



Central Coast Regional Water Quality Control Board

November 2, 2017

Larry Hampson
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940
Email: Larry@mpwmd.net

VIA ELECTRONIC MAIL

Dear Mr. Hampson:

WATER QUALITY CERTIFICATION NUMBER 32717WQ03 FOR SLEEPY HOLLOW STEELHEAD REARING FACILITY RAW WATER INTAKE AND WATER SUPPLY SYSTEM UPGRADE PROJECT, MONTEREY COUNTY

Thank you for the opportunity to review your February 8, 2017 application for water quality certification of the Sleepy Hollow Steelhead Rearing Facility (SHSRF) Raw Water Intake and Water Supply System Upgrade Project (Project). The application was completed on February 17, 2017. The project, if implemented as described in your application and with the additional mitigation and other conditions required by this Clean Water Action Section 401 Water Quality Certification (Certification), appears to be protective of beneficial uses of State waters. We are issuing the enclosed Certification. 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 submitted 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 actions on the date of 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 **Kim Sanders** at (805) 542-4771 or via email at Kim.Sanders@waterboards.ca.gov, or Phil Hammer at (805) 549-3882. Please mention the above certification number in all future correspondence pertaining to this project.

Sincerely,

for
John M. Robertson
Executive Officer

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

cc: With enclosures

Katie Chamberlin
Anchor QEA, LLC
Email: kchamberlin@anchorqea.com

Jennifer Siu
U.S. Environmental Protection Agency
Region 9
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Katerina Galacatos
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Ashley Green
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Julie Vance
California Department of Fish and Wildlife
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Kim Sanders
Central Coast Water Board
Email: Kim.Sanders@waterboards.ca.gov

Linda Connolly
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401 Program Manager
State Water Resources Control Board
Email: Stateboard401@waterboards.ca.gov

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

PROJECT: Sleepy Hollow Steelhead Rearing Facility Raw Water Intake and Water Supply System Upgrade Project

APPLICANT: Larry Hampson
Monterey Peninsula Water Management District
5 Harris Court, Building G
Monterey, CA 93940

ACTION:

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

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.

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.

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 applicant, 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 Applicant 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 Applicant 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 applicant submittals.
9. The Applicant 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 Executive Officer of the Central Coast Water Board. The Applicant 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. 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 assure compliance with the water quality standards and other pertinent requirements of state law. This Order expires if Project construction does not begin within five years from the date of this Order.
- 12. The total fee for this project is \$720. The remaining fee payable to the Central Coast Water Board is \$0.

CENTRAL COAST WATER BOARD CONTACT PERSON:

Kim Sanders
(805) 542-4771
Kim.Sanders@waterboards.ca.gov

Please refer to the above certification number when corresponding with the Central Coast Water Board concerning this project.

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 Sleepy Hollow Steelhead Rearing Facility Raw Water Intake and Water Supply System Upgrade Project 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 applicant's project description 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 _____
John M. Robertson
Executive Officer
Central Coast Water Board

November 2, 2017
Date

PROJECT INFORMATION AND CONDITIONS

Application Date	Received: February 8, 2017 Completed: February 17, 2017
Applicant	Larry Hampson Monterey Peninsula Water Management District 5 Harris Court, Building G Monterey, CA 93940 Larry@mpwmd.net 831-658-5620
Applicant Representatives	Katie Chamberlin Anchor QEA, LLC 130 Battery Street, Suite 400 San Francisco, CA 94111 kchamberlin@anchorqea.com 415-361-5153
Project Name	Sleepy Hollow Steelhead Rearing Facility Raw Water Intake and Water Supply System Upgrade Project
Application Number	32717WQ03
Type of Project	Ecological Aquatic/Stream/Habitat Restoration
Project Location	Unincorporated Monterey County Latitude: 36.443508° N Longitude: - 121.715974° W
County	Monterey
Receiving Water(s)	Carmel River 307.00 Carmel River Hydrologic Unit
Water Body Type	River
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) Preservation of Biological Habitats of Special Significance (BIOL) Rare, Threatened or Endangered Species (RARE) Freshwater Replenishment (FRSH) Commercial and Sport Fishing (COMM)
Project Description (purpose/goal)	The purpose of this project is to maintain and improve the SHSRF's ability to operate and contribute to the restoration and conservation of steelhead populations. Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff understands that the project includes the following activities: 1. Installing a water recirculation system; 2. Relocating the intake location to the head of a relatively deep pool

