

State of California
Regional Water Quality Control Board
North Coast Region

Resolution No. R1-2024-0032

Certification of Environmental Impact Report
for the
General Waste Discharge Requirements for Nonpoint Source Discharges
Related to Certain Land Management Activities on Federal Lands
in the
North Coast Region

WHEREAS, the California Regional Water Quality Control Board, North Coast Region (hereafter North Coast Water Board), finds the following:

Introduction

1. The North Coast Water Board prepared an Environmental Impact Report (EIR) to evaluate the environmental effects of reasonably foreseeable actions that could be taken to comply with the General Waste Discharge Requirements (WDRs) for Nonpoint Source Discharges Related to Certain Land Management Activities on Federal Lands in the North Coast Region (Project or Order). The North Coast Water Board is the lead agency under the California Environmental Quality Act (CEQA). The EIR fulfills the North Coast Water Board's CEQA compliance requirements for issuance of the Order.
2. The North Coast Water Board will consider adoption of the Order to address nonpoint source discharges of waste to waters of the state from certain activities on federal lands to ensure conformance with applicable water quality laws and regulations.
3. The EIR was prepared in accordance with CEQA, Public Resources Code, section 21000 et seq., as amended; and the Guidelines for Implementation of CEQA, Title 14, California Code of Regulations, section 15000 et seq.
4. The EIR evaluates the potential environmental impacts of the Order and two alternatives: the No Project Alternative and the Renewal of Existing Permit Alternative.

Public Notice and Engagement

5. In July 2022, North Coast Water Board staff sent a formal notification of a decision to undertake a project and notification of consultation opportunity to the 64 California Native American tribes within the North Coast Region in compliance with AB 52 (Pub. Res. Code section 21080.3.1). Additionally, between September and December 2022,

the North Coast Water Board consulted with six tribes including: Karuk Tribe, Bear River Band of the Rohnerville Rancheria, Modoc Nation, Federated Indians of Graton Rancheria, Resighini Rancheria, and the Kashia Band of Pomo Indians. The consultations with Karuk Tribe, Bear River Band of the Rohnerville Rancheria, and the Federated Indians of Graton Rancheria were conducted pursuant to AB 52.

6. On September 20, 2022, the North Coast Water Board published a Notice of Preparation for a 30-day public comment period and posted the document on the Federal Lands Program webpage.
7. In October 2022, North Coast Water Board staff held two virtual CEQA scoping meetings.
8. On March 20, 2024, the North Coast Water Board sent the Draft EIR to and filed a Notice of Completion and Environmental Document Transmittal with the State Clearinghouse (SCH) (Cal. Code Regs., tit. 14, § 15085), initiating a 45-day public review and comment period for the Draft EIR (SCH No. 2022090353) from March 22 to May 7, 2024. SCH provided the Notice of Completion and Environmental Document Transmittal to state reviewing agencies.
9. On March 22, 2024, the North Coast Water Board provided notice of availability of the Draft EIR and draft Order to the public and posted the documents on the Federal Lands Program webpage. The public review period was from March 22, 2024, through May 7, 2024, for a 45-day public comment period.
10. The North Coast Water Board has received and considered all comments timely submitted regarding the Draft EIR. The list of commenters, comments received on the draft EIR, and responses to all substantive comments are provided in the Final EIR, Appendix D.
11. The Final EIR reflects minor changes made in consideration of the comments received on the Draft EIR. These changes to the Final EIR include clarifications, corrections, and other insignificant modifications that have been identified since circulation of the Draft EIR. The changes do not result in any new significant impacts to the environment, nor do the changes result in a substantial increase in the severity of an environmental impact.

