



(This page intentionally left blank.)

**A. Environmental Review**

In January 2015, the California Department of Fish and Wildlife (CDFW), as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2014122048) for the Project and filed a Notice of Determination (NOD) at the SCH on January 21, 2015. The State Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that CDFW's adopted environmental document comports with the requirements of CEQA and is valid (Pub. Resources Code, § 21167.3). The State Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by CDFW addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the Mitigation Measures, Monitoring and Reporting Program (MMRP) developed by CDFW for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15074, subd. (d).)

**B. Incorporation by Reference**

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project IS/MND and the application for this Order (with attachments).

All CEQA project impacts, including those discussed in subsection C below, are analyzed in greater detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at:

<https://www.dfg.ca.gov/fish/Administration/Grants/FRGP/Mit-Neg-Dec.asp>

Requirements under the purview of the State Water Board in the MMRP are included in Attachment D of this Order.

Finally, the Permittee's application for this Order with all attachments is incorporated herein by reference, including a project description, copies of information provided to other resource agencies, and other supporting information.

**C. Findings**

The IS/MND describes the potential significant environmental effects to waters of the state that were mitigated in the IS/MND. Considering the whole of the record, the State Water Board makes the following findings:

*The Initial Study identifies potentially significant effects, but revisions to the project agreed to by the Permittee prior to public review would avoid the significant effects, or reduce them to a less-than-significant level; and there is no substantial evidence that the revised Project would result in a significant environmental effect. (Cal. Code Regs., tit. 14, § 15070.)*

Potential Significant Impact to Biological Resources:

The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Facts in Support of Finding:

The Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. This impact will not occur because project activities are designed to improve and restore stream habitat, provide a long-term benefit to both anadromous salmonids and other fish and wildlife. The project will be implemented in a manner that will avoid short-term adverse impacts to rare plants and animals during construction. The mitigation measures that will be implemented to avoid short-term impacts to rare plants and animals are described in the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (Appendix C of the IS/MND) and the MMRP (Appendix B of the IS/MND). The biological resources section of the MMRP proposes mitigation measures that are sufficient to reduce impacts to biological resources to a level that is less than significant. These measures include the following sections of the MMRP: IV. Biological Resources A. (1) through (19); IV. Biological Resources B. (1) through (14); and Biological Resources C. (1) through (10). In addition, there are conditions in the Certification that avoid or further reduce impacts to biological resources to a level that is less than significant. These include conditions in section X.F.(Construction) of the Certification that help prevent erosion, turbidity, and pollutant discharges into waters of the state, and conditions in Section X.B. (Water Quality Monitoring) that require water quality monitoring for the prevention of pollutant discharges into waters of the state. These waters provide beneficial uses to plants and animals occurring along and within the streams on the Project.

Potential Significant Impact to Geology and Soils:

The Project could result in substantial soil erosion or the loss of topsoil.

Facts in Support of Finding:

The Project will not result in substantial soil erosion or the loss of topsoil. Implementation of the Project will contribute to an overall reduction in erosion and sedimentation. Restoring historic land surface profiles, conducting riparian vegetation plantings, and installing erosion reduction structures will prevent chronic erosion and sediment delivery to streams. Road improvements and decommissioning will involve moving large quantities of soil from road fills and stream crossings to restore historic land surface profiles and prevent chronic erosion and sediment delivery to streams. The potential for substantial soil loss associated with these construction activities will be avoided through implementation of the mitigation measures in the geology and soils section of the MMRP (VI. Geology and Soils, (1) – (13)). These mitigation measures will help the Project avoid temporary increases in soil erosion and loss of topsoil. The Project and proposed mitigation measures in the MMRP are sufficient to reduce impacts to Geology and Soils to a level that is less than significant. In addition, there are conditions in the Certification that avoid or further reduce impacts to Geology and Soils to a level that is less than significant. These include conditions in section X.F.(Construction) of the Certification that help prevent erosion, turbidity, and pollutant discharges into waters of the state, and conditions in Section X.B. (Water Quality Monitoring) that require water quality monitoring for the prevention of pollutant discharges into waters of the state.

Potential Significant Impact from Hazards and Hazardous Materials:

The Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably

forseeable upset and accident conditions involving the release of hazardous materials into the environment.

Facts in Support of Finding:

The Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably forseeable upset and accident conditions involving the release of hazardous materials into the environment. The hazards and hazardous materials section of the MMRP (VIII. Hazards and Hazardous Materials, (1) – (14)) proposes mitigation measures that will avoid impacts or reduce impacts from hazards and hazardous materials to a level that is less than significant. In addition, there are conditions in the Certification that avoid or further reduce impacts from hazards and hazardous materials to a level that is less than significant. These include conditions in section X.F.(Construction) of the Certification that help prevent erosion, turbidity, and pollutant discharges into waters of the state, conditions in Section X.B. (Water Quality Monitoring) that require water quality monitoring for the prevention of pollutant discharges into waters of the state; and conditions for reporting accidental discharges of hazardous materials into waters in section .X.A.4. (Conditional Notifications) of the Certification.

Potential Significant Impact to Hydrology and Water Quality:

The Project could violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

Facts in Support of Finding:

The Project would not violate water quality standards or waste discharge requirements, or substantially degrade water quality. There is the potential for minor short-term increases in turbidity during installation of instream structures or removal of culverts; however, the hydrology and water quality section of the MMRP (IX. Hydrology and Water Quality, (1) – (11)) proposes mitigation measures that will reduce impacts to hydrology and water quality to a level that is less than significant. Some minor short-term increases in turbidity may occur as the streambed around instream structures adjusts during the first high stream flow event following project completion but this is not expected to produce an increase over background turbidity that substantially degrades water quality. In addition, there are conditions in the Certification that will further prevent the Project from violating water quality standards, waste discharge requirements, or substantially degrading water quality. These include conditions in section X.F.(Construction) of the Certification that help prevent erosion, turbidity, and pollutant discharges into waters of the state, and conditions in Section X.B. (Water Quality Monitoring) that require water quality monitoring for the prevention of pollutant discharges into waters of the state.

**D. Determination**

The State Water Board has determined that the Project, when implemented in accordance with the IS/MND, MMRP, and the conditions in this Order, will not result in any significant adverse water quality (or supply) impacts. (Cal. Code Regs., tit. 14, § 15096, subd (h).) The State Water Board will file a NOD with the SCH within five (5) days from the issuance of this Order. (Cal. Code Regs., tit. 14, §§ 15096, subd. (i).)