

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program

Public Notice of Application for Water Quality Certification

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Resources Control Board (State Water Board) has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Certification Program.

Applicant: California Department of Fish and Wildlife

Applicant Contact: Patty Forbes

Telephone: 916-327-8842

Email: Patty.Forbes@wildlife.ca.gov

Project Name: The 2015 Fisheries Restoration Grant Program

Date of Application: April 2, 2015

Public Notice of Application for Water Quality Certification for the Department of Fish and Wildlife 2015 Fisheries Restoration Grant Program

Affected Counties: Humboldt, Mendocino, Siskiyou, Trinity, Marin, Napa, San Mateo, Sonoma, Santa Barbara, Los Angeles, and Ventura

On April 2, 2014, the State Water Board received an application from the California Department of Fish and Wildlife (CDFW) requesting Federal Clean Water Act, section 401 Water Quality Certification for activities related to the 2015 Fisheries Restoration Grant Program (FRGP). The purpose of the program is to restore anadromous fisheries habitat in non-tidal reaches of rivers and streams, improve watershed conditions impacting salmonid streams, and improve the survival, growth, migration, and reproduction of anadromous fish. CDFW, through the FRGP, uses funds mandated to restore degraded anadromous fish habitat in coastal streams for a variety of salmonid habitat restoration projects. Restoration projects must be consistent with the procedures found in CDFW's "California Salmonid Stream Habitat Restoration Manual". The FRGP manages an annual grant cycle initiated in the spring of each year.

Proposed program activities are designed to restore salmon and steelhead habitat with the goal of increasing populations of wild anadromous fish in coastal streams and watersheds. Habitat restoration activities and practices include fish passage projects, bank stabilization treatments, road decommissioning or upgrade, and replacement or modification of culverts that are barriers to fish passage. Proposed structures would provide predator escape and resting cover, increased spawning habitat, improve upstream and downstream migration corridors, improve pool to riffle ratios, and add habitat complexity and diversity. Some structures would be

designed to reduce sedimentation, protect unstable banks, stabilize existing slides, provide shade, and create scour pools. Projected permanent and temporary impacts to Waters of the U.S. and waters of the state are summarized in Table 1, below.

| TABLE 1: Summary of Impacts to Waters of the State and U.S. | | | | |
|---|--------------------------|---------------------------------|--------------------------|---------------------------------|
| Feature | Permanent Impacts (acre) | Permanent Impacts (linear feet) | Temporary Impacts (acre) | Temporary Impacts (linear feet) |
| Wetland | | | | |
| Streambed | | 94,089.60 | | 96,148.80 |
| Lake/Reservoir | | | | |
| Ocean/Estuary/Bay | | | | |
| Riparian | 1.05 | 60,000.00 | 294.21 | |
| Isolated Waters | | | | |
| Total Impacts | 1.05 | 154,089.60 | 294.21 | 96,148.80 |

Status of CEQA and Other Natural Resource Documents and Permits:

The CDFW, acting as lead agency under CEQA, submitted the Mitigated Negative Declaration (MND) for the 2015 FRGP to the State Clearinghouse (SCH# 2014122048) in December 2014.

The Los Angeles District of the U.S. Army Corps of Engineers (Corps) renewed Regional General Permit (RGP) 78 (Corps File No: SPL-2003-01123-BAH) in July 2014 for authorization of projects implemented under the CDFW FRGP within the Corps’ Los Angeles District. The San Francisco District of the Corps issued RGP 12 (Corps File No. 2003-279220N) for authorization of projects implemented under the CDFW FRGP within the Corps’ San Francisco District. RGP 12 expires August 2015. CDFW anticipates that RGP 12 will be reissued before the end of 2015.

The U.S. Fish and Wildlife (USFWS) issued two Biological Opinions for the RGPs for the FRGP: a Biological Opinion (file no. 81440-2009-F-0387) and associated informal consultation letters (file no. 81331-2009-I-0097 and 81420-2009-I-0748-1) for RGP 12, and a Biological Opinion for RGP 78 (File No. 2008-F-0441). The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) issued a Biological Opinion for RGP 12 (File No. 2010/01038). NMFS Biological Opinion for RGP 78 (File No. SWR/2007/06563) has expired. CDFW anticipates the Biological Opinion for RGP 78 will be reissued in 2016.

Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact Bob Solecki at (916) 341-5483 or Robert.Solecki@waterboards.ca.gov

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State Water Resources

Control Board Staff Contact:

Bob Solecki, Environmental Scientist

401 Certification and Wetlands Unit

Division of Water Quality

State Water Resources Control Board

Telephone: 916-341-5480

Fax: 916-341-5580

Email: Robert.Solecki@waterboards.ca.gov

Note: No regulatory decision on the application is implied or intended in this public notice.