



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Tully Clifford, Director
Ventura County Watershed Protection District
800 South Victoria Avenue,
Ventura, CA 93009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7011 2970 0000 0645 4851

WATER QUALITY CERTIFICATION FOR PROPOSED SANTA CLARA RIVER ESTUARY FLOOD ALLEVIATION PROJECT (Corps' Project No. SPL-2013-464-AJS), SANTA CLARA RIVER ESTUARY, McGRATH STATE BEACH, CITY OF OXNARD, VENTURA COUNTY (File No. 13-081)

Dear Mr. Clifford:

Board staff has reviewed your request on behalf of the Ventura County Watershed Protection District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 2, 2013.

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.

Please read this entire document carefully. 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 LB Nye, Section 401 Program, at (213) 576-6785.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

July 2, 2013
Date

DISTRIBUTION LIST

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For Ventura Co. only.

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Coastal Conservancy
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ATTACHMENT A

**Project Information
File No. 13-081**

1. Applicant: Mr. Tully Clifford, Director
Ventura County Watershed Protection District
800 South Victoria Avenue,
Ventura, CA 93009

Phone: (805) 654-2040
Fax: (805) 654-3350
2. Applicant's Agent: Angela Bonfiglio Allen
Ventura County Watershed Protection District
800 South Victoria Avenue,
Ventura, CA 93009

Phone: (805) 477-7175
Fax: (805) 654-3350
3. Project Name: Santa Clara River Estuary Flood Alleviation
4. Project Location: Santa Clara River Estuary, McGrath State Beach, City Of Oxnard,
Ventura County

Latitude	Longitude
34 14.01	-119 15.91
34 14.02	-119 15.88
34 14.01	-119 15.86
34 13.99	-119 15.85
34 13.97	-119 15.85
34 13.97	-119 15.88
34 13.97	-119 15.91
34 13.99	-119 15.91

5. Type of Project: Pump and pipe installation
6. Project Purpose: To remove floodwaters from the McGrath State Beach Campground and adjacent upland areas to facilitate mosquito abatement. The Santa Clara River Estuary did not breach during the 2012-13 fall and winter season due to lack of storm water runoff sufficient to overcome the sand berm at McGrath State Beach.

ATTACHMENT A

Project Information

File No. 13-081

7. Project Description:

The Ventura County Watershed Protection District (District) will set up and operate a pump and siphon system to lower the Santa Clara River estuary and relieve the persistent flooding of McGrath State Beach, particularly its campground (Project).

On June 5, 2013, the Ventura County Resource Management Agency, Public Health Department, Vector Control Program, confirmed presence of two birds with West Nile virus in the City of Ventura. As temperatures rise during the summer, mosquito populations and thus the public health risk of transmitting West Nile virus, encephalitis, or other mosquito-borne illness to humans residing nearby or visiting the Ventura Harbor and beaches will increase. Furthermore, the longer that campground infrastructure, including sewers and transportation remain inundated, the greater chance that it will be permanently damaged.

The pump will be placed on McGrath State Beach, about 2,585 feet south of the beach parking lot, and at the northwest corner of the estuary. Access will be from the southernmost beach along Spinnaker Drive in the Ventura Harbor. The Project includes areas designated critical habitat for Western snowy plover and also a portion of tidewater goby critical habitat that is not currently inundated.

A D6 swamp cat bulldozer, 455 JD track loader, 308 rubber track cat excavator, and small all-terrain vehicles will transport equipment and materials to the set up area. The equipment will avoid habitat areas and the surf zone and be moved to the parking lot staging area when not in use.

A skid-mounted pump will be set up on the northern edge of the estuary outside of any nesting areas. The pump will be placed on a 10-foot by 20-foot steel platform and spill containment pad. A 24-inch diameter HDPE pipe will be used for suction and discharge. The piping system will be set up to operate as a siphon and pump operation by day, and a siphon only operation by night. Valves located within the piping system will permit flow reduction and shut-off.

The inlet pipe will be placed in the estuary approximately 10 to 15 feet east of the sand berm. The biologist will first survey the location to ensure absence of tidewater goby and steelhead trout.

