be provided to the Central Coast Water Board at times outside of the reporting requirements specified in this Certification. Adequate time will be provided for the data request.
97. The District shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Certification, and records of all data used to complete the application for this Certification, for a period of at least five years from the date of the sample, measurement, report, or application. This period may be extended by request of the Central Coast Water Board Executive Officer at any time, but not retroactively for more than five years.

98. The District shall maintain a copy of this Certification, site-specific project plans, and site-specific BMP plans at each maintenance site at all times, so as to be available at all times to all personnel.
99. The District shall maintain records of all visual inspections, personnel performing the inspections, inspection dates, weather conditions, locations observed, and corrective actions taken in response to the inspections.

CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

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Central Coast Water Board, Region 3
(805) 549-3689
Mark.Cassady@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all the conditions listed in this Certification are met, any discharge from the Santa Clara Valley Water District 2019-2023 Stream Maintenance Program shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which requires compliance with all conditions of this Certification.

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

for Matthew T. Keeling
Executive Officer
Central Coast Water Board

May 19, 2020
Date

PROJECT INFORMATION AND CONDITIONS

Application Date	Received: August 12, 2019 Completed: August 13, 2019
Permittee	Santa Clara Valley Water District (District)
Permittee Representatives	Scott Akin Santa Clara Valley Water District
Project Name	Santa Clara Valley Water District 2019-2023 Stream Maintenance Program (SMP)
Application Number	34319WQ06
Type of Project	Routine stream maintenance for flood control and conveyance
Project Location	Various locations in the Pajaro watershed in Santa Clara County
County	Santa Clara
Receiving Water(s)	<u>Rivers</u> Pajaro River <u>Creeks</u> Uvas-Carnaderos Creek, Bodfish Creek, Birchell Creek, Llagas Creek, West Branch Llagas Creek, East Little Llagas Creek, West Little Llagas Creek, Jones Creek, Crews Creek, Lions Creek, Live Oak Creek, Panther Creek, Rocker Creek, Alamas Creek, San Martin Creek, Tennant Creek, Corralitos Creek, Edmundson Creek <u>Lined channels or earthen ditches</u> Madrone Channel, North Morey Channel, South Morey Channel, Princevalle Drain
Water Body Type	Creeks, channels, ditches, rivers
Designated Beneficial Uses	Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Industrial Service Supply (IND) Ground Water Recharge (GWR) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Warm Fresh Water Habitat (WARM) Migration of Aquatic Organisms (MIGR) Spawning, Reproduction, and/or Early Development (SPWN) Rare, Threatened or Endangered Species (RARE) Freshwater Replenishment (FRSH) Commercial and Sport Fishing (COMM)
Project Description (purpose/goal)	The purpose of the Project is described in Additional Condition 1 of this Certification. The Central Coast Water Board understands that the project includes the following maintenance activities in all channels in the Pajaro River watershed over which the District has jurisdiction and which are below 1,000 feet elevation:

