



State Water Resources Control Board

Public Notice of Water Quality Certification for U.S. Army Corps of Engineers Regional General Permit for Wildfire Activities

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

Date Posted: April 3, 2023

Comment Period: April 3, 2023 - May 18, 2023, at noon

Affected Regions: Statewide

Affected Counties: Statewide

On January 17, 2023, the State Water Resources Control Board (State Water Board) received a certification request for the Wildfire Regional General Permit proposed by the U.S. Army Corps of Engineers (Corps). The Corps' Wildfire Regional General Permit proposes to authorize the activities listed in Table 1 below that involve a discharge of dredged or fill material into waters of the United States, including wetlands, and/or work in or affecting navigable waters of the United States for wildfire protection, prevention, response, clean-up, and recovery. The State Water Board is preparing to take action on this certification request for the Wildfire Regional General Permit. The proposed Regional General Permit can be found on the [Corps' website](https://www.spk.usace.army.mil/Portals/12/documents/regulatory/public_notices/FY2022/EXP-SEP2022/Attachment-Draft-Wildfire-RGP1-CA-202200120.pdf) at: https://www.spk.usace.army.mil/Portals/12/documents/regulatory/public_notices/FY2022/EXP-SEP2022/Attachment-Draft-Wildfire-RGP1-CA-202200120.pdf.

To inform this action, the State Water Board will consider all comments submitted in writing and received during a 45-day comment period that begins on the first date of issuance of this public notice (April 3, 2023) and ends at 12:00 p.m. (noon) on the last day of the comment period (May 18, 2023).

Electronic submittals are strongly encouraged. Please submit comment letters electronically, in pdf text format, to Chris Monary via e-mail at: Chris.Monary@waterboards.ca.gov. **Indicate in the subject line: "Comment Letter – Water Quality Certification for the Corps' Wildfire RGP."**

If unable to submit comments electronically, please mail comments to:

Chris Monary
State Water Board
1001 I Street, 15th Floor
Sacramento, CA 95814

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

Table 1: Army Corps' Proposed Wildfire Regional General Permit Activities

Activity	Description
1. Utility Lines	Maintenance, improvement, repair, rehabilitation, replacement or removal of any previously authorized structure or fill. Authorizes overhead to underground conversion. Authorizes minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication.
2. Associated Infrastructure	Maintenance, improvement, repair, rehabilitation, replacement or removal of any previously authorized structure or fill, including substations, foundations, towers, poles, anchors, outfalls, intakes, and lift stations. Authorizes minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement.
3. Permanent Access Areas	Construction, maintenance, improvement, repair, rehabilitation, replacement, or removal of permanent access areas, such as roads, ramps, vehicle pullouts, culverts, bridges, and boardwalks. Authorizes stream channel modifications, including bank stabilization, to construct or protect the structure; such modifications must be in the immediate vicinity of the authorized work.
4. Dewatering Structures	Installation, maintenance, repair, rehabilitation, or replacement of temporary dewatering structures, including cofferdams, bladder dams, diversion tunnels/pipes, and sheet piles.
5. Temporary Access Area	Construction or maintenance of temporary access areas, such as staging, storage, parking, and laydown areas, including pads, roads, boardwalks, bridges, culverts, and wetland protection matting. Authorizes structures and/or work in navigable waters of the U.S. including the installation of temporary structures, such as scaffolding, pilings, and footings for bridges, docks, and piers and the operation of temporary construction equipment, such as barges, tractors, and boats.
6. Management of Sediment & Debris	Management of sediment or debris, including installation of trash racks, debris screens and barriers. Authorizes mechanical or hydraulic removal of sediment or debris in navigable waters, such as excavating, dredging, or pumping. Authorizes associated return water from an upland contained dredged material disposal area.
7. Repair Damaged Uplands	Repair, maintenance, or improvement of upland areas damaged by wildfire, including bank stabilization to protect the restored uplands. Authorizes stream channel modifications, including bank stabilization, to construct or protect the repaired uplands.
8. Fire/Fuel Breaks	Construction, maintenance, repair, rehabilitation, replacement, or improvement of fire and/or fuel breaks. Authorizes the mechanical removal of vegetation.
9. Development Structures	Repair, replacement, removal, or rehabilitation of residential, commercial, industrial, and institutional development structures following a wildfire.

State Water Board Contact:

Chris Monary, Environmental Scientist
Wetlands Permitting and Planning Unit II
Division of Water Quality

Telephone: (916) 322-7782

Email: Chris.Monary@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 on the [401 Program Webpage](http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml) (http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml).

By enrolling in this list, you will receive notices for all current CWA 401 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 this subscription 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.