

Supplemental Errata
(Changes to revised Tentative Order with errata,
dated May 6, 2009, shown in green text)

Item 11

1. On page 9, make the following revisions:

37.43. Within **9 10** months of receiving the Coastal Development Permit from the Commission, the Discharger must submit to the Commission, and the Regional Board, a list of the selected mitigation site or sites, and corresponding preliminary restoration plans, for review and agency approval. **Within two years of issuance of the Coastal Development Permit for the CDP, the Discharger must submit a complete application to restore at least 37 acres of estuarine wetlands.** Six months following the Regional Board's and Commission's approval of the selected sites and proposed restoration, pending necessary permits, the Discharger must begin wetland construction. The Discharger must submit similar plans for Phase II implementation, if Phase II implementation is required, within 5 years of receiving the Coastal Development Permit for Phase I implementation.

2. On page 14, in ordering paragraph 1.a., make the following revisions:

a. Biological Performance Standard:

The March 27, 2009 Minimization Plan is amended at p. 6-10 to establish a biological performance standard (requirement) of annual fish productivity (i.e., the production of new fish biomass) of 1,715.5 kilograms (kg)/year to be achieved in the wetlands mitigation site(s) created or restored through the MLMP. A new row is added at the end of section 5.4 ("Post-restoration Monitoring and Remediation") with the following language inserted in column 3 as follows:

"5.4.b. ('Biological Performance Standards') 7. Impinged Fish Productivity. ~~Within 4 years of construction completion, and annually thereafter, the mitigation wetlands shall achieve fish productivity of~~ Commencing four years after construction of the wetlands has been completed, the Discharger shall demonstrate that the wetland site(s) ~~produce~~ achieve **no less than 1,715.5 kg of available fish productivity biomass per year (as determined through the monitoring and accounting method set forth in section 6.5.1 of the Minimization Plan). The Executive Officer shall consider any adjustment to the biological performance standard/fish productivity standard proposed by the Discharger pursuant to section 6.5.2, and any other relevant information, in determining whether to adjust**

the standard of 1,715.5 kg/year for the next permit cycle. , available to compensate for impingement of fish. Within 180 days before the next permit expires, the Discharger shall provide a comparison of the impingement monitoring data and the fish productivity monitoring data developed during the current permit cycle. This comparison will be used to support the determination by the Executive Officer to increase or decrease the 1,715.5 kg/year fish productivity performance standard to reflect actual impingement resulting from CDP operations. The Discharger may seek review of the Executive Officer's determination by an appeal to the Regional Board."

3. On page 20, make the following addition:

f. Productivity Monitoring Plan

This Order modifies the March 27, 2009 Minimization Plan to add a Productivity Monitoring Plan component that will be used to evaluate whether the Discharger has achieved the annual fish productivity requirement of 1,715.5 kg/year established in the Minimization Plan.

Of the up to 55.4 acres of mitigation wetlands that the Discharger has agreed to create or restore to offset potential stand-alone entrainment, the Discharger explained that 49 acres (i.e., 88%) are designated to mitigate for the entrainment of the most commonly entrained lagoon species (i.e., gobies, blennies and garibaldi), and 6.4 acres (i.e., 12%) are designated to mitigate for the entrainment of the most commonly entrained ocean species (i.e., white croaker, northern anchovy, California halibut, queenfish, spotfin croaker) such that, therefore, all other species (i.e., other entrained and non-entrained species) present in the wetland are "available" to offset losses due to impingement. In order to be consistent with Section 6.2.1 of the March 27, 2009 Minimization Plan, the biomass of gobies, blennies and garibaldi shall be excluded from productivity calculations, and available fish biomass for productivity calculations shall be calculated as follows:

Available Fish Biomass = (88% x Biomass of Most Commonly Entrained Ocean Species) + (100% x Biomass of All Other Species)

4. On page 13, add a new finding 63 as follows:

If during preparation of the final adopted documents the Executive Officer determines that minor, non-substantive corrections to the language of the adopted Order , including the response to comments, are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.