



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

August 15, 2018

Christopher Stone
Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91803

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1140 0002 8672 0734

Dear Mr. Stone:

RE: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER
FOR THE DEVIL'S GATE RESERVOIR SEDIMENT REMOVAL AND MANAGEMENT
(4WQC40115053)

Enclosed please find a CLEAN WATER ACT SECTION 401 WATER QUALITY
CERTIFICATION AND ORDER, authorized by Los Angeles Regional Water Quality Control
Board Executive Officer, Deborah J. Smith. This Order is issued to Christopher Stone, Los
Angeles County Flood Control District, for the Devil's Gate Reservoir Sediment Removal and
Management (Project). Attachments A through E of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by the Los Angeles County Flood
Control District for proposed Project discharges to waters of the state, to ensure that the water
quality standards for all waters of the state impacted by the Project are met. You may proceed
with your Project according to the terms and conditions of the enclosed Order.

If you require further assistance, please contact Valerie Carrillo Zara by phone at (213) 576-
6759 or by email at Valerie.CarrilloZara@waterboards.ca.gov. You may also contact me by
phone at (213) 576-6785 or by email at LB.Nye@waterboards.ca.gov.

Sincerely,

LB Nye, Senior Environmental Scientist
Section 401 Certification and Wetlands Unit

Enclosures (1): Order for Devil's Gate Reservoir Sediment Removal and Management
(File No. 15-053)

cc: [Via email only] (w/ enclosure):

Veronica Mardis and Grace Yu
Los Angeles County Flood Control District

Elizabeth Payne CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board

Melissa Scianni
U.S. Environmental Protection Agency, Region 9

Matt Chirdon
California Department of Fish and Wildlife
Streambed Alteration Team

Bonnie Rogers
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles

G. Mendel Stewart
Jonathan Snyder
U.S. Fish and Wildlife Service



Los Angeles Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: August 15, 2018

Program Type: Fill/Excavation

Reg. Meas. ID:	401532
Place ID:	815904
WDID:	4WQC40115053
USACOE#:	SPL-2014-00591
File No.	15-053

Project Type: Dams

Project: Devil's Gate Reservoir Sediment Removal and Management Project

Applicant: Los Angeles County Flood Control District
Applicant Contact: Christopher Stone
Assistant Deputy Director
900 S. Fremont Avenue
Alhambra, CA 91803

Applicant's Agent: Veronica Mardis
Project Manager
900 S. Fremont Avenue
Alhambra, CA 91803
Phone: 626-458-6161
Email: vmardis@dpw.lacounty.gov

Water Board Staff: Valerie Carrillo Zara
Section 401 Program
320 W. 4th Street, Ste. 200
Los Angeles, CA 90013
Phone: 213-576-6759
Email: Valerie.CarrilloZara@waterboards.ca.gov

Water Board Contact Person:

If you have any questions, please call Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) Staff listed above or (213) 576-6600 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

Table of Contents

I. Order 3

II. Public Notice 3

III. Project Purpose..... 3

IV. Background and Alternatives Considered..... 4

V. Project Description 6

VI. Project Location 9

VII. Project Impact and Receiving Waters Information 9

VIII. Description of Direct Impacts to Waters of the State.....10

IX. Avoidance and Minimization10

X. Compensatory Mitigation11

XI. California Environmental Quality Act (CEQA)11

XII. Petition for Reconsideration.....12

XIII. Fees Received12

XIV. Conditions13

XV. Water Quality Certification26

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

[Signatory Requirements](#)

[Maps](#)

[Reporting and Notification Requirements](#)

[Comment Letters](#)

[Los Angeles Regional Water Quality Control Board Response to Comments](#)

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the Los Angeles County Flood Control District (herein after Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on May 6, 2015. The application was deemed complete on December 15, 2015.

Prior to submission of the application supporting this Order, the Permittee submitted an application for a similar project for sediment removal from Devil's Gate, which the Permittee had identified as an emergency project. This prior application was received by the Los Angeles Water Board on December 1, 2010 and included a conclusion by the Permittee that the project was exempt from CEQA. On March 18, 2011, the Los Angeles Water Board denied without prejudice the Project application because the Board could not conclude that impacts to waters of the United States had been appropriately avoided and minimized and that the project would not result in a degradation of water quality. Subsequently, the Permittee prepared an Environmental Impact Report (EIR) for sediment removal from Devil's Gate. Based on the EIR alternatives analysis, the Permittee submitted a new 401 Water Quality Certification application on May 6, 2015.

