

State Water Resources Control Board
Division of Water Quality --- Water Quality Certification Program

**Public Notice of Application for
Water Quality Certification**

October 9, 2014

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian Tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Resources Control Board (State Water Board) has this responsibility for projects affecting waters within two or more Regional Water Board jurisdictions.

The following information is provided in satisfaction of the public notice requirements of California Code of Regulations, title 23, section 3858, which governs the State's Certification Program.

Applicant: U.S. Army Corps of Engineers, San Francisco District

Applicant Contact: Mr. Jim Mazza
Phone: (415) 503 - 6775
Email: James.C.Mazza@usace.army.mil

Project Name: Regional General Permit (RGP) 5 for Repair and Protection Activities in Emergency Situations (Project)

File Numbers: State Water Resources Control Board file no. SB14008IN
U.S. Army Corps of Engineers file no. 28218S

Project Description: The San Francisco District of the U.S. Army Corps of Engineers (USACE) is proposing to re-issue RGP 5, which would allow expedited authorization for discharges or work in waters of the United States within the District for repair or protection activities in emergency situations. This permit authorizes discharges of dredged or fill material into Waters of the United States, including wetlands, and/or work or structures in Navigable Waters of the United States for necessary repair and protection measures associated with an emergency situation. An "emergency situation" is present where there is a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., a situation that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately).

Activities Authorized by the RGP: Any work authorized by this RGP must be the minimum necessary to alleviate the immediate emergency, unless complete reconstruction does not result in significantly increased impacts to aquatic resources and logistical concerns indicate such reconstruction is as expedient considering the condition of the project site and is limited to in-kind replacement or refurbishment. Moderate upgrading would be considered if the applicant

wishes to use bioremediation or other environmentally sensitive solutions. For example, it may be determined that reconstruction of a bridge crossing or a roadway damaged by flood flows, high wind or wave action is a more appropriate course of action than temporarily shoring up the facility to allow an immediate return of its use. When continued public safety is an issue, such reconstruction will remain a viable option for consideration for authorization under this RGP. The RGP may not be used to upgrade an existing structure to current standards when that activity would result in additional adverse effects on aquatic resources, except in very unusual and limited circumstances. Such upgrade projects are considered separate activities for which other forms of authorization will be required. RGP 5 does not authorize work required by property owners as quid pro quo for access through private or public property where such access is contingent upon work conducted by the permittee in waters of the United States for the benefit of the property owner.

Project Location and Affected Counties: Within those parts of the State of California subject to regulatory review by the San Francisco District office, including the following areas:

- All of Siskiyou, Trinity, Del Norte, Humboldt, Mendocino, Sonoma, Marin, and Napa Counties;
- The western parts of Solano, Contra Costa, and Alameda Counties that include or drain to Suisun Bay west of Sherman Island (HUC 18050001), San Pablo Bay (HUC 18050002), or San Francisco Bay (HUC 18050004);
- All of San Francisco, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito Counties; and
- The inland portions of San Luis Obispo County northeast of the crests of the Santa Lucia Range, Garcia Mountain, and the La Panza and Caliente Ranges, including the Salinas River watershed (HUC 18060004 and 18060005) and the Carrizo Plain watershed (HUC 18060003).

Public Review Period: State Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by email or mail during a 21-day comment period that begins on October 9th, 2014 and ends at 5:00 p.m. on October 30th, 2014. Written comments should be submitted to the following address:

State Water Resources Control Board Staff Contact:

Brian Dailey, Environmental Scientist
Division of Water Quality
401 Certification and Wetlands Unit
State Water Resources Control Board
1001 I Street, 15th Floor, #57B
Sacramento, CA 95814

Telephone: (916) 341-5462

Fax: (916) 341-5584 (ATTN: *Brian Dailey*)

Email: Brian.Dailey@waterboards.ca.gov

Note: No regulatory decision on the application is implied or intended in this public notice.

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service. Click the SUBSCRIBE button under the "Quick Links" section of the 401 Program Webpage at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

Select "CWA 401 Certification and Wetlands Program." By enrolling in this list, you will receive notices for all current 401 project applications, including the project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the Lyris list, contact the staff person named in the notice to express your interest in receiving notices by other means.

You can enroll or un-enroll at any time. The State Water Board will not disclose your name or e-mail information to any outside parties, and will not use this information for any other purpose.