



# California Regional Water Quality Control Board Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Linda S. Adams  
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013  
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger  
Governor

December 17, 2009

Rick Doremus  
Synergy Land and Development  
4209 Seashore Drive, 2<sup>nd</sup> Floor  
Newport Beach, CA 92663

## **WATER QUALITY CERTIFICATION FOR PROPOSED PARK PLACE PROJECT TRACT 60259 PROJECT (Corps' Project No. 2004-01137-AOA), TICK CANYON, TRIBUTARY TO SANTA CLARA RIVER, LOS ANGELES COUNTY (File No. 07-049)**

Dear Mr. Doremus:

We are in receipt of your letter dated March 10, 2009, concerning a Clean Water Act Section 401 Water Quality Certification (WQC) for the proposed development Park Place, project tract 60259 (project) which you sent in response to our letter of September 25, 2008.

Our letter of September 25, 2008 required certain additions to your proposed project in order for this Regional Board to be able to issue a Water Quality Certification under Section 401 of the Clean Water Act. We required that the proposed project include re-constructed streams or multiple bioswales in the housing site and a Habitat Mitigation and Monitoring Plan. Specifically we required:

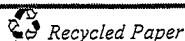
### More specific BMPs

- a. number and location of reconstructed drainages in the housing area with a description of how the re-constructed drainages will interact with the storm drain system
- b. the number and location of bioswales with estimates of how much runoff and rainfall would be treated
- c. an evaluation of the total imperviousness of the site

Your response provided

- a. No re-constructed drainages in the revised project
- b. 16 bioswales (12,340 ft) in the housing site, estimated to be able to treat 150 cfs.
- c. An evaluation of the imperviousness of the site (14.9%) which considered the entire site including the areas to be preserved outside the housing site. The imperviousness of the housing area was estimated to be 30%.

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Our letter of September 25, 2008 also required a complete Habitat Mitigation and Monitoring Plan in which a significant portion of the compensatory mitigation was of the same habitat type as the lost habitat.


With your letter you provided the "Conceptual Habitat Mitigation and Monitoring Plan for Impacts to Corps, RWQCB and CDFG Resources" dated March 6, 2009. The plan contains a more detailed plan than in previous submittals but no significant changes or additions to the proposed mitigation. The plan does not include restoration or creation of the types of ephemeral drainages which are to be lost. Due to this, additional mitigation will be required over your proposed mitigation to more fully compensate for the loss.

Your proposed mitigation includes the addition of 13.5 acres of preservation with an agency such as the Nature Conservancy or Santa Monica Mountains Conservancy as required by your California Department of Fish and Game (CDFG) Streambed Alteration Agreement, subject to approval by CDFG. In addition to this requirement or as part of the requirement, this WQC requires additional mitigation of at least 2.44 acres of created or restored habitat within or in addition to the 13.5 acres preservation. The Regional Board must approve a specific mitigation plan prior to commencement of the housing project.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of 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) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dr. LB Nye, Section 401 Program, at (213) 576-5785.



Tracy J. Egoscue  
Executive Officer

DISTRIBUTION LIST

Sherri Conley  
Vandermost Consulting Services  
27312 Callee Arroyo  
San Juan Capistrano, CA 92675

Bill Orme (by electronic copy)  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Betty Courtney (by electronic copy)  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Kenneth Wong  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Eric Raffini (by electronic copy)  
U.S. Environmental Protection Agency  
75 Hawthorne St  
San Francisco, CA 94105

Ken Berg  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92009

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**Project Information  
File No. 07-049**

1. Applicant: Rick Doremus  
Synergy Land and Development  
4209 Seashore Drive, 2<sup>nd</sup> Floor  
Newport Beach, CA 92663  
  
Phone: (949) 645-5480
2. Applicant's Agent: Sherri Conley  
Vandermost Consulting Services  
27312 Callee Arroyo  
San Juan Capistrano, CA 92675  
  
Phone: (949) 489-2700 Fax: (949) 489-0309
3. Project Name: Park Place Project Tract 60259
4. Project Location: Santa Clarita, Los Angeles County

Decimal Degrees:

<u>Longitude</u>	<u>Latitude:</u>
118.388333	34.463889
118.382778	34.465833
118.370000	34.466944
118.371389	34.463056
118.377222	34.456667
118.392500	34.450278
118.387778	34.455000
118.390556	34.455000

5. Type of Project: Housing development
6. Project Description: The proposed project (Project) will construct 492 single-family dwelling units, associated roadways, public water and sewer infrastructure and a 38-acre park within unincorporated Los Angeles County, adjacent to the City of Santa Clarita.