ATTACHMENT A

Project Information

File No. 13-081

The inlet will be protected by two screens arranged in concentric arches that will prevent fish, including tidewater gobies, from becoming entrained in the pipe. The first screen will be made of 0.25-inch plastic mesh and approximately 26 feet east of the east edge of the sand berm at its zenith. The next screen, to be installed six feet away from the first, will be made of 0.5-inch plastic mesh. Both screens will tie into the sand berm. The purpose of this arrangement is to minimize algal/debris clogging and prevent fish impingement.

The mesh will be anchored with galvanized metal posts (2-inch diameter and 15-foot long) driven from a boat into the estuary substrate at the two points of intersection with the sand berm, and at 20-foot intervals between these points. Floating buoys will be affixed to the top to maintain the nets' vertical positions, and sand bags and metal weights will be placed along the bottom to weigh down the nets and seal off any gaps that could allow fish to enter. The sand bags will be placed on the nets at the sand berm interface to close any gaps at each end as well. The biologist will assist during inlet and net placement so that any potential adverse effects to this tidewater goby and steelhead trout are avoided.

A temporary galvanized metal staff gage with elevation markings will be placed near the pipe inlet to monitor the estuary's water surface elevation.

The outlet pipe will be between 140 and 240 feet long from the edge of the estuary to below the low tide line if possible or at least to the mean tide line (depends on approved location of inlet determined in coordination with the biologist). A 40-foot-long section of the pipe will be buried in the crest of the sand berm (24-inch-wide by 24-inch-deep trench to accommodate the 24-inch-diameter pipe). This will facilitate the siphon effect, provide stability for the pipe, and allow safe passage across the site.

There will be no possibility of breaching the berm as all excavation will occur above the elevation of the estuary. The berm crest is 97 inches (just above 8 feet) above the ocean, and 47 inches (just under 4 feet) above the estuary. The estuary's current water surface elevation is approximately 50 inches (4 feet 2 inches) above the ocean.

ATTACHMENT A

Project Information File No. 13-081

The outlet of the pipe will be secured with 0.75-inch metal tie down anchors driven 30 inches into the sand on either side of the pipe, and connected with a steel cable. The pipe will be extended into the water at least one foot below the low tide line, however, in the event that the pipe is unstable in that location and 7-foot-tall T posts with additional steel cables are insufficient to stabilize the pipe, the pipe outlet may be moved higher, into the surf zone.

The District will collect daily for the first week and then weekly ocean samples for bacterial indicators. "Caution – No Swimming within 100 feet" signs will be posted on the beach (above the high tide line) near and 100 feet from the outlet. An attempt will be made to place a buoy line in the ocean along a 100-foot radius from the pipe outlet. Temporary orange construction fencing will be placed around the exposed pipe sections to protect the public from this trip hazard (on dry beach only).

The dewatering system is expected to run at approximately 6900 gpm during the day (pump + siphon) and 5200 gpm at night (siphon only), which is predicted to lower the estuary by no more than 1.5 inches per day. This will be monitored daily by on site personnel. It is anticipated that this rate of water surface elevation drawdown will prevent fish stranding along the flooded margins. The biologist will survey the dewatered margins daily to verify that stranding is not occurring. If threat of stranding is observed, the siphon valve would immediately be shut off to allow the water surface elevation to rise.

Flood relief operations will cease when the surface water level reaches the elevation at which the campground and its curved nature trail (immediately to the north) are dry. This area is currently estimated at 9 to 10 feet elevation. This elevation would mimic conditions observed in the estuary in the summer of 2010, following a winter season during which natural breaching occurred.

All elements of the flood relief system will be removed at the conclusion of operations.

