
State Water Resources Control Board

NOTICE OF STAFF-LEVEL PUBLIC WORKSHOP AND BOARD CONSIDERATION OF ADOPTION

PROPOSED GENERAL ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE AND SUPPORTING CONSOLIDATED PROGRAM ENVIRONMENTAL IMPACT REPORT

NOTICE IS HEREBY GIVEN that State Water Resources Control Board (State Water Board) staff will hold a public workshop to provide interested parties information regarding the proposed Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (proposed General Order) and supporting California Environmental Quality Act (CEQA) consolidated Program Environmental Impact Report (PEIR). The workshop will be held remotely as follows:

Thursday, August 4, 2022, 10:00 a.m.

Video and Teleconference Only

No Physical Meeting Location

[Zoom Registration Link](#)

Video Webcast: <https://video.calepa.ca.gov/>

During the staff-level public workshop, staff will present information regarding the proposed General Order and consolidated PEIR, including revisions to the draft General Order and draft PEIR after consideration of public comments. The workshop will be conducted through an interactive Zoom meeting and through webcast. The webcast should be used unless you intend to ask questions or request clarification regarding the proposed General Order and consolidated PEIR. No new evidence or comments will be accepted by staff at the workshop. The proposed General Order would apply statewide and establish a permit authorization process for specific types of restoration activities. The consolidated PEIR identifies potential significant impacts to agriculture and forestry resources; air quality and greenhouse gas emissions; biological resources (terrestrial); biological resources (aquatic); cultural resources; geology and soils; hazards and hazardous materials; land use and planning; noise; transportation; tribal cultural resources; and utilities and public services.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will consider adoption of the proposed General Order and consolidated PEIR at the regularly scheduled Board meeting on:

Tuesday, August 16, 2022, 9:30 a.m.
IN PERSON PARTICIPATION
Coastal Hearing Room – Second Floor
Joe Serna Jr. - CalEPA Headquarters Building
1001 I Street, Sacramento, CA 95814

VIDEO AND TELECONFERENCE OPTION

The meeting will occur with both a physical meeting location (shown above) and an option for the public to participate from a remote location.

For those who only wish to watch the meeting, the webcast is available at either: <https://www.youtube.com/user/BoardWebSupport/> or <https://video.calepa.ca.gov/> (closed captioning available). Please use the webcast option UNLESS you intend to comment.

For members of the public who wish to provide oral public comment or a presentation to the Board from a remote location, additional information about participating telephonically or via the remote meeting solution is available at the [Remote Meeting page](https://www.waterboards.ca.gov/board_info/remote_meeting/) (https://www.waterboards.ca.gov/board_info/remote_meeting/).

BACKGROUND

The State Water Board has previously issued a general water quality certification for small habitat restoration projects that (a) shall not exceed five acres or a cumulative total of 500 linear feet of stream bank or coastline and (b) qualify for the CEQA Class 33 Categorical Exemption (Cal. Code Regs., tit. 14, § 15333). Restoration projects that fall outside the project size limits of the general water quality certification or small habitat restoration must obtain individual water quality certifications and/or waste discharge requirements from the State Water Board or Regional Water Quality Control Boards (Regional Boards). The process of obtaining individual authorization can be time consuming and increase the cost of regulatory compliance as compared to obtaining authorization under a general order that provides programmatic coverage. Restoration proponents seeking authorization for larger projects beyond the scale of the general water quality certification for small habitat restoration often do not have the funding to seek individual permits. This indicates the need for a general order that will expedite the regulatory approval process for large habitat restoration projects. The proposed General Order for large habitat restoration projects is intended as a companion, not a replacement, to the General Water Quality Certification for small habitat restoration.

The proposed General Order would provide coverage for the following proposed types of restoration projects:

Improvements to Stream Crossings and Fish Passage

Removal of Small Dams, Tide Gates, Flood Gates, and Legacy Structures

Bioengineered Bank Stabilization

Restoration and Enhancement of Off-Channel and Side-Channel Habitat

Water Conservation Projects

Floodplain Restoration

Removal or Remediation of Pilings and Other In-Water Structures

Removal of Nonnative Terrestrial and Aquatic Invasive Species and Revegetation with Native Plants

Establishment, Restoration, and Enhancement of Tidal, Subtidal, and Freshwater Wetlands

Establishment, Restoration, and Enhancement of Stream and Riparian Habitat and Upslope Watershed Sites

To be eligible for coverage under the proposed General Order, restoration projects would need to incorporate applicable protection measures, such as design guidelines or avoidance and minimization techniques.