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The Project site totals 523 acres. The proposed development consists of single-family residential lots (each 5,000 to 7,000 square feet), including a water tank and pump station. A system of roadways is also planned, including the extension of Shadow Pines Boulevard from its current terminus south of the site. The extension of Shadow Pines Boulevard includes the construction of two bridges over Tick Canyon Wash. Project site access is taken from the Antelope Valley Freeway (SR-14) and Soledad Canyon Road. Additionally, public water and sewer infrastructure will be extended to support the proposed additional residential units.

Existing single-family dwelling units occur on the western Project boundary and a recently-approved single-family detached development, Vesting Tentative Tract No. 48086 (Spring Canyon), is located south east of the Project site. Single-family dwelling units also border the areas to the east and west of the southerly extension of Shadow Pines Boulevard and Tick Canyon Road, between Grandifloras Road and the southern site boundary. A limited number of rural residential units and the SLA Sanctuary, a privately operated animal sanctuary, are located to the north and northeast of the Project site. The rural residential units and the SLA Sanctuary generally obtain access from an approximately 16-foot wide unimproved (dirt) road paralleling Tick Canyon Wash.

Other than several unimproved dirt roads, the Project site is vacant. The Project site includes several vegetation types including riversidian sage scrub, sage oak chaparral, and non-native valley and foothill grasslands. Tick Canyon Wash traverses the center of the site in a northeasterly to southwesterly direction and is an active ephemeral watercourse that drains to the Santa Clara River. Tick Canyon Wash is fed by a number of small tributaries throughout the site.

Tick Canyon lies between Mint Canyon to the west and Tapie and Spring Canyons to the east. The Project site displays prominent north-to-northeast trending ridges with secondary northwest-to-west oriented ridges descending to the canyon floor. Within the Project site, elevations range from over 2300 feet to 1790 feet above mean sea level.

The US Army Corps of Engineers issued a Jurisdictional Delineation for the site on May 23, 2005. The applicant's agent,

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Vandermost Consulting Services (VCS) also visited the site in 2006 to confirm that site conditions have not changed from the original delineation. Based on delineation results, the site contains approximately 6.47 acres of US jurisdictional waters which includes 0.65 acres of Tick Canyon Wash which is not at the housing development site but which will be impacted by the proposed extension of Shadow Pines Boulevard.

Twenty-four (24) small drainages tributary to Tick Canyon Wash and Tick Canyon Wash, itself, were included in the delineation. Seventeen (17) of the drainages will be permanently impacted by the Project wherein portions of the drainages will be undergrounded and converted into storm drain, entailing a permanent loss of 1.0 acres of waters.

Tick Canyon Wash will have both permanent and temporary impacts from construction of Shadow Pines Boulevard and bridges across Tick Canyon Wash. Two bridge crossings across Tick Canyon Wash are proposed:

1) The Shadow Pines Blvd bridge will be an 80-foot wide and approximately 380-foot long bridge constructed along Shadow Pines Boulevard/Tick Canyon Road which will cross Tick Canyon Wash near the site's southwestern corner, where Shadow Pines Boulevard/Tick Canyon Road enters the project and about 700 feet from the site's southwestern boundary. The Shadow Pines Blvd bridge will consist of piers and embankment protection and will entail two piers, parallel to flow, in the wash and abutments and embankment protection under the bridge for approximately 0.29 acres of permanent impacts and 0.17 acres of temporary impacts to Tick Canyon Wash.

2) The "Q" Street bridge is proposed near the northeastern corner of the project (Street "Q"). At that location, a four-way intersection will be created and a 56-foot or 60-foot wide bridge, approximately 280-feet long, will be constructed to provide access from Shadow Pines Boulevard/Tick Canyon Road to the proposed neighborhood park site. The "Q" Street bridge will consist of piers and embankment protection and will entail three piers, parallel to flow, in the wash and abutments and embankment protection under the bridge for approximately 0.46 acres of permanent impacts and 0.14 acres of temporary impacts.

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In addition, construction of Shadow Pines Boulevard and the park site requires over excavation into Tick Canyon Wash. Once the excavation is complete the banks will be recreated with concrete revetment and the surface of Tick Canyon Wash will be re-created at its pre-construction contours and re-vegetated with native habitat. The slope leading to Shadow Pines Boulevard and the park site will consist of revetment, transitioning to vegetated slopes. Shadow Pines Blvd construction (on and off-site) will total approximately 0.70 acres of permanent impact and 1.06 acres of temporary impact.