8. Federal Agency/Permit:

U.S. Army Corps of Engineers
Letter of Permission Section 10 No. SPL-2013-464-AJS

ATTACHMENT A

Project Information

File No. 13-081

9. Other Required Regulatory Approvals: California Department of Fish and Wildlife Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: The Ventura County Watershed Protection District found the project to be exempt under Section 15269(c) and filed a Notice of Exemption on June 26, 2013.
11. Receiving Water: Santa Clara River Estuary (Hydrologic Unit No. 403.11)
12. Designated Beneficial Uses: NAV, POW, REC-1, REC-2, COMM, EST, MAR, WILD, RARE, MIGR, SPWN, WET
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.038 temporary acres
14. Dredge Volume: None
15. 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.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- A qualified biologist will accompany the tracked loader as it travels from beach parking lot to the work area (approximately 2,500 ft. across sandy beach) to ensure no nesting birds or sensitive dune habitat are adversely affected.
 - The pump will be placed outside waters of the U.S. on a skid with secondary containment to prevent leaks into the sand. The pump and siphon will operate during the day, and the siphon only at night.
 - The pipe outlet will be located within the surf zone to prevent beach sand erosion, avoid creating an unnatural breach

ATTACHMENT A

Project Information File No. 13-081

circumstance, and to ensure mixing of the estuary water with the ocean water.

- Signs will be posted notifying the public not to swim within 100 feet of the outlet.
- Samples will be collected from the ocean in the vicinity of the pipe outlet and analyzed for bacterial indicators on a weekly basis during dewatering.
- Nets will be installed around the pipe inlet to prevent fish and debris from becoming entrained in the pipe.
- Water will be drawn down at a rate of approximate 1.5 inches daily to minimize the potential for stranding aquatic species along the estuary margins.
- A qualified biologist will monitor the estuary margins daily to verify that stranding is not occurring. If threat of stranding is observed, the valve will be turned off and the estuary water level allowed to increase as needed.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any compensatory mitigation due to the temporary nature of impacts associated with the project.

18. Required
Compensatory
Mitigation:

Since the project impacts are temporary in nature, the Regional Board will not require any additional compensatory mitigation.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 13-081

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) Letter of Permission and the California Department of Fish and Wildlife's (CDFW) 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 CDFW's Streambed Alteration Agreement, or the ACOE Letter of Permission 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. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

ATTACHMENT B

Conditions of Certification

File No. 13-081

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 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.
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.
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. Pesticide utilization shall be in accordance with State Water

ATTACHMENT B

Conditions of Certification

File No. 13-081

Resources Control Board Water Quality Order Nos. 2011-0002-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 utilize the services of a qualified biologist with expertise in aquatic assessments during any vegetation clearing activities or during any installation of pipes or nets into the estuary. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly. 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.
16. 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.
17. All project 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.
18. The Applicant shall develop and submit a Water Monitoring Plan (plan) to this Regional Board. The plan shall be submitted prior to any discharge. Monitoring shall include:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - fecal coliform (or *E. coli*)
 - total coliform
 - enterococcus

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once at the discharge point prior to discharge; monitored on a daily basis during the first week of discharge and then on a weekly basis, thereafter, until the work is complete; and measured at least once after the discharge has ceased.

ATTACHMENT B

Conditions of Certification File No. 13-081

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.

Project activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. 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.

19. The Applicant shall restore the proposed 0.038 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. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
20. The Applicant shall submit to this Regional Board a Final Report at the completion of the project and before January 1, 2014. The Final Report shall describe in detail all of the project activities performed all restoration and mitigation efforts. The Final Report shall include the long-term plans to prevent or manage potential flooding in the future. At a minimum the Final Report shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) Copies of all permits revised as required in Additional Condition 1;
 - (d) Water quality monitoring results compiled in an easy to interpret format;
 - (e) A certified Statement of "no net loss" of wetlands associated with this project;
 - (f) Discussion of any monitoring activities and exotic plant control efforts; and
 - (g) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
21. All applications, reports, or information submitted to the Regional Board shall be signed:

ATTACHMENT B

Conditions of Certification
File No. 13-081

- (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.
22. 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)"

- 23. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 13-081. Submittals shall be sent to the attention of the 401 Certification Unit.
- 24. 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.
- 25. The project shall comply with the local regulations associated with the Regional Board's Municipal Stormwater Permit issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.

ATTACHMENT B

Conditions of Certification File No. 13-081

26. 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.
27. 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.
28. *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 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.
29. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.