

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

RESOLUTION NO. R5-2024-XXXX

**CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT FOR WASTE
DISCHARGE REQUIREMENTS FOR NONPOINT SOURCE DISCHARGES RELATED
TO CERTAIN ACTIVITIES CONDUCTED BY THE UNITED STATES FOREST
SERVICE AND THE BUREAU OF LAND MANAGEMENT**

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereinafter Central Valley Water Board), finds the following:

Introduction

1. The Central Valley 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 Activities Conducted by the United States Forest Service (USFS) and the Bureau of Land Management (BLM) on Federal Lands (Project or Order) and identified potentially feasible alternatives and mitigation measures to reduce potentially significant impacts. The Central Valley Water Board is the lead agency under the California Environmental Quality Act (CEQA). The EIR fulfills the Central Valley Water Board's CEQA compliance requirements for issuance of WDRs.
2. The Central Valley Water Board will consider adoption of the Order to:
 - a. Protect and restore beneficial uses and achieve water quality objectives specified in the Water Quality Control Plans for the Sacramento and San Joaquin Rivers Basins and the Tulare Lake Basin (Basin Plans) for activities conducted by, or on behalf of, the USFS and BLM on federal lands within the region by:
 - i. Minimizing sediment discharges to surface water;
 - ii. Preventing pesticide related discharges to surface water;
 - b. Effectively planning and implementing a controllable sediment source reduction program on a watershed basis (HUC 12) in a systematic and progressive manner, with specifically defined time schedules.
 - c. Comply with the State Nonpoint Source Pollution Control Program, the State Antidegradation Policy, and other relevant statutes and water quality plans and policies.

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 Proposed Project (Order) and two alternatives: the No Project Alternative and the Reduced Management Measure Implementation Alternative.

Public Notice and Engagement

5. In May 2020, Central Valley Water Board staff notified eight tribes of the consultation opportunity in compliance with AB 52. (Pub. Res. Code section 21080.3.1). No tribes responded requesting consultation. Central Valley Water Board also sent formal notification to 49 tribes consistent with Executive Order B-10-11 and the State Water Resources Control Board's Tribal Consultation Policy. Three tribes responded requesting consultation and a fourth requested ongoing information. Central Valley Water Board staff consulted with the tribes from July 2020 through January 2022.
6. On 12 March 2021, Central Valley Water Board staff issued a Notice of Preparation and CEQA Scoping Meeting Notice. A virtual CEQA scoping meeting was held on 13 April 2021. A 45-day public comment period was provided from 12 March 2021 through 27 April 2021.
7. On 9 May 2024, the Central Valley Water Board provided Notice of Availability of the draft EIR and draft Order to the public and posted the documents on the Forest Activities Program webpage. The 45-day public review period was from 9 May 2024 through 23 June 2024.
8. Also on 9 May 2024, the Central Valley Water Board filed the draft EIR, Notice of Completion, and Environmental Document Transmittal with the State Clearinghouse (SCH) (Cal. Code Regs. Title 14, 15085), initiating a 45-day public review and comment period for the draft EIR (SCH No. 2021030313) from 9 May 2024 through 23 June 2024. SCH provided the Notice of Completion and Environmental Document Transmittal to state reviewing agencies.
9. The Central Valley Water Board has received and considered all comments timely submitted regarding the draft EIR, and the responses to all substantive comments are provided in the final EIR.
10. The final EIR reflects changes made in consideration of the comments received on the draft EIR. These changes to the final EIR include clarifications and corrections 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

11. 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.
12. 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. EQA Guidelines, § 15091, subd. (a)).

These findings are also intended to comply with the requirement that each finding by the Central Valley 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 Central Valley Water Board's decision under CEQA to implement the Proposed Project described in the EIR (SCH No. 2021030313). These findings are not merely informational, but rather constitute obligations that will become binding when the Central Valley Water Board approves the Proposed Project.

13. Consistent with CEQA and the CEQA Guidelines, the Central Valley Water Board has prepared a mitigation monitoring and reporting program (MMRP) for the Order. (Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The Central Valley Water Board will use the MMRP to track compliance with mitigation measures imposed by the Order.
14. The Central Valley Water Board has analyzed the environmental effects of the Proposed Project as shown in the final EIR. (CEQA Guidelines, § 15091.) The Central Valley 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.
15. For the purposes of CEQA Guidelines section 15091, the documents and other materials that constitute the record of proceedings upon which the Central Valley Water Board bases its decision are held by the Central Valley Water Board, 364 Knollcrest Drive, #205, Redding CA 96002.
16. 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.
17. Having considered the whole of the record, including comments received during the public review process, the Central Valley 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 Order, 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 Permittees 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.

Findings Regarding Certification of the Final EIR

18. The Central Valley 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 in the CEQA Mitigation Monitoring and Reporting Program (MMRP), would not result in any significant impacts on the environment.
19. The final EIR was presented to the Central Valley Water Board, and the Central Valley Water Board reviewed and considered the information contained in the final EIR prior to adopting the Order.
20. The final EIR has been completed in compliance with CEQA.
21. The final EIR, findings herein, and MMRP reflect the independent judgment and analysis of the Central Valley Water Board.
22. The Central Valley Water Board considered all testimony and evidence at a public hearing held virtually and in-person on 13 December 2024, and good cause was found to certify the final EIR.
23. The final EIR and the record of proceedings are available from the Central Valley Water Board and can be found at the Central Valley Water Board's Redding office and webpage or by request.
24. In accordance with Title 14 of the California Code of Regulations, section 15094, the Central Valley Water Board will file a Notice of Determination with the State Clearinghouse within five working days after deciding to adopt the Order.

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

I, Patrick Pulupa, 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, Central Valley Region, on 13 December 2024.

PATRICK PULUPA
Executive Officer