

State Water Resources Control Board

CLEAN WATER ACT §401 WATER QUALITY CERTIFICATION APPLICATION FORM

(Use only for multi-regional projects, otherwise use the appropriate Regional Board application form)

1. APPLICANT/AGENT INFORMATION

a) Applicant: Paul A. Marshall	b) Agent ¹ : Jacob McQuirk
Address: California Dept. of Water Resources 1416 9 th Street, Room 215-34 Sacramento, CA 95814 Phone No. 916-653-1099 Fax No. 916-653-6077 E-mail Address: Paul.Marshall@water.ca.gov	Address: California Dept. of Water Resources 1416 9 th Street, Room 215-23 Sacramento, CA 95814 Phone No. 916-653-9883 Fax No. 916-653-6077 E-mail Address: Jacob.McQuirk@water.ca.gov
Have you previously contacted the Regional Board staff regarding this project? If 'yes' provide information on date, person, and brief summary of subject matter. <u>No; however, Ms. Elizabeth Lee, Unit Supervisor of the Central Valley RWQCB, has been cc'd on this application.</u>	

STATEMENT OF AUTHORIZATION

I hereby authorize Jacob McQuirk to act in my behalf as my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.



Applicant's Signature

11/5/15

Date

¹Complete only if applicable

2. PROJECT DESCRIPTION

a) Project Title: <u>West False River Salinity Barrier Project (WFRSB)</u>
b) Project Purpose: <u>See Supplemental Information, Attachment A for the Project purpose.</u>
c) Project Activities: <u>See Supplemental Information, Attachment A for a complete description of Project activities.</u>
d) Proposed Schedule (start-up, duration, and completion dates): <u>Construction activities, including mobilization, would begin no sooner than April 1, 2016. Similar to the installation of the EDB in 2015, placement of embankment rock would occur on a 24-hour basis for approximately 45 working days. Most likely, however, placement of embankment rock will not be entirely continuous in a 24-hour period due to the effect the tides have on barge navigation. The construction crew size for installation is assumed to be a maximum of 21 people.</u>

3. FEDERAL LICENSES/PERMITS

a) Federal Agency(ies)/File Number(s):
 U.S. Army Corps of Engineers Other U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and U.S. Coast Guard
 File No.(s) (if known) Unknown

b) Permit Type(s) (please provide permit number(s) if known):
 Nationwide Permit No.(s) _____ Regional General Permit No.(s) _____
 Individual Permit No. Unknown

c) Does the project require any Federal Application(s), Notification(s) or Correspondence?
 Yes (attach copy[ies]) No _____ (attach detailed explanation)

d) Provide copies of the license/permit/application. See Supplemental Information, Attachment B for a copy of ENG Form 4345 and Supplemental Information, Attachment C for copies of the USFWS BA and NMFS BA.

4. OTHER LICENSES/PERMITS/AGREEMENTS

a) Please list all other required permits, including local regulatory approvals (submit final or draft copy if available). Include information on any Dewatering, NPDES, and Storm Water permits.

Agency	License/Permit/Agreement	Permit No.	Approval Date
CDFW	CESA Section 2081 ITP	T.B.D.	T.B.D.
CDFW	CFGC Section 1602 LSAA	T.B.D.	T.B.D.
RWQCB	NPDES Construction General Permit	T.B.D.	T.B.D.
SHPO	MOU	T.B.D.	T.B.D.

b) Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license? No

5. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Indicate CEQA Document (submit final or draft copy if available*):

Type of CEQA Document	Date of filing of Notice of Exemption/ Preparation and Name of Lead Agency
Statutory Exemption/Class Title	<u>On April 6, 2015, the Governor issued Executive Order B-29-15 which exempts the Project from CEQA (see Directive 26).</u>
Categorical Exemption/Class Title	
Negative Declaration	
IS/Proposed MND	
Environmental Impact Report	

Note: Ample time must be provided to the certifying agency to properly review a final copy of valid CEQA documentation before certification can occur.

6. APPLICATION FEE

Provide an initial deposit of \$600.00 for the application. Please write a check made out to the State Water Resources Control Board.

Is a check enclosed? Yes Check Number Amount \$14,118

7. PROJECT SITE DESCRIPTION – GENERAL (Include areas outside of US waters)

a) Project Location (attach map of suitable quality and detail):

City or Area: Unincorporated Counties: West False River in Contra Costa County.

Longitude/Latitude: False River at approximately 38.0576168° and -121.6712761°

b) Total Project Size: The Project area, including staging (1.95 acres), is approximately 4.44 acres.

c) Site description of the entire project area (including areas outside of jurisdictional water of the US): See both the aquatic and terrestrial biological assessments (Supplemental Information, Attachment C) for environmental setting.