Total impacts for the Tick Canyon Wash and its tributary drainages will be 2.44 acres of permanent impacts and 1.38 acres of temporary impacts.

The Project will convey runoff from both on-site and off-site areas. Off-site areas upstream of the development area will continue to drain as they do in existing conditions, however, flows will be carried through the development area via a dedicated storm drain that is separate from the on-site, developed areas, stormdrain system and will discharge to several locations in Tick Canyon Wash. The on-site stormdrain system will also discharge to several locations in Tick Canyon Wash. However, runoff from the on-site catchment basins will be treated by extended detention basins or CDS Units. In addition, an additional stormwater bypass line will convey waters to an outfall location on Tick Canyon Wash which is south of the area to be developed. This discharge location is downstream from the natural watercourse reach of Tick Canyon Wash and just upstream of where Tick Canyon Wash converts to an open concrete channel. The use of this discharge site will ensure that the average, annual, post-development runoff that is discharged to the natural reaches of Tick Canyon Wash will not be greater than the pre-development runoff volumes.

The project will also include 16 bioswales for a total of at least 12,340 linear feet of bioswale.

Approximately 265 acres of the Project site will be retained as natural, open space.

#### 7. Federal Agency/Permit

U.S. Army Corps of Engineers  
Individual Permit No. 2004-01137-AOA

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8. Other Required Regulatory Approvals: California Department of Fish and Game Streambed Alteration Agreement
9. California Environmental Quality Act Compliance: The City of Los Angeles, Department of Regional Planning prepared an Environmental Impact Report (EIR) for this project. A Notice of Determination was filed with the State Clearinghouse on June 11, 2007.
10. Receiving Water: Tick Canyon Wash to the Santa Clara River (Hydrologic Unit No. 403.51)
11. Designated Beneficial Uses: MUN\*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET  
  
\*Conditional beneficial use
12. Impacted Waters of the United States: Non-wetland waters (streambed): 1.38 temporary acres (3,017 linear feet) and 2.44 permanent acres (23, 471 linear feet)
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
15. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Construction fencing will be erected around preservation areas to prevent contamination, erosion, disturbance, or entry of heavy equipment during construction activities.
  - Bird surveys will be conducted if vegetation removal is proposed during the nesting season.



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- If an active bird nest is discovered, disturbance within 300 feet (500 feet for raptors) will be postponed until the nest is vacated, offspring have left the nest area, and there is no evidence of further attempts at nesting, as determined by the project biologist.
- Limits of avoidance will be demarcated with flagging or fencing.
- Watering during construction and irrigation of finished areas will be utilized to reduce wind erosion and dust.
- Temporary debris basins, silt fences, straw bale dikes, sand bags, drainage swales, check dams, sediment traps, temporary earthen dikes will be utilized to prevent sediments from exceeding the undisturbed or prior construction condition(s) and as needed during the rainy season.
- Equipment washing and mixing of concrete and other chemicals will be performed in designated areas, and will be lined with an impermeable material.
- All waste, including vegetation, clearing, washing, and grubbing material, equipment maintenance material, building materials and sewage will be disposed of in accordance to all applicable federal, state, and local laws, regulations, and ordinances.
- Hazardous or dangerous materials will be set aside a locked, weather resistant storage area, with containers tightly closed. Containers will be checked for leaks or deterioration. All products will be labeled clearly.
- If a spill incident occurs, any spills or excess of toxic materials shall be cleaned immediately and disposed of and reported as required by local, state and federal regulations.
- Sediments and other materials will not be tracked from the site by vehicle traffic. Construction entrance roadways will be stabilized to inhibit sediments from being deposited onto public ways. Any accidental deposition will be immediately cleaned up.
- Non-stormwater runoff from equipment or vehicle washing and any other activity at the work site will be contained.

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- At completion of the work, the worksite will be cleared of debris

#### 16. Proposed Compensatory Mitigation:

The Applicant proposes to enhance 1.63 acres of Tick Canyon Wash and create 7.6 acres of vegetated streambed (estimated to include 3.17 acres of wash bottom and 4.43 acres of slopes) onsite.

The applicant proposes enhancing 1.63 acres of Tick Canyon Wash by removing exotics and trash. The applicant proposes creating 7.6 acres of streambed habitat by broadening Tick Canyon Wash in the area between Tick Canyon Wash and the proposed Shadow Pines Boulevard. The created area will be lowered in elevation and will consist of habitat similar to that currently found in Tick Canyon Wash. The created areas are expected to receive storm flows from high-storm events in Tick Canyon Wash and low flows from several discharge points of BMP-treated low flows.

