

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

**Public Notice of Application for
Water Quality Certification**

September 8, 2016

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 two or more Regional Water Board jurisdictions.

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

Applicant: 770 L Street, Suite 800
Sacramento, CA 95814

Applicant Contact: Mark A. McLoughlin, Director of Environmental Services
Phone: 916-403-6934
Email: mark.mcloughlin@hsr.ca.gov

Project Name: California High Speed Rail Project – Fresno to Bakersfield Construction Package 2/3 and Construction Package 4 (Project)

File Numbers: State Water Board File # SB16006-IN
U.S. Army Corps File # SPK-2009-01482

On March 21, 2014, the State Water Board received an application from the California High Speed Rail Authority (Authority, or Applicant) requesting a certification for activities related to the California High Speed Train Project (HST) – Fresno to Bakersfield section. The applicant subsequently modified the application, with a final project description being determined on April 25, 2016. That final project description is being considered as the California High Speed Rail Project – Fresno to Bakersfield Construction Package 2/3 and Construction Package 4 (Project). Data submitted on July 7 was analyzed by State Water Board staff, and on September 6, 2016 the application was determined to be complete.

Although the current application proposes activities only in the jurisdiction of the Central Valley Water Quality Control Board, by agreement with the affected Regional Water Boards statewide, the State Water Board will continue to administer applications for the overall HST Project which affects multiple regions. The application was determined complete on September 6, 2016.

Project Purpose: The purpose of this project is to construct, operate, and maintain the Fresno to Bakersfield Section of the California High Speed Train (HST) system to provide the public with electric powered high-speed rail service that provides predictable and consistent travel times

between major urban centers and connectivity to airports, mass transit systems, and the highway network in the South San Joaquin Valley, and to connect the northern and southern portions of the proposed system.

Project Description: The project will construct approximately 94 miles of the overall HST project. When completed, the HST Project – in conjunction with other project sections - would provide new steel wheel on steel rail high speed passenger rail service to more than 90 percent of the state’s population. At final build-out, the system would connect and serve the major metropolitan areas of California, extending from San Francisco and Sacramento in the north to San Diego in the south.

The Project includes the HST tracks, structures, stations, traction power substations, maintenance facilities, and train vehicles. The HST would use four different track types. These track types have varying profiles: low, near-the-ground tracks are at grade, higher tracks can be elevated by either a structure or on a retained fill platform, and below-grade tracks are in a retained cut. The type of bridges that might be built includes full channel spans, large box culverts, or, for some larger river crossings, piers within the ordinary high-water channel. The track structure would consist of either a direct fixation system (with track, rail fasteners, and slab), or ballasted track, depending on local conditions.

Proposed permanent and temporary impacts to waters of the state (including waters of the U.S.) are summarized in Table 1, below.

Feature	Permanent Impacts (acres)	Permanent Impacts (linear feet)*	Temporary Impacts (acres)	Temporary Impacts (linear feet)*
Wetland	(1.58)		1.09	
Wetland (Vernal Pool)	(17.18)		0.000	
Wetland (Sum)	18.76**	----	1.09	----
Streambed	(2.19)	(2,605)	(0.49)	(97)
Streambed (Artificial)***	(52.36)	(90,409)	(42.23)	(13,399)
Streambed (Sum)	54.55	93,478	42.72	13,496
Lake/Reservoir****	35.42	----	11.40	----
Ocean/Estuary/Bay				
Riparian	1.43		0.47	
Isolated Waters				
Total Impacts	108.73	93,478	55.21	13,496

* Linear feet (cumulative linear feet of multiple sites) not reported.

** All temporary effects to vernal pools are being considered as permanent. Reported Impacts include the indirect bisect acreage of 11.54 (Direct impacts at 5.64 and indirect at 11.54). This explains why there are no temporary effects to vernal pools

***Stream Impacts include 6.090 acres and 28,714 linear feet of impact to constructed canals and ditches, most of which do not directly connect to natural watercourses, and 1,828 linear feet/1.630 acres of impacts to natural watercourses (primarily ephemeral and intermittent streams).

****Lacustrine impacts are primarily to constructed detention basins used for stormwater management and irrigation tailwater collection/redistribution, with no substantial watershed connection.