Los Angeles Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 1).

Table 1: Record of Supplemental Application Information	
Date of Request for Supplemental Information	Date All Requested Information Received
12/14/2010	12/30/2010
3/18/2011	4/11/2011
5/6/2015	12/15/2015
10/5/2015	12/15/2015
12/2/2016	3/2/2017

II. Public Notice

The Los Angeles Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from May 18, 2015 to the effective date of the Order. The Los Angeles Water Board received two comment letters during the comment period. The letters were from Mitchell M. Tsai, on behalf of the Arroyo Seco Foundation and the Pasadena Audubon Society, dated September 11, 2015 and Mitchell M. Tsai, on behalf of the Arroyo Seco Foundation and the Pasadena Audubon Society, dated April 8, 2016. The letters are included in Attachment D. The Los Angeles Water Board's response to the comments is included in Attachment E.

III. Project Purpose

The project purpose is to restore the capacity of Devil's Gate Reservoir, and to minimize the level of flood risk to downstream communities along the Arroyo Seco. The Permittee has calculated that the downstream areas of potential flooding during a Capital Flood event include over 440 properties with residential and/or commercial structures. In its current condition, the Permittee has determined that the reservoir no longer has the capacity to safely contain a major debris event and the outlet works have a risk of becoming clogged and inoperable.

The reduction in the capacity of Devil's Gate Reservoir was exacerbated by the Station Fire, which started on August 26, 2009 in the Angeles National Forest near the United States Forest Service ranger station on the Angeles Crest Highway and burned over 160,000 acres before containment on October 16, 2009. Approximately 100 percent of the undeveloped watershed tributary to Devil's Gate Dam was burned. When the ground in a watershed is denuded from a fire, increased amounts of sediment and debris will enter the streams in the watershed carried by stormwater. The storms that occurred in the two wet seasons after the fire increased sediment accumulation in the reservoir by approximately 1.3 million cubic yards (cy), reducing the available capacity.

In October 2010, the California Department of Water Resources Division of Safety of Dams recommended that sediment and vegetation buildup behind the dam should be removed.

IV. Background and Alternatives Considered

Sediment removal from Devil's Gate Dam and Reservoir has occurred historically; over 8 million cy have been removed from 1934 through 2011. After the Station Fire in 2009, the Permittee initiated project planning for a large-scale sediment removal project to remove sediment from the reservoir behind Devil's Gate Dam. The Permittee applied for a Clean Water Act Section 401 Water Quality Certification on November 29, 2010 with a Notice of Exemption under a declared emergency. The project proposed to remove approximately 1.6 million cy of sediment from the Devil's Gate Dam, which was intended to restore flood control capacity.

The Los Angeles Water Board denied without prejudice LACFCD's initial application on March 18, 2011 because, based on the application materials, the Los Angeles Water Board could not conclude that impacts to waters of the United States had been appropriately avoided and minimized and that the project would not result in a degradation of water quality.

The Permittee has since provided the information and analyses identified as necessary in the March 18, 2011 denial without prejudice in the application materials, including supplemental information, provided for the Devil's Gate Sediment Removal Project authorized by this Order.

In March 2011, in recognition of stakeholder and environmental concerns, the Los Angeles County Board of Supervisors directed LACFCD to complete an EIR in compliance with the California Environmental Quality Act (CEQA) to assess the impacts associated with removing sediment from the Project site.

Since the EIR would take considerable additional time to complete, LACFCD and the Los Angeles Water Board developed an Interim Measures Project for minor dam modifications

(including additional steel trash racks, maintenance platforms, and floating debris barriers) and removal of up to 25,000 cy of sediment annually to ensure the dam's sluice gate and other outlets remained clear. Sediment removal during the Interim Measures Project was restricted to the first 100 feet immediately upstream of the dam. Sediment debris was stockpiled at Johnson Field, a nearby unused sports field, while green waste was hauled to Scholl Canyon Landfill. The Clean Water Act Section 401 Water Quality Certification for the Interim Measure Project was issued on June 14, 2011 (File No. 10-170). This certification was modified on July 6, 2016 to extend the expiration date until issuance of this Order or the expiration of the Army Corps of Engineers Clean Water Act Section 404 Permit No. SPL-2011-00516-CO. Sediment debris was removed each year between 2011 and 2017. As a result of the Interim Measures Project a total of 40,147 cy of sediment and debris has been removed from the face of the dam and stockpiled at Johnson Field.