On June 30, 2021, the State Water Board noticed the draft General Order and supporting draft PEIR (pursuant to section 15086 of the CEQA Guidelines) for a 45-day written comment period closing on August 13, 2021. The draft General Order and draft PEIR were available for public review and comment during that 45-day period. On August 4, 2021, the State Water Board held a Board workshop to receive public comments on the draft General Order.

The proposed General Order and consolidated PEIR incorporates the following major changes from the draft permit:

1. New requirement for the approving Water Board to determine if a proposed project meets the definition of a restoration project under the proposed General Order.
2. New requirement for a 21-day public notice of a Notice of Intent for an individual project proposed for authorization under the General Order.
3. New prohibition of proposed projects resulting from an enforcement action.
4. Clarification of requirements pertaining to application fees and applicability of the Construction General Permit.

DOCUMENT AVAILABILITY

The proposed General Order and consolidated PEIR is available on the [State Water Board's 401 Water Quality Certification and Wetlands Program website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/).

PROCEDURAL MATTERS

Due to ongoing circumstances related to the COVID pandemic, the State Water Board meeting will include an option for interested parties to participate remotely.

During the State Water Board meeting, there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. In-person and remote participants will be given an opportunity to provide oral comments and presentations. No new evidence or written comments will be allowed at the board meeting. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time limited. Participants planning to use a PowerPoint presentation during the meeting must submit the file electronically, in .ppt or .pptx format, to the Clerk to the Board via email at commentletters@waterboards.ca.gov no later than August 10, 2022, at 12:00 p.m. (noon). Please indicate in the subject line "PowerPoint Presentation – Statewide Restoration General Order." Recommendations for PowerPoint presentations are available at the [State Water Board presentations page](http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml) (http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml).

Instructions for participation, including remote participation, in the Board meeting will be available ten days before the meeting at the State Water Board's [Board Information webpage](https://www.waterboards.ca.gov/board_info/) (https://www.waterboards.ca.gov/board_info/), and will also be distributed via email to registered participants.

EX PARTE DISCLOSURE REQUIREMENTS FOR PROPOSED GENERAL ORDERS

This item is subject to the ex parte communication disclosure requirements of Water Code section 13287, as explained in a [Memo from the Office of the Chief Counsel](https://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf) (https://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf). Any communications between interested persons and Board Members (other than at a noticed Board Meeting) must be disclosed by the interested person within seven days of the communication. A sample disclosure form is available at the [State Water Board Ex Parte Communication Disclosure Form for General Orders](https://www.waterboards.ca.gov/laws_regulations/docs/ExParteGeneralOrderForm.pdf) (https://www.waterboards.ca.gov/laws_regulations/docs/ExParteGeneralOrderForm.pdf)

FUTURE NOTICES

For future updates on the proposed General Order and consolidated PEIR, including any changes to the public comment period, changes to the date, time, or format of the staff-level workshop, and subsequent meeting for the State Water Board's consideration of adoption, please subscribe to the CWA401 – Certification and Wetlands Program email list. Click on or navigate to this [link](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html) (https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html), enter your full name and email address at the top of the page, select the box for 'CWA401 – Certification and Wetlands Program' located within the 'Water Quality' section, and then click subscribe.

ACCESSIBILITY

Telecommunications Device for the Hearing Impaired (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

The Joe Serna Jr. - CalEPA Headquarters Building is accessible to persons with disabilities. For directions to the CalEPA Headquarters Building and public parking information, please refer to the [map on the State Water Board Web site](http://www.calepa.ca.gov/headquarters-sacramento/location/): (<http://www.calepa.ca.gov/headquarters-sacramento/location/>).

All visitors to the Joe Serna Jr. – CalEPA Headquarters Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

ADDITIONAL INFORMATION

Please direct questions about this notice to Jessica Nadolski at (916) 341-5290 or via email at jessica.nadolski@waterboards.ca.gov.

July 26, 2022

Date



Jeanine Townsend
Clerk to the Board