	<ol style="list-style-type: none">1. Bank stabilization activities to repair stream banks and levees that are eroding or destabilizing, or not functioning appropriately.<ul style="list-style-type: none">• Bank stabilization involves repairing channel banks when a weakened, unstable, or failing bank causes or threatens to cause damage to an adjacent property; becomes a flood hazard; becomes a public safety concern; or creates problems with roads, transportation, or access.• The SMP Manual provides for bank stabilization using bioengineering methods to the maximum extent practicable while limiting the use of bank-hardening materials.2. Sediment removal activities to maintain the hydraulic, safety, and habitat functions of the creek systems.<ul style="list-style-type: none">• Sediment removal will occur to maintain or restore the design capacity of a channel; allow facilities or appurtenant structures to function as designed to control flood waters; and facilitate fish passage.• Sediment removal techniques include use of excavators from the top-of-bank, or within the channel (when the channel is dry or dewatered) if work from the top-of-bank is not possible or would cause major impacts to vegetation.• The District projects sediment removal activities will impact a maximum of 7.4 miles of channel (all streams and channels in the Pajaro watershed), with 3.1 miles in new work areas.3. Vegetation management activities to maintain the hydraulic, safety, and habitat functions of the creek systems, and to allow for levee inspections and maintenance access.<ul style="list-style-type: none">• Vegetation management activities include pruning, coppicing, removal, mowing, grazing, herbicide application, and planting new trees and shrubs.• Vegetation management techniques include hand removal using small tools and hand-held equipment, mechanical removal using heavy equipment such as a flail mower attached to an excavator, spot chemical control on tree stumps and along access roads, herbicide application using backpack applicators or truck-mounted applicators, and grazing animals.• Impacts from vegetation management activities shall be limited to less than the following maximum impacts for all streams and channels in the Pajaro watershed over a 10-year period:<ul style="list-style-type: none">- 49.7 miles of hand vegetation removal;- 162 miles of herbicide application;- 156.6 miles of pruning;- 45.9 miles of mowing; and- 0.9 mile of discing.4. Activities to manage animal conflicts to protect District levees, channels, and facilities.<ul style="list-style-type: none">• Management of animal conflicts activities includes repairing damage caused by burrowing and foraging animals along
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	<p>District channels and facilities, and managing District channels and facilities to avoid further damage.</p> <ul style="list-style-type: none"> • Techniques for management of animal conflicts include biological control, site alterations, habitat alteration, nest deterrence, live trapping, and lethal control. <p>5. Minor maintenance activities to repair and maintain District facilities.</p> <ul style="list-style-type: none"> • Minor maintenance activities include: cleaning and minor sediment removal within 100 feet of outfalls, culverts, flap gates, inlets, grade control structures, bridges, stream gauges, fish ladders, and fish screens (limited to 25 cubic yards); trash and debris removal; repair and installation of fences and gates; grading and other repairs to restore the original contour of existing maintenance roads; grading small areas without vegetation above stream banks to improve drainage and reduce erosion; repair of structures with substantially similar materials within approximately the same footprint; graffiti removal; installation and on-going maintenance of mitigation and landscape sites; removal of obstructions at structures to maintain functions; stream gauge maintenance, and minor erosion repair above the ordinary high water mark caused by local runoff occurring outside the channel directed toward the channel. • Impacts to wetland or riparian vegetation from minor maintenance activities shall be limited to less than 0.2 acre per year. <p>6. Large woody debris (LWD) management to address woody debris in streams resulting from natural processes such as bank erosion, windthrow, and tree mortality. LWD is defined as wood with a minimum diameter of 12 inches and minimum length of 72 inches in streams that support anadromous salmonids. Woody debris, including LWD, provides an important ecological role in the Permittee's streams.</p> <ul style="list-style-type: none"> • Reposition, modify, cut, or remove LWD to maintain channel flood capacity or infrastructure integrity if it poses a potential flood risk or threatens to damage infrastructure.
U.S. Army Corps of Engineers Permit No	Individual Permit 1996-225250S
Federal Public Notice	1996-22525S
Dept. of Fish and Game Streambed Alteration Agreement	Streambed Alteration Agreement # 1600-2011-0336-R3
Status of CEQA Compliance	Final Subsequent Environmental Impact Report, Stream Maintenance Program Update, December 2011. Lead Agency: Santa Clara Valley Water District
Total Certification Fee	\$ 72,445
Area of Disturbance	Varies
Dredge Volume	Varies

Central Coast Water Board Compensatory Mitigation Requirements	The District shall comply with Section M (Compensatory Mitigation) of the Additional Conditions of this Certification.
Project Requirements	The District shall comply with the Additional Conditions of this Certification.
Monitoring and Reporting Requirements	<ol style="list-style-type: none">1. The District shall comply with monitoring requirements contained in Section L (Best Management Practices) and Section N (Monitoring) of the Additional Conditions of this Certification.2. The District shall comply with the reporting requirements contained in Section O (Reporting) and Section P (Records and Data Management) of the Additional Conditions of this Certification.3. The District shall submit a signed copy of United States Army Corps of Engineers Individual Permit No. 1996-225250 for the Stream Maintenance Period 2019-2023 to the Central Coast Water Board immediately upon execution and prior to any discharge to waters of the state.