Project Location and Affected Counties: The Project is a linear transportation project, and is classified by the applicant into two “Construction Packages, or “CPs” traversing four counties, Fresno, Kings, Tulare and Kern (See Map 1).

- CP 2/3 extends from East American Avenue in Fresno County to 1 mile north of the Tulare/Kern County Line. This construction package crosses Fresno, Kings, and Tulare Counties and is approximately 63 miles long (CP 2/3 combines two previously separate CPs).
- CP 4 is the final construction package in PP1. The limits of CP 4 are from the end of CP 2/3 to Poplar Avenue. The southern terminus of PP1 and CP 4 coincide at Poplar Avenue and is approximately 21 miles long.

Other portions of the overall HST project, including the lines into Bakersfield, will be addressed in subsequent applications.

Status of CEQA and other Natural Resource Documents and Permits

For the California HST System, including the Fresno to Bakersfield Section, the Authority is the lead agency for compliance with CEQA and other state laws. After completion of the Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) documents (Authority and FRA 2005, 2008), the Authority, in cooperation with the FRA, began the environmental review process for the Fresno to Bakersfield Section of the California HST project. A Notice of Preparation was published September 29, 2009..

The Authority and FRA have prepared programmatic and project-specific environmental documents for the HST System under CEQA and National Environmental Policy Act (NEPA). The Fresno to Bakersfield Section EIR/EIS was developed in consultation with resource and regulatory agencies, including EPA and USACE. The Authority and FRA circulated the Draft EIR/EIS for the Fresno to Bakersfield Section to affected local jurisdictions, state and federal agencies, tribes, community organizations, other interest groups, and interested individuals for 60 days from August 15 to October 13, 2011. The Authority and FRA circulated a Revised Draft EIR/Supplemental Draft EIS to affected local jurisdictions, state and federal agencies, tribes, community organizations, other interest groups, and interested individuals for 90 days from July 20, 2012, to October 19, 2012. The Authority and FRA issued a Final EIR/EIS in April 2014. On May 7, 2014, the Authority certified the Final EIR, approved the Fresno to Bakersfield project, adopted *CEQA Findings of Fact and Statement of Overriding Considerations*, and a *Mitigation Monitoring and Reporting Program*. (Resolutions # HSRA 14-09, # HSRA 14-10.) This findings document contains a full recitation of all actions and documents pertaining to the Project, and may be found at: http://www.hsr.ca.gov/docs/programs/fresno-baker-eir/brdmtg_050614_Item5_6_UPDATED_Attach_A_CEQA_Findings_Fact Stmt_Overriding_Considerations_050714.pdf (accessed on September 6, 2016).

The Applicant has applied for Clean Water Act section 404 permit from the U.S. Army Corps of Engineers, Sacramento District, concurrently with this water quality certification application (file number referenced above).

The Applicant has also applied for a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife; an executed agreement was received on May 9, 2016.

State Water Board staff are proposing to regulate the Project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. Staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on **September 23, 2016 and ends at 5:00 p.m. on October 14, 2016**. If you have any questions, please contact Clifford Harvey at (916) 558-1709 or Clifford.Harvey@waterboards.ca.gov

Public Review Period: State Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by email or mail during a 21-day comment period that begins on the date of this announcement. Written comments should be submitted to the following address:

State Water Resources Control Board Staff Contact:

Cliff Harvey, Environmental Scientist
Division of Water Quality
401 Certification and Wetlands Unit
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Telephone: (916) 558-1709

Fax: (916) 341-5584 (ATTN: Cliff Harvey)