Findings Regarding Significant Impacts

12. CEQA and the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been certified when one or more significant environmental effects of the project have been identified, unless the public agency makes one or more written findings for each of those significant effects, supported by substantial evidence and accompanied by a brief explanation of the rationale for each finding. (CEQA Guidelines, § 15091, subd. (a)).
13. There are three possible findings under Section 15091(a):

- a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final Environmental Impact Report for the General Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Land Management Activities on Federal Lands in the North Coast Region.
- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

These findings are also intended to comply with the requirement that each finding by the North Coast Water Board be supported by substantial evidence in the administrative record of proceedings, as well as accompanied by a brief explanation of the rationale for each finding. (Cal. Code Regs., tit. 14, § 15091, subds. (a), (b); see also Discussion following CEQA Guidelines, § 15091.) To that end, these findings provide the written, specific reasons supporting the North Coast Water Board's decision under CEQA to implement the Proposed Project described in the EIR (SCH No. 2022090353). These findings are not merely informational, but rather constitute obligations that will become binding when the North Coast Water Board approves the Proposed Project.

14. Consistent with CEQA and the CEQA Guidelines, the North Coast Water Board has prepared a mitigation monitoring and reporting program (MMRP) for the General Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Land Management Activities on Federal Lands in the North Coast Region. (Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The North Coast Water Board will use the MMRP to track compliance with mitigation measures imposed by the North Coast Water Board. (See Final EIR, Appendix C)
15. The North Coast Water Board makes the following findings discussing the significant direct, indirect, and cumulative effects of the Proposed Project. The North Coast Water Board has analyzed the environmental effects of the Proposed Project as shown in the final EIR. (CEQA Guidelines, § 15091.) The North Coast Water Board's specific findings for potentially significant impacts and how the impacts may be reduced by the MMRP are set forth in the final EIR.
16. For the purposes of CEQA Guidelines, Section 15091, the documents and other materials that constitute the record of proceedings upon which the North Coast Water Board based its decision are held by the North Coast Water Board, 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403.
17. The final EIR identified potentially significant environmental impacts that would result from implementation of the Proposed Project, absent mitigation, for the following effect:

BIO-1: 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 the U.S. Fish and Wildlife Service.

18. Having considered the whole of the record, including comments received during the public review process, the North Coast Water Board has eliminated or substantially reduced all significant environmental effects through the adoption of mitigation measures. Changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant effects on the environment. (Pub. Resources Code, § 21081, subd. (a)(1); CEQA Guidelines, § 15091, subd. (a)(1).) It is possible that under the Federal Lands Permit, California-protected species could be impacted during the construction/installation of some management practices, such as road and crossing reconstruction or in-channel restoration activities. Mitigation Measure BIO-1 would require that permit enrollees evaluate their specific situation and use the least impactful management practices to avoid impacts. Where practices could create impacts, implementation of additional avoidance and minimization measures would be required. Implementation of this mitigation measure would reduce this potential impact to a level that is less than significant. (See Final EIR, Appendix C.)

Findings Regarding Certification of the Final EIR

19. The North Coast Water Board finds that on the basis of the whole record, the Project as described in the Order, with implementation of the mitigation measures described in the Final EIR and MMRP, would not result in any significant effects on the environment.
20. The Final EIR was presented to the North Coast Water Board, and the North Coast Water Board reviewed and considered the information contained in the Final EIR prior to adopting the Order.
21. The Final EIR has been completed in compliance with CEQA.
22. The Final EIR, findings herein, and MMRP, reflect the independent judgment and analysis of the North Coast Water Board.
23. The North Coast Water Board considered all testimony and evidence at a public hearing and good cause was found to certify the Final EIR.
24. The Final EIR and the record of proceedings are available at the North Coast Water Board's office and webpage¹, or by request.
25. In accordance with Title 14 of the California Code of Regulations, section 15094, the North Coast Water Board will file a Notice of Determination with the State Clearinghouse within five working days after deciding to adopt the Order.

¹ <https://www.waterboards.ca.gov/northcoast/>.

THEREFORE, be it resolved that the North Coast Water Board hereby certifies the Environmental Impact Report for the Project.

I, Valerie Quinto, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on August 15, 2024.

 Digitally signed by
Valerie Quinto
Date: 2024.08.27
10:31:06 -07'00'

Valerie Quinto

Executive Officer