8. WATER BODY IMPACT

a) **Water Body Name(s)**²:

Clearly indicate on a published map of suitable detail, quality, and scale (1:24K) to allow the certifying agency to easily identify the area(s) and water body(ies) receiving any discharge. See Supplemental Information, Attachment A for maps showing impacts to waters of the U.S. and State.

b) **Fill and Excavation:** Indicate in ACRES and/or LINEAR FEET the proposed waters to be impacted, and identify the impacts(s) as permanent and/or temporary for each water body type listed below:

Water Body Type	Permanent Impact		Temporary Impact	
	Acres	Linear Feet	Acres	Linear Feet
Wetland ³				
Streambed			2.49	150
Lake/Reservoir				
Ocean/Estuary/Bay				
Riparian				
Non-Federal Waters				

Provide the name, title, and affiliation of person that carried out wetland delineation. In 2015 AECOM biologist completed a field assessment which included a field verification of the ordinary high-water mark at False River. A separate report was not prepared; however, the delineation is shown in the impact map (Supplemental Information, Attachment A).

c) **Dredging:** Total volume (cubic yards) of dredged material proposed for project. DWR does not propose to dredge into waters of the U.S. and State.

= Provide information on the Q₂, Q₁₀, Q₁₀₀ for pre- and post-project implementation. For both pre- and post-project implementation, the range of instantaneous flow at False River would be approximately 55,000 cfs to 60,000 cfs.

d) Indicate type(s) of material proposed to be discharged in waters of the United States: DWR proposes to discharge approximately 74,000 cubic yards of rock rip-rap into waters of the U.S. and State.

² Both US Army Corps of Engineer’s jurisdictional- and non-jurisdictional water bodies.

³ Per US Army Corps of Engineer’s wetland delineation protocol.

9. COMPENSATORY MITIGATION (Please complete attached Mitigation Checklist)

- a) Is compensatory mitigation proposed? DWR would conduct bathymetric surveys during, and immediately after barrier removal to confirm reestablishment of pre-project streambed contours. DWR would restore the levee geometry to ensure compliance with any local maintaining agency or USACE requirements. DWR also proposes to purchase smelt/salmonid credits from an approved mitigation bank. The ratio would be 1:1 for temporary impacts (2.49 acres).
- b) Indicate in ACRES and LINEAR FEET (where appropriate) the total quantity of **waters of the United States** proposed to be Created, Restored, Enhanced, or Preserved.

Water Body Type	Created	Restored	Enhanced	Preserved
Wetland				
Streambed		2.49 acres		
Lake/Reservoir				
Ocean/Estuary/Bay				
Riparian				
Non-Federal Waters				

- c) If contributing to a Mitigation Bank provide the following: To Be Determined

Mitigation Bank Name: T.B.D.
 Name of Mitigation Bank Operator: T.B.D.
 Office Address of Operator/Phone Number: T.B.D.
 Mitigation Bank Location (Latitude/Longitude, County, and City): T.B.D.
 Mitigation Bank Water Body Type(s): Smelt/Salmonid Credits
 Mitigation Area (acres or linear feet) and cost (dollar): 2.49 acres for approximately \$375,000

- d) Provide/attach a map with suitable detail, quality, and scale (1:24K) that will easily provide information as to the location(s) and water body(ies) of the mitigation area. T.B.D.

10. THREATENED/ENDANGERED SPECIES

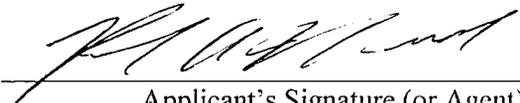
- a) Does the project require coordination with the US Fish and Wildlife Service or National Marine Fisheries Service under the Federal Endangered Species Act?
 Yes X (provide copies of Biological Report) No (provide basis of determination)
- b) Does the project require coordination with the State of California Department of Fish and Wildlife under the California Endangered Species Act?
 Yes X (provide copies of Biological Report) No (provide basis of determination)

11. OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

Briefly describe other actions/BMPs to be implemented to Avoid and/or Minimize impacts to waters of the United States, including preservation of habitats, erosion control measures, project scheduling, flow diversions, etc. See Supplemental Information, Attachment A for avoidance and minimization measures.

12. PAST/FUTURE PROPOSALS BY THE APPLICANT

Briefly list/describe any projects carried out in the last 5 years or planned for implementation in the next 5 years that are in any way related to the proposed activity or may impact the same receiving body of water. Include estimated adverse impacts. DWR would install the WFRSB on almost the identical footprint as the Emergency Drought Barrier (EDB) footprint which was installed summer-fall 2015 on West False River. EDB resulted in approximately 0.26 acre (approximately 4,000 cubic yards) of permanent impacts and approximately 2.60 acres (approximately 74,000 cubic yards) of temporary impacts to waters of the U.S. and State. EDB also temporarily impacted 1.95 acres of upland habitat. Both West False River and the adjacent upland habitat were restored to approximate pre-project conditions.



Applicant's Signature (or Agent)

11/5/15

Date

For further information please email:
http://www.swrcb.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf