



State Water Resources Control Board

**WATER QUALITY ORDER WQ 2024-0055-DWQ CLEAN WATER ACT  
SECTION 401 WATER QUALITY CERTIFICATION AND NOTICE OF  
APPLICABILITY FOR ENROLLMENT UNDER STATE WATER RESOURCES  
CONTROL BOARD ORDER FOR RESTORATION PROJECTS STATEWIDE  
(ORDER WQ 2022-0048-DWQ)**

**Effective Date:** Upon Deputy Director's Signature  
**Expiration Date:** Five Years from Effective Date  
**Program Type:** Restoration  
**Project Type(s):** Ecological Aquatic/Stream/Habitat Restoration  
**Program:** 2023 Fisheries Restoration Grant Program  
Regulatory Measure ID: **455835**  
WDID No: **SB24019IN**  
**Applicant:** California Department of Fish and Wildlife  
**Applicant Lead:** Timothy Chorey  
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**Water Board Contact:** If you have any questions, please contact the State Water Resources Control Board (State Water Board) Water Board Staff listed above, call (916) 341-5900, or email [SB-401Application@waterboards.ca.gov](mailto:SB-401Application@waterboards.ca.gov).

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

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## I. Summary

This Notice of Applicability (NOA) for enrollment under the State Water Board Order for restoration projects statewide (Order WQ 2022-0048-DWQ; hereafter referred to as the Order) and Clean Water Act section 401 water quality certification is issued at the request of the California Department of Fish and Wildlife (Permittee). The Order is included as Attachment A and can be accessed at the [State Water Board's Certification and Wetlands Program General Orders web page](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) ([https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2022/wqo2022-0048-dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf)). On May 10, 2024, the State Water Board received a complete Notice of Intent requesting authorization for the Permittee's 2023 Fisheries Restoration Grant Program (Program). After reviewing the Notice of Intent, the State Water Board has determined that the Program meets requirements for enrollment under the Order.

## II. Program Description

As described in the Notice of Intent and supplemental information (hereafter referred to as the Application), which is incorporated herein by reference, the purpose of the Program is to increase populations of wild anadromous fish in coastal streams by restoring ecological function to their habitat. Eleven (11) Individual restoration projects shall be implemented under the Program in accordance with procedures found in the most recent version of the "California Salmonid Stream Habitat Restoration Manual." The Program supports a variety of restoration activities including instream habitat improvements, unanchored large woody debris, fish screens, fish passage at stream crossings, riparian habitat restoration, and watershed and stream bank stability.

### A. Program Size

The acreage and linear feet, if applicable, of aquatic and upland areas comprising the Program are shown in Table 1. The size includes access, staging, and work areas.

**Table 1: Program Size**

<b>Program Areas</b>	<b>Acres</b>	<b>Linear Feet</b>
<b>Aquatic</b>	12.93	47,267.60
<b>Upland</b>	0.76	740.00
<b>Total</b>	13.69	48,007.60

### B. Project Locations

The Program consists of eleven (11) individual project sites in the following counties: Mendocino, Del Norte, Humboldt, Siskiyou and Santa Barbara. A map showing the individual project locations is found in Attachment B of this NOA.

### III. Receiving Waters Information

The individual project sites are located within the jurisdiction of the North Coast Regional Water Quality Control Board and the Central Coast Regional Water Quality Board (collectively, Regional Water Boards). Receiving waters and groundwater potentially impacted by this Program are listed in Attachment C. These waters are regulated in accordance with the applicable water quality control plan (Basin Plan) for the regions and other plans and policies of the California Water Boards, which may be accessed at the [State Water Board's Plans and Policies web page](http://www.waterboards.ca.gov/plans_policies/) ([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)).

### IV. Direct Impacts and Benefits to Waters of the State

Total Program fill/excavation quantities for all direct impacts and benefits to waters of the state are summarized in Tables 2 and 3. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition. Permanent impacts that are categorized as those resulting in a physical loss in area and those degrading ecological condition will ultimately be part of the benefited acres. Benefits to waters of the state include aquatic and/or riparian resources that are established, enhanced, and/or restored.

