

Lahontan Regional Water Quality Control Board
Governor's Office of Planning & Research

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File: Environmental Doc Review
Mono County

STATE CLEARINGHOUSE

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Comments on the Initial Study/Mitigated Negative Declaration, Mono Chain Up Areas, Mono County, State Clearinghouse Number 2019089060

The Lahontan Regional Water Quality Control Board (Water Board) staff received an Initial Study with Mitigated Negative Declaration (IS/MND) for the above-referenced Project (Project) on August 23, 2019. The IS/MND was prepared by the California Department of Transportation (Caltrans) and submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the IS/MND, we recommend Caltrans incorporate into the Project low impact development (LID) strategies, including design considerations, to treat increased storm water runoff from paved surfaces and to reduce the effects of hydromodification as a result of Project implementation. Additionally, Water Board approval will be required prior to any work within a waterway (i.e. dredge, fill, and/or culvert extension etc.).

WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained

or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

WATER QUALITY CONCERNS

Our comments are outlined below.

1. All surface waters are waters of the State. Project implementation requires extension of existing culverts beneath Highway 395 resulting in excavation in, discharge of fill to, and physical alteration of waterways within the Project area. Prior to any work within a waterway, Caltrans will be required to obtain either a (1) CWA, section 401 water quality certification for impacts to federal waters, or (2) dredge and fill waste discharge requirements for impacts to non-federal waters of the State, both of which are issued by the Lahontan Water Board. As part of that permitting process, Caltrans will need to show how impacts to surface water resources have been avoided and minimized, to the extent possible. Compensatory mitigation may be required for all unavoidable, permanent impacts to waters of the State. Early consultation with Water Board staff is highly encouraged.
2. Storm water control measures that are compatible with LID are preferred over more traditional methods to help reduce the effects of hydromodification. Examples include the use of bioretention swales, pervious pavement, and vegetated infiltration basins, all of which can effectively treat post-construction storm water runoff, help sustain watershed processes, protect receiving waters, and maintain healthy watersheds. Any particular one of these control measures may not be suitable, effective, or even feasible on every site, but the right combination, in the right places, can successfully achieve these goals. We encourage Caltrans to establish a suite of LID implementation strategies and to incorporate these strategies into their projects.
3. We request that the IS/MND include a mitigation measure that requires buffer areas to be identified and exclusion fencing to be used to protect water resources outside the Project area and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the Project.

PERMITTING REQUIREMENTS

A number of activities associated with the proposed Project may have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Board or Lahontan Water Board. The required permits may include the following.

4. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board. All unavoidable permanent impacts to waters of the State must be mitigated to ensure no net loss of beneficial use and wetland function and value. Water Board staff coordinate mitigation requirements with staff from federal and other state regulatory agencies. In determining appropriate mitigation ratios for impacts to waters of the State, we consider Basin Plan requirements (minimum 1.5 to 1 mitigation ratio for impacts to wetlands) and utilize 12501-SPD Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios, published December 2012 by the US Army Corps of Engineers, South Pacific Division.
5. Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

We request that the IS/MND recognize the potential permits that may be required for the Project, as outlined above, and identify the specific activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our website at <http://www.waterboards.ca.gov/lahontan/>. Early consultation with Water Board staff regarding potential permitting is recommended.

Thank you for requesting our consultation. If you have any questions regarding this letter, please contact me at (760) 241-7376 (jan.zimmerman@waterboards.ca.gov). Please send all future correspondence regarding this Project to the Water Board's email address at Lahontan@waterboards.ca.gov and be sure to include the Project name in the subject line.



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