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## State Water Resources Control Board

# NOTICE OF PREPARATION AND CALIFORNIA ENVIRONMENTAL QUALITY ACT SCOPING MEETING

## ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR IMPLEMENTATION OF LARGE HABITAT RESTORATION PROJECTS STATEWIDE

**NOTICE IS HEREBY GIVEN** that State Water Resources Control Board (State Board) staff will hold a California Environmental Quality Act (CEQA) scoping meeting to receive public input on the content and scope of an Environmental Impact Report (EIR) that will be prepared to assess the potential environmental effects of a proposed project, Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Implementation of Large Habitat Restoration Projects Statewide (General Order). The scoping meeting will include a brief presentation about the proposed General Order followed by public comments.

The scoping meeting will be:

**Tuesday, October 22, 2019 – 1:00 p.m.**  
**Joe Serna Jr. - Cal/EPA Headquarters Building**  
**Byron Sher Auditorium**  
**1001 I Street, Second Floor**  
**Sacramento, CA 95814**

The State Water Board will accept both written and oral comments regarding scoping elements. Written comments may be submitted in accordance with the instructions set forth below by 12:00 p.m. noon on November 22, 2019.

Information about the scoping meeting is located on the [State Water Board web site](http://www.waterboards.ca.gov/board_info/calendar/) at: [http://www.waterboards.ca.gov/board\\_info/calendar/](http://www.waterboards.ca.gov/board_info/calendar/) and the [State Water Board 401 Water Quality Certification and Wetlands Program webpage](https://www.waterboards.ca.gov/water_issues/programs/cwa401/) at: [https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/](https://www.waterboards.ca.gov/water_issues/programs/cwa401/).

### WEBCAST INFORMATION

[Video and audio broadcast of the scoping meeting](https://video.calepa.ca.gov/) will be available via the internet and can be accessed at: <https://video.calepa.ca.gov/>.

## **PARKING AND ACCESSIBILITY**

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the [map on the State Water Board website](http://www.calepa.ca.gov/headquarters-sacramento/location/) at: <http://www.calepa.ca.gov/headquarters-sacramento/location/>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5254 at least five working days prior to the meeting. Telecommunications Device for the Deaf (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10<sup>th</sup> Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

## Notice of Preparation

TO: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044

FROM LEAD AGENCY: State Water Resources Control Board  
P.O. Box 2000, Sacramento, CA 95812-2000  
Attention Jessica Nadolski

SUBJECT: **ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR IMPLEMENTATION OF LARGE HABITAT RESTORATION PROJECTS STATEWIDE**

## INTRODUCTION

The State Water Board proposes to develop a General Order establishing an authorization process to improve permitting efficiency for specific types of environmentally beneficial restoration activities statewide. Pursuant to CEQA, the State Water Board will be the Lead Agency and will prepare an EIR for the proposed General Order.

## BACKGROUND

The State Water Board has previously authorized a General Water Quality Certification (General WQC) for small habitat restoration projects that (a) shall not exceed five acres or a cumulative total of 500 linear feet of stream bank or coastline and (b) qualify for the CEQA Class 33 Categorical Exemption (CEQA Guidelines Section 15333). Restoration projects that fall outside the project size limits of the General WQC for small habitat restoration must obtain individual WQCs and/or waste discharge requirements (WDRs) from the State Water Board or Regional Water Quality Control Boards (Regional Boards). The process of obtaining individual authorization can be time consuming and

increase the cost of regulatory compliance as compared to obtaining authorization under a General Order that provides programmatic coverage. Restoration proponents seeking authorization for larger projects beyond the scale of the General WQC for small habitat restoration often do not have the funding to seek individual permits. This indicates the need for a General Order that will expedite the regulatory approval process for large habitat restoration projects. The proposed General Order for large habitat restoration projects is intended as a companion, not a replacement, to the General WQC for small habitat restoration.