The primary objectives for the large-scale sediment removal project addressed by the EIR include:

1. Reducing flood risk to the communities downstream of the reservoir adjacent to the Arroyo Seco by restoring reservoir capacity for flood control and future sediment inflow events;
2. Supporting sustainability by establishing a reservoir configuration more suitable for routine maintenance activities including reservoir management;
3. Removing sediment in front of the dam to facilitate an operational reservoir pool to reduce the possibility of plugging the outlet works with sediment or debris during subsequent storm events;
4. Removing sediment placed at Johnson Field during the Devil's Gate Reservoir Interim Measures Project;
5. Supporting dam safety by removing sediment accumulated in the reservoir in a timely manner to ensure the ability to empty the reservoir in the event of a dam safety concern; and
6. Delivering the sediment to placement or reuse facilities that are already prepared and designated to accept such material without native vegetation and habitat removal.

Alternatives to the project were identified and analyzed during the development of the EIR. Los Angeles Water Board staff were involved throughout development of the alternatives analysis to provide comments on alternatives specific to water quality objectives and impacts within waters.

Alternative 3, Configuration D was considered environmentally superior to the other alternatives due to reduced impacts associated with sediment removal and reservoir management in comparison to other alternatives. The amount of sediment removal proposed, and analyzed in the EIR, was 2.9 million cy; *Alternative 3, Configuration D* reduces the sediment removal to 2.4 million cy.

The reduction in sediment removal and reservoir management areas in *Alternative 3, Configuration D* was found to be environmentally superior to *Alternative 1, Configuration B*

and *Alternative 2, Configuration C*.

Alternative 3, Configuration D was found to be environmentally superior to *Alternative 5, Haul Route Alternative* due to reduced impacts associated with sediment removal and reservoir management. *Alternative 3, Configuration D* was found to be environmentally inferior to *Alternative 5, Haul Route Alternative*, however, with impacts associated with traffic.

Alternative 3, Configuration D initially was found to be environmentally inferior to *Alternative 4, Sluicing* due to impacts from hauling sediment and vegetation from the reservoir. However, this alternative was found to be potentially environmentally superior to *Alternative 4, Sluicing* if proper sediment transport does not occur under *Alternative 4, Sluicing*, causing sediment deposits to develop along the route to the ocean. This would result in the need for sediment removal from the Arroyo Seco Channel, the Los Angeles River, or the Port of Long Beach and would cause impacts associated with removal activities.

Alternative 3, Configuration D was found to be environmentally inferior to *Alternative 6, No Project Alternative*, due to impacts from sediment removal and reservoir management activities; however, aesthetics, biological resources, and recreation resources of the reservoir will likely degrade over the long term under *Alternative 6, No Project Alternative* due to continuous sediment deposition.

Therefore, the Permittee proposed to remove 2.4 million cy of sediment as described by *Alternative 3, Configuration D* to restore the capacity of the reservoir and establish a reservoir configuration and management system to maintain the flood control capacity of the reservoir. The CEQA Environmentally Superior Alternative, *Alternative 3, Configuration D*, was approved by the Los Angeles County Board of Supervisors on November 12, 2014.

Further, after recirculation of portions of the Final Environmental Impact Report (FEIR), the County of Los Angeles Board of Supervisors approved the FEIR including the recirculated portions and reduced the amount sediment to be removed to 1.7 million cy plus any additional sediment inflow to the reservoir during the Project, while maintaining a similar footprint. This alternative is referred to as the Modified Alternative 3, Configuration D and was analyzed in the November 7, 2017 letter from ECORP Consulting, Inc. to the Permittee.

In addition, the sediment stockpiled at Johnson Field from the Interim Measures Project will also be removed and the field will be reconnected to the main wash. Excavation areas will not include the Oak Grove area of Hahamongna Watershed Park, the area of the reservoir above the northern end of excavation limits, or the City of Pasadena's spreading grounds on the east side of the reservoir.

V. Project Description

Activities will include two phases of work, Initial Sediment Removal and Annual Reservoir Maintenance. Initial sediment removal will take place over 4 years. The Permittee's application for this Order, including all supplemental information provided, provides further detail on the Project description and is incorporated herein by reference.

