

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 Game

**Applicant Contact:** Patty Forbes

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**Project Name:** The 2011 Fisheries Restoration Grant Program

**Date of Application:** March 22, 2011

**Public Notice for Water Quality Certification and/or Waste  
Discharge Requirements(Dredge/Fill Projects) for the  
California Department of Fish and Game 2011 Fisheries Restoration Grant Program**  
Affected Counties: Del Norte, Humboldt, Marin, Mendocino, Napa, San Luis Obispo, Santa  
Barbara, Santa Cruz, Siskiyou, Sonoma, Trinity

On March 22, 2011, the State Water Board received an application from the Department of Fish and Game (CDFG) requesting Federal Clean Water Act, section 401 Water Quality Certification for activities related to the 2011 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. CDFG, 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 CDFG'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		172,180.8		205,566.24
Lake/Reservoir				
Ocean/Estuary/Bay				
Riparian	1.448	1,056	14.3	
Isolated Waters				
<b>Total Impacts</b>	<b>1.448</b>	<b>173,236.8</b>	<b>14.3</b>	<b>205,566.24</b>

**Status of CEQA and other natural resource documents and permits:**

The CDFG, acting as lead agency under CEQA, approved the Mitigated Negative Declaration (MND) for the 2011 FRGP on January 24, 2011. The 2011 MND covers 53 of the 57 projects for the 2011 DFG FRGP.

Two of the four projects that are not covered in the 2011 MND were covered in the 2010 MND for the 2010 FRGP: the Cottaneva Creek Habitat Restoration Project (ID# 723449) and the Rowdy Creek Instream Habitat Enhancement Project (ID# 720248). These two projects are part of the Water Quality Certification application for the 2011 FRGP because they were not included in the Water Quality Certification for the 2010 FRGP. The other two projects that are not covered in the 2011 MND were covered in the 2005 MND for the 2005 FRGP: South Fork Janes Creek Instream Barrier Removal Phase 2 (ID# 720248) and YES Road Upgrade Project (ID# 721776). The Water Quality Certification for these two projects expired; therefore, these projects are being submitted for re-certification.

The Los Angeles District of the U.S. Army Corps of Engineers (Corps) issued Regional General Permit 78 (Corps File No: SPL-2003-01123-BAH) for authorization of projects implemented under the DFG FRGP within the Corps' Los Angeles District, and the San Francisco District of the Corps issued Regional General Permit 12 (Corps File No. 2003-279220N) for authorization of projects implemented under the DFG FRGP within the Corps' San Francisco District.

The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service issued a Biological Opinion for the DFG FRGP (File No. 2010/01038).

The U.S. Fish and Wildlife Service (USFWS) Sacramento Fish and Wildlife Office issued a Biological Opinion (File No. 1-1-03-F-273) for DFG FRGP projects within their jurisdictional

boundaries, and the USFWS Ventura Fish and Wildlife Service issued a Biological Opinion (File No. 2008-F-0441) for DFG FRGP projects within their jurisdictional boundaries.

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 [rsolecki@waterboards.ca.gov](mailto:rsolecki@waterboards.ca.gov)

**Date Posted: May 5, 2011**

**State Water Resources**

**Control Board Staff Contact:**

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