#### GENERAL ORDER (PROJECT) DESCRIPTION

This proposed General Order considers a variety of aquatic and riparian restoration types that take place throughout the State. The following proposed types of restoration are included:

1. **Stream Crossing and Fish Passage Improvements** – for upstream and downstream movement by fish and other species, and to improve functions of streams.
2. **Small Dam, Tide Gate, Flood Gate, and Legacy Structure Removal** – to improve fish and wildlife migration, tidal and freshwater circulation and flow, and water quality.
3. **Bioengineered Bank Stabilization** – to reduce fine sediment input, enhance aquatic and riparian habitat, and improve water quality.
4. **Off-Channel/Side-Channel Habitat Restoration and Enhancement** – to improve aquatic and riparian habitat for fish and wildlife and/or to restore hydrologic, hydraulic, and biogeochemical functions and processes of streams.
5. **Water Conservation Projects** – to reduce low-flow stream diversions, such as off-stream storage tanks and ponds and necessary off-channel infrastructure.
6. **Floodplain Restoration** – to improve ecosystem function through hydrological connection between streams and floodplains, including levee breaching and removal, berm and dike setback breaching and removal, and hydraulic reconnection and revegetation.
7. **Piling and Other In-Water Structure Removal** – to improve water quality and aquatic habitat for fish and wildlife.

8. **Non-native Invasive Species Removal and Native Plant Revegetation** – to improve watershed functions, such as aquatic and riparian habitat for fish and wildlife.
9. **Tidal, Subtidal, and Freshwater Wetland Establishment, Restoration, and Enhancement** – to create or improve wetland ecological functions.
10. **Stream and Riparian Habitat Establishment, Restoration, and Enhancement** – to create or restore functions of streams and riparian areas

Restoration projects must incorporate specified protection measures (as applicable), such as design guidelines or avoidance and minimization techniques, or other criteria into their project descriptions to qualify within the scope of the proposed General Order.

#### GENERAL ORDER (PROJECT) LOCATION

The proposed General Order addresses future activities that may occur statewide upon notification and permitting authority review. The proposed General Order would be administered, in part, within the jurisdiction of each Regional Board.

#### ENVIRONMENTAL BASELINE

California Code of Regulations, title 14, section 15125 states that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation (NOP) is published from local, regional, and, in this case, state perspectives (existing conditions). The environmental setting will constitute the baseline physical conditions that State Water Board, the Lead Agency, will use to determine whether an impact is significant. In general, the environmental baseline is the same as existing conditions.

#### PROJECT ALTERNATIVES

A reasonable range of potentially feasible project alternatives, in addition to the no project alternative, will be addressed, following the scoping process and will consider the views of responsible and trustee agencies and the public.

#### POTENTIAL ENVIRONMENTAL EFFECTS

The EIR will analyze resources that may be affected by the proposed General Order. Resource topics to be considered for analysis in the EIR include the following:

- Aesthetics
- agriculture and forestry resources
- air quality
- biological resources
- land use and planning
- mineral resources
- noise
- population and housing

- cultural resources
- energy
- geology and soils
- greenhouse gas emissions
- hazards and hazardous materials
- hydrology and water quality (surface and groundwater resources)
- public services
- recreation
- transportation
- tribal cultural resources
- utilities/service systems
- wildfire

## SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept written public comments regarding scoping. Written comment letters must be received no later than **12:00 p.m. noon on November 22, 2019**. Written comments must be addressed to:

State Water Resources Control Board  
Division of Water Quality  
Attention: Jessica Nadolski  
P.O. Box 100, Sacramento, CA 95812-2000 (mail)  
1001 I Street, 15th floor, Sacramento, CA 95814 (hand-delivered)

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the [Wetlands Permitting and Enforcement Unit via e-mail](mailto:jessica.nadolski@waterboards.ca.gov) at [jessica.nadolski@waterboards.ca.gov](mailto:jessica.nadolski@waterboards.ca.gov). Please indicate in the subject line: **“Comment Letter – Proposed Statewide Restoration General Order.”**

Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact Ms. Nadolski at (916) 341-5290.

All comments received will become part of the official administrative record and may be made available for public review.

## FUTURE NOTICES

Any change in the date, time, and place of the scoping meeting will be publicly noticed on the State Water Board website and through Lyris e-mail list. Any person desiring to receive future notices concerning the proposed General Order must sign up on the Lyris e-mail list. To sign up for a Lyris list, access the [email List Subscription Form](#) at the web address listed below, click the “Water Quality” tab, and check the box for “CWA401 – Certification and Wetlands Program”:  
[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml).

ADDITIONAL INFORMATION

Please direct questions about this notice to [Jessica Nadolski](mailto:jessica.nadolski@waterboards.ca.gov) at (916) 341-5290 or [jessica.nadolski@waterboards.ca.gov](mailto:jessica.nadolski@waterboards.ca.gov).

10/8/19  
Date

  
Karen Mogus, Deputy Director  
Division of Water Quality  
State Water Resources Control Board