INITIAL SEDIMENT REMOVAL

1. Excavation Area

To facilitate storm flows, a gradient conducive to sediment transport will be used in the constricted area of the basin. The basin will be excavated to an elevation of approximately 986 feet at the face of the dam, sloping up to a 1,000-foot elevation where the basin constricts while sloping up to a 1,040-foot elevation, where the basin widens, and continuing to slope up to a 1,060-foot elevation at approximately 4,788 feet north of the dam.

All excavation activities will be within approximately 65.56 acres and the proposed on-site mitigation will occur outside of the 65.56 acres.

2. Vegetation Removal

Despite the dynamic changes to water elevation and flows in the reservoir, mature Black Willow trees, Riversidean Alluvial Fan Sage Scrub, Mule Fat Scrub, and riparian vegetation have grown in the reservoir. During the storm events following the 2009 Station Fire, a large portion of the reservoir vegetation was buried in sediment; however, significant amounts of vegetation, including numerous mature willow trees, remain intact.

In order to excavate sediment from the reservoir, the vegetation growing within the excavation area and where the access roads are located will be removed. Vegetation and organic debris will be separated from the sediment and hauled to Scholl Canyon Landfill located in the City of Glendale.

3. Sediment Removal

The maximum annual sediment removal amount during the initial sediment removal phase will be 800,000 cy. The trucks that are anticipated to be used for sediment transport have an estimated capacity of 16 to 20 cy of sediment. The trucks are anticipated to haul up to 7,650 cy per day. It is anticipated that removal of the sediment, vegetation, trees, and organic debris will require an average of 50 truck roundtrips per hour, with an estimated maximum of 425 truck roundtrips per day.

Excavated sediment will be trucked offsite to existing, currently available, disposal sites. Trucks will place sediment at one of the primary disposal sites: Waste Management Facility in Azusa, the Vulcan Materials Reliance Facility in Irwindale, or the Manning Pit Sediment Placement Site (SPS) in Irwindale. Secondary disposal sites, if necessary, are the facilities in Sun Valley (Sheldon Pit, Sun Valley Fill Site, Bradley Landfill, and Boulevard Pit).

Sediment removal activities are anticipated to take place during the drier months from April 15 until November 30, when surface water is not anticipated. Prior to the start of sediment removal activities, the reservoir will be drained. Depending on the moisture content of the sediment removed, the sediment may need to be stockpiled to allow it to dry. If drying is required, sediment will be stockpiled on-site within the excavation limits. Material will be removed through dry excavation using mechanical equipment such as front loaders with four-yard buckets, bulldozers, an excavator, a grader, a water truck, tender trucks, and sediment hauling trucks. Should surface water be present, a Surface Water Diversion Plan will be developed and submitted to the Los Angeles Water Board for approval prior to any surface water diversion activities. Surface water diversion activities shall not take place until such plan

is approved by the Los Angeles Water Board.

4. Construction Summary

Trucks will enter the reservoir via the newly constructed reservoir access road located on the east side of the reservoir. After rehabilitation and minor improvements to the existing western reservoir access road, trucks will exit the reservoir via this road. As part of the project, the existing western access road and the new eastern access road will be improved with new ramps to allow for truck traffic in and out of the reservoir. Establishing both the eastern and western access roads will allow for one-way truck traffic. The eastern access road will allow for traffic to enter the reservoir directly from Oak Grove Drive, as opposed to using La Cañada Verdugo Road, which is a current route for reservoir access. The existing western access road is currently unpaved, and the portion of this access road north of the West Rim Trail to the reservoir will be widened, but remain unpaved. The portion of this access road from Oak Grove Drive to the West Rim Trail will be widened and paved. Empty trucks will be staged within the project site.

ANNUAL RESERVOIR MAINTENANCE

1. Excavation Area

The initial sediment removal is designed to result in a reservoir configuration that facilitates future routine annual management and sediment removal. Once the initial sediment removal phase has been completed, the permanent maintenance area will be 49.39 acres. Within the permanent maintenance area, a designated maintenance area of 42.05 acres will be cleared and maintained annually. The side slopes of the permanent maintenance area, which comprise the remaining 7.34 acres, will be revegetated following initial sediment removal, and will be maintained only as necessary (not annually). The reservoir will be managed through vegetation maintenance and sediment excavation/trucking off-site. The purpose of the annual maintenance activities is to reduce buildup of sediment in the reservoir and eliminate or substantially reduce the need for future large-scale sediment removal.