Email: clifford.harvey@waterboards.ca.gov

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

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

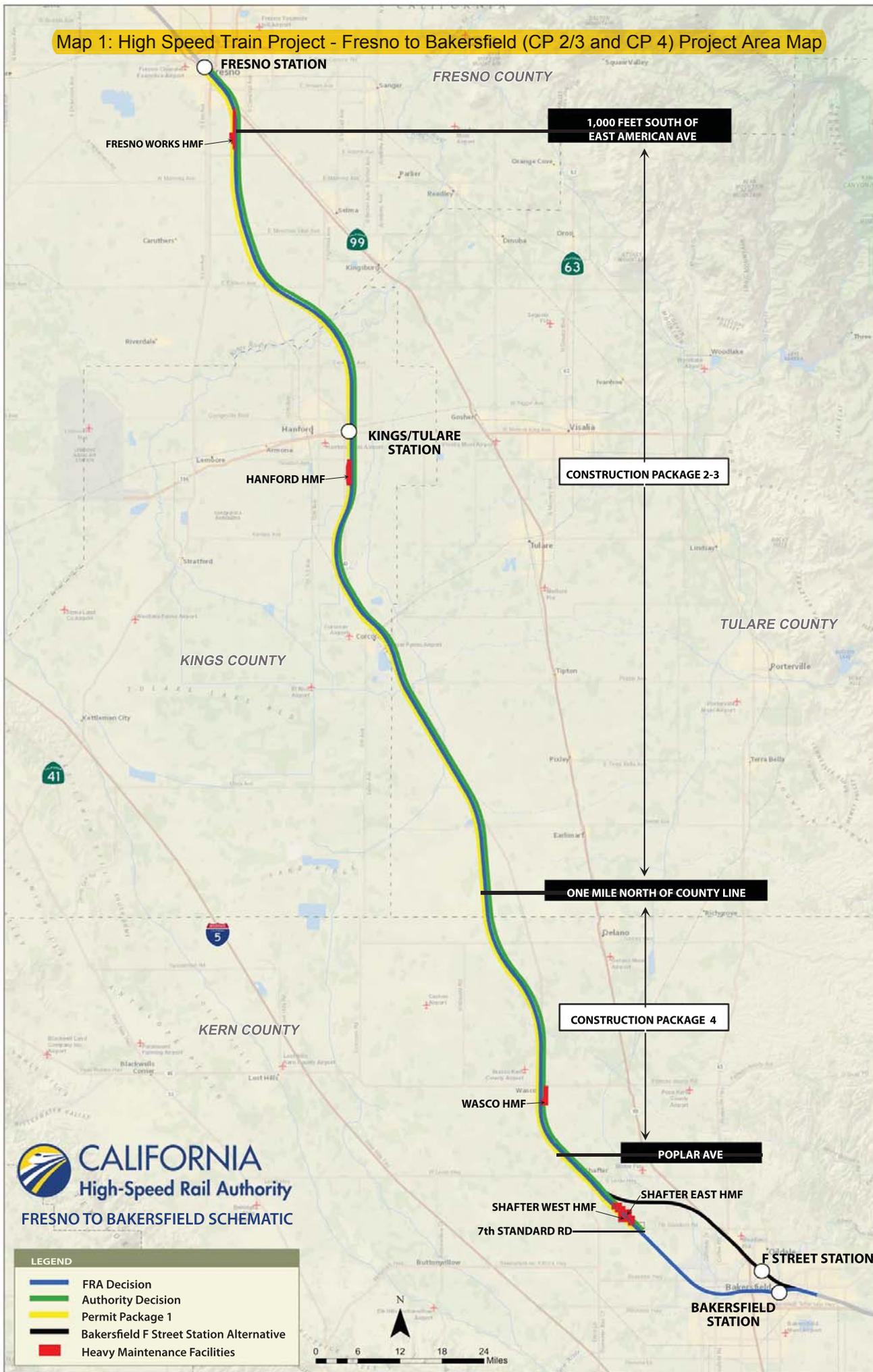
Click the SUBSCRIBE button under the "Quick Links" section of the 401 Program Webpage at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

Select "CWA 401 Certification and Wetlands Program." By enrolling in this list, you will receive notices for all current 401 project applications, including the project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the Lyris list, contact the staff person named in the notice to express your interest in receiving notices by other means.

You can enroll or un-enroll at any time. The State Water Board will not disclose your name or e-mail information to any outside parties, and will not use this information for any other purpose.

Map 1: High Speed Train Project - Fresno to Bakersfield (CP 2/3 and CP 4) Project Area Map



CALIFORNIA
 High-Speed Rail Authority
 FRESNO TO BAKERSFIELD SCHEMATIC

LEGEND	
	FRA Decision
	Authority Decision
	Permit Package 1
	Bakersfield F Street Station Alternative
	Heavy Maintenance Facilities