The applicant proposes to restore areas of temporary impact to pre-existing contours and planting with native vegetation.

The applicant proposes to purchase 13.5 acres of streambed habitat for preservation offsite as required by CDFG Streambed Alteration Agreement.

In addition, the applicant proposes to preserve, onsite, 2.65 acres of streambed in the 265 acres of preserved natural space.

#### 17. Required Compensatory Mitigation:

The Applicant shall enhance 1.63 acres of Tick Canyon Wash and create at least 7.6 acres of vegetated streambed (estimated to include 3.17 acres of wash bottom and 4.43 acres of slopes) onsite.

The enhancement of the 1.63 acres of Tick Canyon Wash shall be by removing exotics and trash. 7.6 acres of streambed shall be created by broadening Tick Canyon Wash in the area between Tick Canyon Wash and the proposed Shadow Pines Boulevard.

Areas of temporary impact shall be restored to pre-existing contours and planted with native vegetation.

The applicant shall purchase 13.5 acres of streambed habitat for preservation offsite in the upper Santa Clara River watershed as

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required by CDFG Streambed Alteration Agreement. The purchase shall include at least 2.44 acres of restoration of streambed habitat.

In addition, the applicant shall preserve, onsite, 2.65 acres of streambed in the 265 acres of preserved natural space.

The "Conceptual Habitat Mitigation and Monitoring Plan for Impacts to Corps, RWQCB and CDFG Resources" dated March 6, 2009, will be followed for restorations onsite. A separate restoration plan with success criteria shall be developed for the 2.44 acres of streambed habitat to be restored in the offsite purchase.

See *Attachment B, Conditions of Certifications, Additional Conditions* for additional requirements for the compensatory mitigation.

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### Conditions of Certification File No. 07-049

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)* as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit at the Regional Board for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. The Applicant shall not conduct any maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
16. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
17. Sediment removal at each phase shall not go beyond the extent as defined in the application packet.
18. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
19. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.

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20. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
21. All project construction or maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
22. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
  - pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids (TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters.

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Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

23. The established bioswales will be maintained as part of the stormwater system for the life of the project or if removed, will be replaced in-kind with bioswales which treat stormwater from the developed part of the site.
24. The Applicant shall restore the proposed **1.38 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
25. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal and permanent loss of waters of the United States. Table I below lists the amount and type of onsite mitigation. The Applicant shall follow the "Conceptual Habitat Mitigation and Monitoring Plan for Impacts to Corps, RWQCB and CDFG Resources" dated March 6, 2009, for restorations onsite and shall submit a Habitat Mitigation and Monitoring Plan for the off site mitigation which shall include:
  - (a) The boundaries of the mitigation site, clearly identified on a map of suitable resolution and quality and also be defined by latitude and longitude
  - (b) The type(s) of mitigation described in detail (e.g., removal of exotics, re-contouring and/or replanting with native species, etc.)
  - (c) Demonstration of sufficient hydrology to support created habitat
  - (d) Success criteria

**This information shall be submitted to this Regional Board for approval at least 30 days prior to any disturbance within waters of the United States.**



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TABLE 1

Mitigation Amount, Type, and Location (Acres)	
Enhanced Onsite	1.63
Created Onsite	7.6
Restoration of streambed offsite	2.44
Purchased habitat offsite total	13.5
Preserved streambed onsite	2.65
Preserved open space onsite total	265

26. All Areas retained as open space and mitigation areas shall be placed within a conservation easement or other appropriate mechanism to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
27. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:
- a) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - c) The overall status of project including a detailed schedule of work;
  - d) Copies of all permits revised as required in Additional Condition 1;
  - e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - f) A certified Statement of “no net loss” of wetlands associated with this project;
  - g) Discussion of any monitoring activities and exotic plant control efforts; and

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- h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
- 28. The Annual Report shall also include a report on the effectiveness of the installed bioswales, to include the number (and linear feet) built to date, photographs of completed bioswales, an estimation of the stormwater treated, and the maintenance performed.
- 29. All applications, reports, or information submitted to the Regional Board shall be signed
  - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
- 30. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
 \_\_\_\_\_ (Signature)  
 \_\_\_\_\_ (Title)”

- 31. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-049**. Submittals shall be sent to the attention of the 401 Certification Unit.

## ATTACHMENT B

### Conditions of Certification File No. 07-049

32. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
33. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-0009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
34. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
35. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
36. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a

## **ATTACHMENT B**

### **Conditions of Certification**

**File No. 07-049**

reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
37. This Certification shall expire five (5) years from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.