

Central Valley Regional Water Quality Control Board

24 January 2019

Kyle Hughes
U.S. Bureau of Reclamation
P.O. Box 988, MPCO-324
Willows CA, 95988

RESCISSION OF NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION, SB17001GN, OF THE 2017 NATIONWIDE PERMITS (NWP NO. 6) FOR SHASTA LAKE GEOLOGIC TESTING SCOPE PROJECT, SHASTA COUNTY, WDID NO. 5A45CR00557

This letter serves as rescission of the Notice of Applicability (NOA) for the Shasta Lake Geologic Testing Scope Project issued on 20 December 2018. The NOA was issued in error. On 14 January 2019, the State Water Resources Control Board issued comments on the Westlands Water District's (WWD) Initial Study/Notice of Preparation for the Project. The comment letter specifically addresses Clean Water Act Section 401 permits:

"In addition to prohibiting cooperation in the planning of a project that could adversely affect the free-flowing condition of the McCloud River, section 5093.542 of the Public Resources Code prohibits assistance or cooperation by "license, or otherwise." This language bars the State Water Board and other agencies of the state from issuing any permit or other approval for a project that could adversely affect the free-flowing character of the McCloud River or its wild trout fishery. Necessary permit approvals for the State Water Board includes approvals under sections 401 and 402 of the Clean Water Act and time extensions for U.S. Bureau of Reclamation's (Reclamation) water right permits, as discussed below.

If WWD has evidence indicating that the proposed Project can be constructed and operated without adverse effects on the free-flowing character of the McCloud River or on its wild trout fishery, the State Water Board would be happy to review it. Unless and until the issue is resolved, however, it would be inappropriate for WWD to proceed with preparation of the DEIR."

Until the issue of the potential adverse effects to the free-flowing condition of the McCloud River is resolved, the Central Valley Water Board is barred from participating in the planning of the Project and/or from issuing any permit or approval of the Project.

If you have any questions contact Bryan Smith at (530) 226-3425,
bryan.smith@waterboards.ca.gov or the footer address.



(for) Patrick Pulupa,
Executive Officer

DJB: ck

cc: Matthew Roberts, U.S. Army Corps of Engineers, Redding
Adam McKannay, Department of Fish and Wildlife, Region 1, Redding
David Brick, U.S. Bureau of Reclamation, Sacramento
Bayley Toft-Dupuy, OCC