
Lahontan Regional Water Quality Control Board

June 17, 2022

Governor's Office of Planning & Research

Dana Raponi
Mojave Desert Resources Conservation District
15415 W. Sand Street, #103
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STATE CLEARINGHOUSE

COMMENTS ON THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR MOJAVE DESERT LAND TRUST PALISADES RANCH RESTORATION PROJECT, SAN BERNARDINO COUNTY, STATE CLEARINGHOUSE NO. 2022050328

California Regional Water Quality Control Board, Lahontan Region (Water Board) staff, reviewed the Initial Study and Mitigated Negative Declaration for the Mojave Desert Land Trust Palisades Ranch Restoration Project (Project). The Mojave Desert Resource Conservation District, acting as the lead agency, prepared the document in compliance with provisions of the California Environmental Quality Act (CEQA). The Mojave Desert Land Trust is the Project proponent. Water Board staff, acting as responsible agency, is providing comments on this Project for activities applicable to Water Board statutory responsibilities and regulatory authority pursuant to CEQA Guidelines, California Code of Regulations (CCR), title 14, section 15096. Our comments in this letter provide information that will support regulatory compliance, permit development, and timely implementation of the Project.

PROJECT DESCRIPTION

The purpose of the Project is to implement a restoration plan for Palisades Ranch to improve critical hydrological processes, and riparian and aquatic habitats. The restoration plan involves reconnecting a 170-acre abandoned agricultural field that was historically riparian habitat to the Mojave River. The Project will implement several riparian vegetation enhancement projects, three phases of river restoration including creation of new channels and floodplain, and construct recreational improvements.

The Project includes constructing a 6,600-foot main side channel, a 1,425-foot west branch side channel, and two higher elevation 5-year return interval channels within the proposed nested floodplain in the abandoned agricultural field. Wood structures and beaver dam analogs would be used for grade control, including within the main stem Mojave River. The design also includes a 2-acre pond that would provide habitat for Mojave tui chub and southwestern pond turtles. The pond would require active management and refilling twice per year. In addition, the project includes an integrated weed management component that proposes to use herbicides within the floodplain of the Mojave River to control invasive species.

PETER C. PUMPHREY, CHAIR | MICHAEL R. PLAZIAK, PG, EXECUTIVE OFFICER

The Project will be conducted in three phases over no more than 5 years. Temporary and permanent irrigation systems will be constructed for active irrigation of restored areas for 1-3 years and on-going management of the site.

WATER BOARD AUTHORITY

All groundwater and surface waters are considered waters of the state and 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 U.S. The Federal Clean Water Act (CWA) provides protection for waters of the State that are also waters of the U.S.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) sets forth water quality standards for surface water and groundwater of the Lahontan 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.

LAHONTAN BASIN PLAN WASTE DISCHARGE PROHIBITIONS

Section 13243 of the California Water Code gives Regional Boards, in Basin Plans or waste discharge requirements, authority to "specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted."

Please be aware that the Basin Plan prohibits the application of pesticides, including herbicides, to surface or ground waters (Basin Plan page 4.1-2). Applications of herbicides proposed in the Project must be conducted under dry conditions as described in the Basin Plan unless an exemption to the prohibition is obtained.

Water Board staff recommends adding note of this prohibition to the IS/MND Mitigation Measure HYD-2 and to all documents related to herbicide application (such as contracts and design plans).

PERMITS REQUIRED

The following item provides a description of permit coverage that will be required to implement the Project as proposed in the IS/MND.

National Pollutant Discharge Elimination System

As described in the IS/MND, Project implementation will require enrollment in the National Pollution Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity (Order 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-006-DWQ) (Construction General

Permit) and preparation of a Storm Water Pollution Prevention Plan (SWPPP). For additional information please see:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html

A complete application should be submitted through the State Water Board's Storm Water Multi-Application and Report Tracking System (SMARTS) at:

<https://smarts.waterboards.ca.gov>.

Given that the Project proposes construction and activities within the 100-year floodplain of the Mojave River over the course of several years, the SWPPP should include restrictions limiting the extent of disturbed soil areas and temporary stabilization of disturbed areas prior to the onset of the wet season each year until vegetation can provide long term soil stabilization. Stockpiles of soil and earthen materials, other construction materials, and herbicides or other chemicals, should be maintained outside of the 100-year floodplain unless they are being actively used.

Clean Water Act Section 401 Water Quality Certification

The IS/MND describes activities that may result in the discharge of waste to Waters of the United States, including placement of beaver dam analogs in the mainstem of the Mojave River. Mitigation Measure BIO-4 states that the Mojave Desert Land Trust, the project applicant, must obtain 401 Water Quality Certification prior to ground disturbance within jurisdictional waters. Water Board staff concur with this mitigation measure and suggest contacting us several months in advance of project construction to begin the permitting process.

Information on the 401 Water Quality Certification program in the Lahontan Region may be viewed at the following webpage:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/index.shtml

Please contact Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 or jan.zimmerman@waterboards.ca.gov with any questions regarding the content in this letter, or to schedule a meeting to discuss future permit requirements.



Laurie Scribe
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See next page for cc list –

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Cc: State Clearinghouse
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Mojave Desert Land Trust