	<p>in the Carmel River, about 190 feet upstream of the current location;</p> <ol style="list-style-type: none"> 3. Installing a single 66-inch-diameter replacement active cone screen; 4. Bolting the new cone screen to the top of a concrete base that would measure 9 feet in diameter by 3.75 feet thick; 5. Surrounding the concrete base with rock rip rap; 6. Excavating the river bed to a maximum of 6 feet, or until bedrock is encountered, to install the rock riprap with a minimum weight of 3 tons and a diameter of 42 inches; 7. Installing a water line from the pump station to recirculate water to a spray bar manifold next to the screen; 8. Installing rock riprap on the channel bank to prevent erosion; 9. Excavating approximately 230 cubic yards to accommodate rock riprap and bank contouring; 10. Disconnecting the existing drum screen and removing it; 11. Dismantling the existing pump station; 12. Backfilling the removed pump station and planting the streambank with native vegetation; and 13. Installing a temporary dewatering and diversion system to isolate the work area.
U.S. Army Corps of Engineers Permit No.	<p>Nationwide Permit 12 – Utility Line Activities Nationwide Permit 13 – Bank Stabilization Nationwide Permit 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities</p>
Dept. of Fish and Wildlife Streambed Alteration Agreement	<p>Streambed Alteration Agreement is pending. Final, signed copy shall be forwarded immediately upon execution.</p>
Status of CEQA Compliance	<p>Mitigated Negative Declaration and Addendum Lead Agency: Monterey Peninsula Water Management District</p>
Total Certification Fee	<p>\$720</p>
Area of Disturbance	<p>Approximately 0.083 acre / 95 linear feet total</p> <p>Streambed:</p> <ul style="list-style-type: none"> • 0.034 acre / 49 linear feet permanent • 0.049 acre / 95 linear feet temporary, if the proposed dewatering and diversion system is constructed
Fill Volume	<p>Approximately 391 total cubic yards</p> <p>Streambed:</p> <ul style="list-style-type: none"> • 281 cubic yards permanent • 110 cubic yards temporary, if the proposed dewatering and diversion system is constructed

<p>Compensatory Mitigation Requirements</p>	<ol style="list-style-type: none"> 1. The project shall include the following compensatory mitigation: <ol style="list-style-type: none"> a. If the proposed dewatering and diversion system is constructed, 0.049 acre / 95 linear feet of temporary streambed impacts due to installation of a dewatering and diversion system shall be mitigated through the rehabilitation of 0.049 acre / 95 linear feet of streambed habitat. b. 0.034 acre / 49 linear feet of permanent streambed impacts shall be mitigated through the re-establishment of 0.065 acre / 207 linear feet of streambed habitat by (1) removing various concrete bridge components (two slabs, a pier, and a deck as identified in the <i>Sleepy Hollow Steelhead Rearing Facility Raw Water Intake and Water Supply System Upgrade Mitigation Plan Vegetation Removal and Replanting Plan</i> dated October 20, 2017) from the Carmel River, and (2) removing the current rearing facility intake screen and caisson. 2. The Applicant shall implement compensatory mitigation installation, maintenance, and monitoring as described in <i>Sleepy Hollow Steelhead Rearing Facility Raw Water Intake and Water Supply System Upgrade Mitigation Plan Vegetation Removal and Replanting Plan</i> dated October 20, 2017 and any other pertinent submittals, except as noted in Compensatory Mitigation Requirements 3 and 4 below. 3. Onsite compensatory mitigation vegetation installation shall be installed within 12 months of completion of project construction. 4. Offsite compensatory mitigation (concrete removal) shall be completed within 12 months of completion of project construction.
<p>Project Requirements</p>	<p><u>Project practices that are required to comply with 401 Water Quality Certification are as follows:</u></p> <ol style="list-style-type: none"> 1. All personnel who engage in construction activities or their oversight at the project site (superintendent, construction manager, foreman, crew, contractor, biological monitor, etc.) must attend trainings on the conditions of this Certification and how to perform their duties in compliance with those conditions. Every person shall attend an initial training within five working days of their start date at the project site and follow-up trainings every six months until the project is completed. Trainings shall be conducted by a qualified individual with expertise in 401 Water Quality Certification conditions and compliance. 2. 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 land 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. 3. Portions of the project that occur below top of creek banks or in other waters of the State shall be stabilized for the winter prior to October 1 of each year, either by completing construction of those portions of the project (including installation of permanent erosion control measures) or by implementing winterization stabilization measures capable of effectively stabilizing the area and preventing erosion under winter rain and flow conditions generated by the 10-

