
**(Second Notice) Public Notice of Application for
Water Quality Certification for U.S. Army Corps of Engineers'
Middle-Mile Broadband Network Regional General Permit**

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program
Date Posted: May 30, 2023

Affected Counties: Statewide

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Water Quality Certification Program.

State Water Resources Control Board (State Water Board) staff are proposing to regulate Regional General Permit activities pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. **Staff will consider all comments submitted in writing and received at this office during a 45-day comment period that begins on the first date of issuance of this notice (May 30, 2023) and ends at 5:00 p.m. on the last day of the comment period (July 14, 2023).** To submit comments, or if you have questions, please contact the State Water Board staff person listed below.

State Water Resources Control Board Contact:

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Note: No regulatory decision on the application is implied or intended in this public notice.

Project Name: Middle-Mile Broadband Network Regional General Permit

(Reg. Meas. ID: 451362 and SWRCB ID: SB23010GN)

Background: On February 16, 2023, the U.S. Army Corps of Engineers (USACE) submitted an application for Clean Water Act Section 401 water quality certification for the Middle-Mile Broadband Network Regional General Permit (Project).

Project Description: The USACE Los Angeles, Sacramento, and San Francisco Districts (Districts) propose a Regional General Permit (#23) to authorize activities involving the discharges of dredged or fill material into waters of the U.S., including wetlands, and/or work in or affecting navigable waters of the U.S. for fiber optic infrastructure in California.

Fiber optic infrastructure activities associated with the Project include the installation of fiber conduit, vaults, hubs, substations, new utility poles and foundations, the construction of temporary and permanent access roads, dewatering structures, performing survey activities, and remediation of inadvertent returns of drilling fluid in waters of the U.S., provided the activity does not result in the loss of greater than 0.5-acre of waters of the U.S. for each single and complete action. The cumulative loss of waters of the U.S., within the entire state, is proposed not to exceed 10.0 acres over the five-year term of the Regional General Permit.

A Certification or Denial will be prepared by the State Water Board for the Middle-Mile Broadband Network Regional General Permit in response to this application.

Applicant: United States Army Corps of Engineers

Applicant Contact: Gerardo L. Hidalgo

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Email: Gerardo.L.Hidalgo@usace.army.mil

Date of Application Submittal: February 16, 2023

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Board has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

Click the Subscribe directly to the 401 water quality Certification and Wetland Program Email List button on the 401 Program Webpage at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

By enrolling in this list, you will receive notices for all current 401 applications, including the Project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the Lyris list, contact the staff person named in the notice to express your interest in receiving notices by other means. You can enroll or un-enroll at any time.