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A. Environmental Review

On January 21, 2016, the California Department of Fish and Wildlife (CDFW), as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. [2015122055]) for the Project and filed a Notice of Determination (NOD) at the SCH on January 21, 2016. The State Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that CDFW's adopted environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The State Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by CDFW addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by CDFW for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15074, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project IS/MND, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: <https://www.wildlife.ca.gov/Grants/FRGP/MND>.

Requirements under the purview of the State Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

C. Findings

The IS/MND describes the potential significant environmental effects to water resources that were mitigated in the IS/MND. The State Water Board makes the following findings:

- (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
- (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15070.)*

a.i. Potential Significant Impact to Biological Resources:

The Projects could have the potential to significantly impact riparian or other sensitive natural communities identified in local or regional plans, policies and regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

a.ii. Facts in Support of Finding:

The Project will have a less than significant effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The project activities are designed to improve and restore stream habitat, and provide a long-term benefit to both anadromous salmonids and other fish and wildlife. The project will be implemented in a manner that will avoid short-term adverse impacts to special status plants and wildlife during construction. The mitigation measures that will be implemented to avoid short-term impacts to special status plants and wildlife are described in the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (Appendix C of the IS/MND) and additionally in the MMRP (Appendix B of the IS/MND). The biological resources section of the MMRP proposes mitigation measures that are sufficient to reduce impacts to biological resources to a level that is less than significant. These measures are described in the following sections of the MMRP: IV. Biological Resources A. (1) through (19); IV. Biological Resources B. (1) through (14); and Biological Resources C. (1) through (10). In addition, there are conditions in the Order that require actions to be taken that will further reduce impacts to biological resources to a level that is less than significant. These include conditions in section XII.G.(Construction) of the Order that help prevent erosion, turbidity, and pollutant discharges into waters of the state, and conditions in Section XII.C. (Water Quality Monitoring) that require water quality monitoring for the prevention of pollutant discharges into waters of the state. These waters provide beneficial uses to plants and wildlife occurring along and within the streams on the Project.

b.i. Potential Significant Impact to Geology and Soils:

The Project could result in potentially significant impact to soil erosion or the loss of topsoil.

b.ii. Facts in Support of Finding:

The Project will result in a less than significant impact on soil erosion or the loss of topsoil. Implementation of the Project will contribute to an overall reduction in erosion and sedimentation. Restoring historic land surface profiles, planting riparian vegetation, and installing erosion reduction structures will prevent chronic erosion and sediment delivery to streams. Road improvements and decommissioning will involve moving large quantities of soil from road fills and stream crossings to restore historic land surface profiles and prevent chronic erosion and sediment delivery to streams from existing road surfaces. The potential for substantial soil loss and erosion associated with the construction activities will be reduced to less than significant through implementation of the mitigation measures in the geology and soils section of the MMRP (VI. Geology and soils, (1) – (13)). Overall, Project implementation, and proposed mitigation measures in the MMRP are sufficient to reduce impacts to Geology and Soils to a level that is less than significant. In addition, there are conditions in the Order that require actions to be taken that will further reduce impacts to Geology and Soils to a level that is less than significant. These include conditions in section XII.G. (Construction) of the Order that help prevent erosion, turbidity, and pollutant discharges into waters of the state, and conditions in Section XII.C. (Water Quality Monitoring) that require water quality monitoring for the prevention of pollutant discharges into waters of the state.

c.i. Potential Significant Impact from Hazards and Hazardous Materials:

The Project has the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through

reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c.ii. Facts in Support of Finding:

The Project will have a less than significant impact on creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The hazards and hazardous materials section of the MMRP (VIII. Hazards and Hazardous Materials, (1) – (14)) proposes mitigation measures that will avoid impacts or reduce impacts from hazards and hazardous materials to a level that is less than significant. In addition, there are conditions in the Order that require actions to be taken that will further reduce impacts from hazards and hazardous materials to a level that is less than significant. These include conditions in section XII.G. (Construction) of the Order that help prevent erosion, turbidity, and pollutant discharges into waters of the state. Conditions in Section XII.C. (Water Quality Monitoring) that require water quality monitoring for the prevention of pollutant discharges into waters of the state and conditions for reporting accidental discharges of hazardous materials into waters of the state.

d.i. Potential Significant Impact to Hydrology and Water Quality:

The Project could have the potential to significantly impact and violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.

d.ii. Facts in Support of Finding:

The Project will have a less than significant impact on violations of water quality standards or waste discharge requirements, or substantial degradation water quality. There is the potential for minor short-term increases in turbidity during installation of instream structures or removal of culverts; however, the hydrology and water quality section of the MMRP (XI. Hydrology and Water Quality, (1)-11)) proposes mitigation measures that will reduce impacts to hydrology and water quality to a level that is less than significant. Some minor short-term increases in turbidity may occur as the streambed around in-stream structures adjusts during the first high stream flow event following project completion but this is not to expected to produce an increase over background turbidity that substantially degrades water quality. In addition, there are conditions in the Order that will require actions to be taken that will protect water quality. These include conditions in section XII.G.(Construction) of the Order that help prevent erosion, turbidity, and pollutant discharges into waters of the state, and conditions in Section XII.C. (Water Quality Monitoring) that require water quality monitoring for the prevention of pollutant discharges into waters of the state. These waters provide beneficial uses to plants and animals occurring along and within the streams of the Project.

D. Determination

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 resource 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).)