	<p>year 24-hour storm event. No construction activities shall be conducted below top of creek banks or in other waters of the State during the winter period (October 1 – May 30), unless prior written approval has been obtained from Central Coast Water Board staff. Requests to conduct construction activities below top of creek banks or in other waters of the State during the winter period shall be submitted to Central Coast Water Board staff at least 21 days prior to the planned winter period work date. If approval is obtained, the Applicant shall implement the approved winter work as specified in the Central Coast Water Board staff approval and as described in any documentation submitted by the Applicant while seeking the approval.</p> <ol style="list-style-type: none">4. Erosion and sediment control measures shall be on site prior to the start of construction and kept on site at all times so they are immediately available for installation in anticipation of rain events.5. The Applicant shall implement and maintain an effective combination of erosion and sediment control measures (e.g., revegetation, fiber rolls, erosion control blankets, hydromulching, compost, straw with tackifiers, temporary basins) to prevent erosion and capture sediment. The Applicant shall implement and maintain washout, trackout, dust control, and any other applicable source control BMPs.6. Erosion and sediment control measures and other construction BMPs shall be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance.7. At any time of year, the Applicant shall not conduct construction activities below top of creek banks or in other waters of the State during rain events or on any day for which the National Weather Service has predicted a 25% or more chance of at least 0.1 inch rain in 24 hours (Predicted Rain Event). The Applicant shall install effective erosion control, sediment control, and other protective measures no later than the day prior to the Predicted Rain Event, and prior to the start of any rainfall. Construction activities below top of creek banks or in other waters of the State may resume after the rain has ceased, the National Weather Service predicts clear weather for at least 24 hours, and site conditions are dry enough to continue work without discharge of sediment or other pollutants from the project site.8. Any material stockpiled that is not actively being used during construction shall be covered and surrounded with a linear sediment barrier.9. The Applicant shall retain a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) onsite in case spills occur.10. The Applicant shall confine all trash and debris in appropriate enclosed bins and dispose of the trash and debris at an approved site at least weekly.11. All construction vehicles and equipment used on site shall be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials.
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	<p>12. The Applicant shall designate a staging area for equipment and vehicle fueling and storage at least 100 feet away from waterways, in a location where fluids or accidental discharges cannot flow into waterways.</p> <p>13. All vehicle fueling and maintenance activity shall occur at least 100 feet away from waterways and in designated staging areas, unless a requested exception on a case-by case basis granted by prior written approval has been obtained from Central Coast Water Board staff.</p> <p>14. If the project requires dewatering or diversion, the Applicant shall construct the dewatering and diversion system in compliance with the approved plan in Figures 10 and 11 within the <i>Sleepy Hollow Steelhead Rearing Facility Raw Water Intake and Water Supply System Upgrade Mitigation Plan Vegetation Removal and Replanting Plan</i> dated October 20, 2017. All dewatering/diversion methods shall be installed such that natural flow is maintained upstream and downstream of the project area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the project area. All dewatering/diversion methods shall be removed immediately upon completion of dewatering/diversion activities.</p> <p>15. All construction-related equipment, materials, and any temporary BMPs no longer needed shall be removed and cleared from the site upon completion of the project.</p> <p>16. Central Coast Water Board staff shall be notified if mitigations as described in the 401 Water Quality Certification application for this project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. The Applicant shall inform Central Coast Water Board staff of any modifications that interfere with compliance with this Certification.</p>
<p>Monitoring and Reporting Requirements</p>	<p>The Applicant shall conduct the following monitoring:</p> <p>1. Visually inspect the project site and areas of waters of the State adjacent to project impact areas following completion of project construction and for three subsequent rainy seasons to ensure that the project is not causing excessive erosion, stream instability, or other water quality problems. If the project does cause water quality problems, contact the Central Coast Water Board staff member overseeing the project. You will be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems.</p> <p>2. Monitor the compensatory mitigation site for four years. If success criteria are not achieved within that time, continue annual monitoring and maintenance until success criteria are achieved. Compensatory mitigation monitoring shall include assessment of growth, survival, percent cover, general health and stature, signs of reproduction, progress towards achieving success criteria, and any other measures identified in the <i>Sleepy Hollow Steelhead Rearing Facility Raw Water Intake and Water Supply System Upgrade Mitigation Plan Vegetation Removal and Replanting Plan</i> dated October 20, 2017 and any other pertinent submittals.</p>

