
State Water Resources Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND NOTICE OF ADOPTION MEETING

CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY TO PROVIDE EXPEDITED REVIEW OF PROJECT APPLICATIONS IN ACCORDANCE WITH THE STATE WETLAND DEFINITION AND PROCEDURES FOR DISCHARGES OF DREDGED OR FILL MATERIAL TO WATERS OF THE STATE

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will receive public comments on the proposed memorandum of understanding (MOU) with the California High-Speed Rail Authority (Authority) to provide expedited review of rail projects, environmental technical assistance, project consultations, and coordination services. Written comments must be received by **12:00 noon on Monday, August 24, 2020**. The State Water Board will consider all timely comments, but will not prepare a formal, written response to any comments. For additional details on submitting comments, please see below.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will consider adopting a resolution authorizing the Executive Director to enter into the MOU with Authority at the first State Water Board meeting in September 2020. The anticipated date, time, and location of the Board meeting are provided below.

Tuesday, September 1, 2020 – 9:30 a.m.
State Water Board Meeting
Video and Teleconference Meeting Only
No Physical Meeting Location
(See forthcoming agenda for September 1, 2020 Board Meeting)

BACKGROUND

In January 2017, the Water Board and the Authority entered into a Memorandum of Understanding (MOU) that established procedures for application submittal and review for Clean Water Act section 401 certifications for the Authority's projects. This MOU included an ending date of December 2019. Staff is proposing to reissue the MOU.

In April 2019, the State Water Board adopted the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures). The Procedures authorize the State Water Board to enter into a written

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

agreement with state agencies, such as the Authority, that act as CEQA lead agency for one or more projects subject to the Procedures. The agreement can set out alternative procedures and requirements regarding the submission and review of project applications.

The State Water Board and Authority have drafted such an MOU that addresses the investigation, review, and preparation of all required documents related to processing Authority permit applications and compliance with permit conditions, including but not limited to review and comment on, and/or preparation of, documents required under the Porter-Cologne Act, federal Clean Water Act, and California Environmental Quality Act. The MOU is the same as the expired MOU except that it eliminates the maximum dollar limitation for reimbursement costs and MOU expiration date and incorporates Exhibit 1, which confirms how the Procedures apply to the Authority's applications.

DOCUMENT AVAILABILITY

The draft MOU is available on the State Water Board's web site at:

https://www.waterboards.ca.gov/water_issues/programs/cwa401/#new

You may request a paper copy of the documents by contacting Jessica Nadolski at Jessica.Nadolski@Waterboards.ca.gov or (916) 341-5290.

Additional information on the September 1, 2020, Board meeting in Sacramento will be available on the State Water Board's web site at:

http://www.waterboards.ca.gov/board_info/calendar/.

SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept written public comments on the MOU with the Authority. Written comment letters must be received no later than **12:00 p.m. noon on August 24, 2020**. The State Water Board will consider all timely comments, but will not prepare a formal, written response to any comments. Written comments must be addressed to:

Jeanie Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814

Please indicate in the subject line: **"MOU with Authority"**

Comment letters may be submitted electronically, in PDF text format if less than 15 megabytes in total size, to the Clerk to the Board via e-mail at commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size, the comment letter may be submitted by mail or fax to (916) 341-5620.

If you would like a copy of the written comments submitted on this subject, please send a request to commentletters@waterboards.ca.gov, identifying the subject listed above.

Written comments will not be available until after the comment deadline.

PROCEDURAL MATTERS

For those who wish to comment on an agenda item or are presenting to the Board, additional information about participating telephonically or via the remote meeting solution is available on the State Water Board's web site:

https://www.waterboards.ca.gov/board_info/remote_meeting/

Oral comments may be provided during the Board meeting. At the September 1, 2020, 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. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time limited.

ACCESSIBILITY

Individuals requiring special accommodations are requested to call (916) 341-5261 at least 5 working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

FUTURE NOTICES

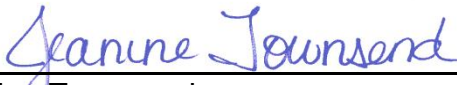
Any change in the date and time of the Board Meeting will be noticed through the Lyris e-mail distribution list. Any person desiring to receive future notices concerning the MOU with the Authority must sign up for the Lyris e-mail distribution list. To sign up for the Lyris distribution email list, access the E-mail List Subscription form, select the box for 'Wetland and Riparian Area Protection Policy / Statewide Dredge or Fill Procedures' (located within the section entitled 'Water Quality Topics'), and provide the required information. The subscription form is located on the State Board's web site:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

CONTACT INFORMATION

Questions regarding this notice may be directed to Jessica Nadolski at Jessica.Nadolski@waterboards.ca.gov or (916) 341-5290, or Paul Hann at Paul.Hann@waterboards.ca.gov or (916) 341-5726.

Date July 24, 2020



Jeanine Townsend
Clerk to the Board