**Table 2: Total Temporary and Permanent Program Impacts to Waters of the State**

Aquatic Resources Type	Temp. Impact Acres	Temp. Impact Linear Feet	Perm. Impact Acres	Perm. Impact Linear Feet
Riparian	5.34	10,341.80	1.01	11,802
Streambed/Stream bank	4.05	8,265.60	2.53	16,858
<b>Total</b>	<b>9.39</b>	<b>18,607.40</b>	<b>3.54</b>	<b>28,660</b>

**Table 3: Total Program Benefits to Waters of the State**

Aquatic Resources Type	Benefit Acres	Benefit Linear Feet
Wetland	0.07	200.00
Riparian	22.28	35,474.40
Streambed/Stream bank	33.27	57,696.20
<b>Total</b>	<b>55.62</b>	<b>93,370.60</b>

### V. Description of Indirect Impacts to Waters of the State

The State Water Board recognizes the potential for indirect impacts to waters of the state associated with the Program. Potential indirect adverse effects include but are not limited to increased sediment loading to aquatic resources from access or staging areas, introduction of invasive species into the Program area, and alteration of runoff

delivery to aquatic resources in the Program area. The Program, as designed, will not have significant indirect impacts to waters of the state.

## **VI. Conditions**

The State Water Board has independently reviewed the record of the Program to analyze impacts to water quality and designated beneficial uses within the watersheds associated with each individual project. The Program may proceed only in accordance with the following conditions.

**A.** The Program may proceed only as described above in Sections II through IV and as described in the application submitted to the State Water Board by the Permittee, in accordance with the conditions in State Water Board Order WQ 2022-0048-DWQ (Attachment A) and in accordance with the General Protection Measures listed in Attachment D.

### **B. Compensatory Mitigation**

No compensatory mitigation is required for permanent impacts because the Program provides restoration that includes an overall net increase in functions and/or services for each aquatic resources type proposed to be impacted.

### **C. Reporting and Notification Requirements**

As set forth in Order (Attachment A) Section XIII.B, the NOA may specify a deadline for the annual report. An Annual Report shall be submitted to the State Water Board each year on January 15 until a Notice of Project Complete Letter is requested by and issued to the Permittee for each of the individual projects under the Program.

### **D. Water Quality Monitoring for In-Water Work or Diversions**

For in-water work or stream diversions, a dewatering plan and water quality monitoring plan shall be submitted to State Water Board staff for approval at least thirty (30) days in advance of commencement of activity. Water quality monitoring shall be conducted in accordance with the approved plan.

The water quality monitoring plan shall include, at a minimum, the Table 4 sampling parameters. If water quality sampling shows an exceedance of water quality objectives, notify the State Water Board in accordance with Order (Attachment A) Section XIII.B.3.b.

**Table 4: Sample Type and Frequency Requirements**

<b>Parameter</b>	<b>Unit of Measurement</b>	<b>Type of Sample</b>	<b>Minimum Frequency</b>
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L and % saturation	Grab	Every 4 Hours
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Temperature	°F (or as °C)	Grab	Every 4 hours

## **VII. California Environmental Quality Act (CEQA)**

Pursuant to CEQA, the State Water Board has made Findings of Fact (Findings) pertaining to two (2) separate initial study/mitigated negative declarations (IS/MND) which support the issuance of this NOA and are included in Attachment E.

On November 11, 2023, the California Department of Fish and Wildlife, as lead agency, adopted an IS/MND (State Clearinghouse (SCH) No. 2023090699) for the Program (that included consideration of all projects except the Upper Tyron Creek Enhancement Project) and filed a Notice of Determination (NOD) at the SCH on November 21, 2023.

On November 8, 2021, Del Norte County, as lead agency, adopted an IS/MND (SCH No. 2021080391) for the Upper Tyron Creek Enhancement Project, which is an individual project in the Program, and filed a NOD at the SCH on November 8, 2021.

## **VIII. Public Notice**

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from March 18, 2024, to April 9, 2024. The State Water Board did not receive any comments during the comment period.

## **IX. Fees Received**

An application fee of \$729 was received on February 23, 2024. The fee amount was determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category D - Ecological Restoration and Enhancement Projects (Fee Code 85) with the dredge and fill fee calculator. Annual fees will be assessed in accordance with section 2200(a)(4).

## **X. Water Quality Certification**

I hereby issue this Notice of Applicability and water quality certification for the 2023 Fisheries Restoration Grant Program, SB24019IN, certifying that as long as all of

the conditions listed in State Water Board Order WQ 2022-0048-DWQ are met, any discharge from the referenced Program will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

The State Water Board will file the appropriate Notices of Determination at the State Clearinghouse within five (5) working days of issuance of the Notice of Applicability and water quality certification.

Except insofar as may be modified by any preceding conditions, all Program actions are contingent on: (a) compliance with the conditions of this Notice of Applicability and the State Water Board Order WQ 2022-0048-DWQ and the attachments to both; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, and the Regional Boards' Water Quality Control Plans.

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Date

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Phillip Crader, Deputy Director  
Division of Water Quality