

State Water Resources Control Board

PUBLIC NOTICE FOR WATER QUALITY ORDER NO. [XXXX-XXXX-DWQ] WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

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

The State Water Resources Control Board (State Water Board) has received an application from the California High Speed Rail Authority construct, operate, and maintain the Fresno to Bakersfield (F-B) 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. The State Water Board is considering issuing a Clean Water Act 401 Water Quality Certification pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401) for impacts to federal waters and Waste Discharge Requirements for impacts to other waters of the state pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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 Water Quality Certification Program. Since the Project impacts both waters of the United States and other waters of the state, two separate public notices will be posted. This document serves as public notice for the Project impacts to Waters of the United States.

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 Board has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

Applicant: California High Speed Rail Authority

Applicant Contact: Mr. Mark McLoughlin
Telephone: (916) 403-6934
Email: Mark.McLoughlin@hsr.ca.gov

Project Name: California High Speed Train System
Fresno to Bakersfield Amendment 1
(RM 395528 , SB 16006-IN)
Date of Application: 07/07/2016

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On July 7, 2016, the State Water Resources Control Board (State Water Board) received an application requesting Federal Clean Water Act section 401 water quality certification and Waste Discharge Requirements for activities related to the California High Speed Train System Fresno to Bakersfield Amendment 1 (Project), from the California High Speed Rail Authority (Applicant). The application indicates proposed activities and impacts of the High Speed Rail system, which is within the jurisdiction of more than one Regional Water Quality Control Board; therefore, the State Water Board has jurisdiction over the Project. The application was deemed complete on November 17, 2016.

The Project will construct approximately 87 miles of the overall HST project. The Project will be completed in phases. This amended Order permits construction of Permitting Package (PP) 1.a, to initially construct 29.3 miles of the F-B section and PP 1.b Future F-B PPs, to complete the balance of the 87-mile F-B section.

When completed, the Project – in conjunction with other project HST 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 will 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 will consist of either a direct fixation system (with track, rail fasteners, and slab), or ballasted track, depending on local conditions.

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Projected permanent and temporary impacts to Waters of the U.S. and waters of the state are summarized in Table 1 below.

Table 1: Total Project Fill/Excavation Quantity – Permitting Package (PP) 1.a and 1.b.									
Aquatic Resource Type	Temporary Impact¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY²	LF	Acres	CY	LF	Acres	CY	LF
Lake*	11.400			35.420		**			
Stream Channel (anthropogenic)***	9.340		14,070	53.230		96,286			
Stream Channel (natural)****	0.490		97	2.190		2,605			
Stream Channel Total	9.830		14,167	55.420		98,891			
Wetland	1.090			1.570					
Vernal Pool				1.340					

1. Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.
2. Cubic Yards (CY); Linear Feet (LF)
*Lake impacts are to constructed detention basins used for irrigation tailwater collection/redistribution, with no substantial watershed connection.
**Linear feet (cumulative linear feet of multiple sites) not reported.
***PP 1.a and PP1.b stream impacts include impacts to constructed canals and ditches, most of which do not directly connect to natural watercourses; no natural watercourses are impacted by PP1.a.
****An estimated 0.01 acre of emergent wetland is located within and adjacent to seasonal riverine and has been included with seasonal riverine.

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Proposed length and area of aquatic resources to be restored to pre-project conditions and proposed as compensatory mitigation for temporary and permanent impacts associated with the Project are summarized in Tables 2-6, below.

Table 2: Required Project Mitigation Quantity for Temporary Impacts for PP 1.a								
Aquatic Resource Type	Mit. Type	Units	Method					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	LF			3900			
Stream Channel	PR	Acres			1.62			

Table 3: Required Project Mitigation Quantity for Temporary Impacts for PP 1.b								
Aquatic Resource Type	Mit. Type	Units	Method					
			Est.	Re-est.	Reh.	Enh.	Pres.	Un-known
Lake	PR	Acres			11.400			
Anthropogenic Stream Channel	PR	LF			10,171			
Anthropogenic Stream Channel	PR	Acres			7.720			
Natural Stream Channel	PR	LF			97			
Natural Stream Channel	PR	Acres			0.490			
Wetland	PR	Acres			1.090			
Vernal Pool	PR	n/a			0			

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Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area for PP 1.a and PP1.b anthropogenic channels and basins

Aquatic Resource Type	Comp Mit. Type	Units	Method					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Lake	PR	Acres	35.420					
Stream Channel	PR	Acres	52.230					
Stream Channel	PR	LF	96,286					

Table 5: Required Project Compensatory Mitigation Quantity for Temporal Impacts for PP 1.b natural features

Aquatic Resource Type	Comp Mit. Type	Units	Method					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	Acres			.049			
Stream Channel	PR	LF			97			

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Table 6: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area and for PP 1.b Natural Channels and Wetlands

Aquatic Resource Type	Comp Mit. Type	Units	Method					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	PR	Acres		2.390	1.480	5.230		
Wetland	PR	Acres		2.300				
Vernal Pool	PR	Acres	1.320		1.830			

Status of CEQA and other Natural Resource Documents and Permits

The State Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality or supply impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)

The State Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, §§ 15096, subd. (i).)

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 Mark Chin at (916) 319-8287 or mark.chin@waterboards.ca.gov. Following this comment period, State Water Board staff will complete draft Waste Discharge Requirements for purposes of regulating the Project discharges to all waters of the state. A second comment period will be announced for public comment on the draft permit. This second comment period will be announced at a future date.

Date Posted: August 16, 2017

State Water Resources Control Board Contact:

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State Water Resources Control Board
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Note: No regulatory decision on the application is implied or intended in the public notice.

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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 "CWA401 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.