The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov [Note: Annual fees are based on submittal of reporting items 3-4 below]:

1. Streambed Alteration Agreement - Submit a signed copy of the Department of Fish and Wildlife's streambed alteration agreement to the Central Coast Water Board immediately upon execution and prior to any discharge to waters of the State.
2. Construction Commencement Notification - At least seven days in advance of any ground disturbing or grubbing activities, submit notification to the Central Coast Water Board of the date when project construction will begin.
3. Discharge, Construction, and Mitigation Installation Completion Notification - Within seven days of completing all project discharge, construction, and mitigation installation activities, submit notification to the Central Coast Water Board of project discharge, construction, and mitigation installation completion.
4. Compensatory Mitigation and Monitoring Completion Notification – Within seven days of Applicant verification of achievement of all compensatory mitigation success criteria and completion of all monitoring, submit notification to the Central Coast Water Board of compensatory mitigation success criteria achievement and monitoring completion. Include identification of the date when the final Annual Project Status Report will be submitted. [Note: Submittal of Compensatory Mitigation and Monitoring Completion Notification does not terminate this Certification or its requirements.]
5. Annual Project Status Report – The Applicant shall submit to the Central Coast Water Board an Annual Project Status Report by May 31 of each year following the issuance of this Certification, regardless of whether project construction has started or not. The Applicant shall submit Annual Project Status Reports until the Applicant has conducted all required monitoring and mitigation has achieved all success criteria. The final Annual Project Status Report is due on or before the May 31 following the achievement of all mitigation success criteria. Each Annual Project Status Report shall include at a minimum:
 - a. The status of the project: construction not started, construction started, or construction complete.
 - b. The date of construction initiation, if applicable.
 - c. The date of construction completion, if applicable.
 - d. If project construction is complete:
 - i. A summary of daily activities, monitoring and inspection observations, and problems incurred and actions taken;
 - ii. Identification of when site personnel trainings occurred, description of the topics covered during trainings, and confirmation that every person that engaged in construction activities or their oversight at the project site was trained initially and every six months thereafter.
 - iii. A description of the results of the annual visual inspection of the project site and areas of waters of the State adjacent to project impact areas, including:

	<ol style="list-style-type: none">1. Erosion conditions;2. Stream stability conditions;3. Water quality and beneficial use conditions;4. Clearly identified photo-documentation of all areas of permanent and temporary impact, prior to and after project construction; and5. Clearly identified representative photo-documentation of other project areas, prior to and after project construction.6. If the visual inspection monitoring period is over, but water quality problems persist, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the project is no longer causing excessive erosion, stream instability, or other water quality problems. <p>e. Mitigation reporting, if mitigation installation has started, including the following information:</p> <ol style="list-style-type: none">i. Date of initiation of mitigation installation and date mitigation installation was completed;ii. If mitigation installation was completed, confirmation mitigation was installed according to the requirements of this Certification and as described in the application, <i>Sleepy Hollow Steelhead Rearing Facility Raw Water Intake and Water Supply System Upgrade Mitigation Plan Vegetation Removal and Replanting Plan</i> dated October 20, 2017 and any other pertinent submittals, except as noted in Compensatory Mitigation Requirements 3 and 4;iii. Analysis of monitoring data collected in the field;iv. Quantification of growth, percent cover, survival, general health and stature, signs of reproduction, and documentation of progress toward achieving all mitigation performance criteria;v. Qualitative and quantitative comparisons of current mitigation conditions with preconstruction conditions and previous mitigation monitoring results;vi. Any remedial or maintenance actions taken or needed;vii. Any additional information specified in the <i>Sleepy Hollow Steelhead Rearing Facility Raw Water Intake and Water Supply System Upgrade Mitigation Plan Vegetation Removal and Replanting Plan</i> dated October 20, 2017 and any other pertinent submittals; andviii. Annual photo-documentation representative of all mitigation areas, taken from vantage points from which Central Coast Water Board staff can identify changes in size and cover of plants. Compare photos of installed mitigation with photos of the mitigation areas prior to installation. <p>f. A description of mitigation completion status that identifies the amount of mitigation monitoring and maintenance remaining, or certifies that mitigation is complete and all required mitigation monitoring and maintenance has been conducted and all success criteria achieved. If the monitoring period is over, but</p>
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	all success criteria have not been achieved, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the criteria are met.
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