
State Water Resources Control Board

REVISED

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND BOARD WORKSHOP

PROPOSED GENERAL ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE AND SUPPORTING DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

NOTICE IS HEREBY GIVEN that written comments will be accepted by the State Water Resources Control Board (“State Water Board”) on the proposed Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (proposed General Order) and supporting California Environmental Quality Act (CEQA) draft Program Environmental Impact Report (PEIR). The proposed General Order and draft PEIR would apply statewide and establish a permit authorization process for specific types of restoration activities. The draft PEIR identifies potential significant impacts to agriculture and forestry resources; air quality and greenhouse gas emissions; biological resources (terrestrial); biological resources (aquatic); cultural resources; geology and soils; hazards and hazardous materials; land use and planning; noise; transportation; tribal cultural resources; and utilities and service systems and public services.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a public workshop on the proposed General Order and supporting draft PEIR. A quorum of the Board will be present; however, the Board will not take any action at the public workshop. The public workshop will be:

~~Tuesday, August 3~~ **Wednesday, August 4, 2021, 9:00 a.m.**

~~Video and Teleconference Only~~

~~No Physical Meeting Location~~

~~(Authorized and in furtherance of Executive Orders N-08-21 and N-29-20)~~

Coastal Hearing Room – Second Floor

Joe Serna Jr. - CalEPA Building

1001 I Street, Sacramento

and

via Video and Teleconference

(Authorized by and in furtherance of Executive Order N-08-21.)

Video Broadcast: <https://video.calepa.ca.gov/>

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

Additional information about participating telephonically or via the remote meeting solution will be available at least 10 days before the workshop at the [Remote Meeting page](https://www.waterboards.ca.gov/board_info/remote_meeting/) (https://www.waterboards.ca.gov/board_info/remote_meeting/). ~~This public workshop is currently scheduled to take place via video and teleconference only, but the format may be changed in the future to also allow for in-person attendance.~~ Any person desiring to receive future notices about changes to the date, time, location, or format of the public workshop should sign up for the e-mail list, as described below.

BACKGROUND

The State Water Board has previously issued a general water quality certification 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 (Cal. Code Regs., tit. 14, § 15333). Restoration projects that fall outside the project size limits of the general water quality certification or small habitat restoration must obtain individual water quality certifications and/or waste discharge requirements 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 water quality certification 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.

The proposed General Order would provide coverage for the following proposed types of restoration projects:

Improvements to Stream Crossings and Fish Passage

Removal of Small Dams, Tide Gates, Flood Gates, and Legacy Structures

Bioengineered Bank Stabilization

Restoration and Enhancement of Off-Channel and Side-Channel Habitat

Water Conservation Projects

Floodplain Restoration

Removal of Pilings and Other In-Water Structures

Removal of Nonnative Terrestrial and Aquatic Invasive Species and Revegetation with Native Plants

Establishment, Restoration, and Enhancement of Tidal, Subtidal, and Freshwater Wetlands

Establishment, Restoration, and Enhancement of Stream and Riparian Habitat and Upslope Watershed Sites

To be eligible for coverage under the proposed General Order, restoration projects would need to incorporate applicable protection measures, such as design guidelines or avoidance and minimization techniques.

DOCUMENT AVAILABILITY

The proposed General Order and draft PEIR will be available on the [State Water Board's 401 Water Quality Certification and Wetlands Program website](https://www.waterboards.ca.gov/water_issues/programs/cwa401/) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/) on or before June 30, 2021. You may request a paper copy of the proposed General Order and draft PEIR by contacting Jessica Nadolski at (916) 341-5290 or via email at jessica.nadolski@waterboards.ca.gov.

PROCEDURAL MATTERS

The Board will not consider adoption of the proposed General Order at the public workshop. At the public workshop, there will be no sworn testimony or cross-examination of interested persons, but State Water Board and its staff may ask clarifying questions. Participants will be given an opportunity to provide oral presentations. To ensure a productive and efficient Board workshop, the Board may limit time for oral presentations.

SUBMISSION OF WRITTEN COMMENTS

State Water Board will also accept written comments on the proposed General Order and draft PEIR. Comments submitted must include the following in the subject line: **“Comments – Restoration Projects Statewide Order.”** Written comments must be received no later than **12:00 noon on August 13, 2021** and addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
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 Clerk to the Board via e-mail at commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620, mailed to the address above, or by hand delivery. Couriers delivering hand copies of comment letters must check in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

EX PARTE DISCLOSURE REQUIREMENTS FOR PROPOSED GENERAL ORDERS

This item is subject to the ex parte communication disclosure requirements of Water Code section 13287, as explained in a [Memo from the Office of the Chief Counsel](https://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf) (https://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf). Any communications between interested persons and Board Members (other than at a noticed Board Meeting or submitted as a comment letter in compliance with the public notice) must be disclosed by the interested person within seven days of the communication. A sample disclosure form is available at the [State Water Board Ex Parte Communication Disclosure Form for General Orders](https://www.waterboards.ca.gov/laws_regulations/docs/ExParteGeneralOrderForm.pdf) (https://www.waterboards.ca.gov/laws_regulations/docs/ExParteGeneralOrderForm.pdf)

ACCESSIBILITY

Telecommunications Device for the Deaf (TDD) users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. A broadcast of the meeting will be available via internet on the [California Environmental Protection Agency video page](https://video.calepa.ca.gov/#/) (<https://video.calepa.ca.gov/#/>).

FUTURE NOTICES

For future updates on the General Order and PEIR, including any changes to the public comment period, changes to the date, time, or format of the Board workshop, and notice of the subsequent meeting for the State Water Board's consideration of adoption, please subscribe to the CWA401 – Certification and Wetlands Program email list. Click on or navigate to this [link](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html) (https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html), enter your full name and email address at the top of the page, select the box for 'CWA401 – Certification and Wetlands Program' located within the 'Water Quality' section, and then click subscribe.

ADDITIONAL INFORMATION

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

July 22, 2021
Date

SIGNATURE ON FILE
Jeanine Townsend
Clerk to the Board