All maintenance activities will be within the 49.39 acres and no waters will be impacted outside of the project boundary during reservoir maintenance.

2. Vegetation Removal

Vegetation within this reservoir management footprint will be mowed or removed and grubbed annually. All vegetation and sediment outside the reservoir management footprint will be allowed to naturally re-establish, be enhanced through mitigation, and/or will remain in place. As with the initial sediment removal, all vegetation and organic debris will be separated from the sediment and hauled to Scholl Canyon Landfill located in the City of Glendale.

3. Sediment Removal

Based on past storm events, it is estimated that typically 13,000 cy of sediment will be required to be excavated and trucked off-site annually.

Moderately large sediment deposits have the potential to occur during a storm season, but it is anticipated that even with this type of event, the newly deposited sediment could be removed

in one season. A moderately large sediment removal event, anticipated to involve around 170,000 cy, could take place over an estimated 12-week period during the late summer/early fall following the vegetation maintenance.

Maintenance activities will occur in the late summer or early fall. Removal of the sediment, vegetation, trees, and organic debris off-site will use the same methods and trucking routes as the initial sediment removal activities.

VI. Project Location

The Project is located in the City of Pasadena in Los Angeles County. The City of La Cañada Flintridge lies west of the Project site, and the unincorporated community of Altadena lies east of the Project site. The Project site is located within Hahamongna Watershed Park.

<u>Latitude</u>	<u>Longitude</u>
34.185203	-118.173020
34.198354	-118.166853
34.198016	-118.171391
34.187268	-118.178801
34.185112	-118.175594
34.195989	-118.167466
34.198788	-118.168473
34.195793	-118.173550
34.185726	-118.176779

A map showing the Project location is found in Attachment B of this Order.

VII. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of Los Angeles Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Receiving Water: Arroyo Seco Reach 3 and the upper and lower Devil's Gate Reservoir (Hydrologic Unit Code: 180701050209). The Arroyo Seco is tributary to the Los Angeles River.

Designated Beneficial Uses: MUN, IND, PROC, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE, WET

VIII. Description of Direct Impacts to Waters of the State

The project impacts will consist of both temporary and permanent impact to Waters of the State, consisting of fill/excavation.

Temporary impact areas occur within the upper half of the impact area as a result of grading, sediment removal, and vegetation removal within unvegetated streambeds and some patches of riparian habitat. Those impact areas considered to be temporary will then not be maintained, but allowed to revegetate and recontour naturally.

Permanent impact areas are located within the southern half of the impact area where impacts will be incurred as a result of grading, recontouring, sediment removal, and vegetation removal. Permanent impact areas will be regularly maintained through removal of sediment and vegetation to preserve flood control capacity. An area surrounding this permanent impact zone, referred to as side slopes, will be maintained less frequently to allow some riparian vegetation to grow and provide a transitional area between the natural riparian habitat and the permanent maintenance area.

Total Project impact aggregated for both permanent and temporary impacts to waters of the state is 34.15 acres. Total Project fill/excavation quantities for all impacts are summarized in Table 2 and can be seen in Attachment B. Permanent impacts are categorized as those resulting in a physical loss in area as well as those impacts that only degrade the ecological condition.

Table 2: Total Project Fill/Excavation Quantity

Aquatic Resource Type	Temporary Impact ¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY ²	LF	Acres	CY	LF	Acres	CY	LF
Riparian Zone									
Stream Channel	13.14		1,066				19.49		4,781
Wetland							1.52		523

IX. Avoidance and Minimization

As originally proposed to the Los Angeles Water Board, the Project would have impacted a total project area of approximately 120 acres. Through the course of the CEQA alternatives analysis, the total impacted area was reduced to approximately 71 acres in the environmentally superior alternative. Subsequent to the CEQA alternatives analysis, the total

¹ Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

² Cubic Yards (CY); Linear Feet (LF)

impacted area was reduced to approximately 65 acres. Within the 65 acres, the total area of jurisdictional waters impacted by the project is 34.15 acres, as summarized in Table 2.

The project configuration and impact areas were also refined during the CEQA process and subsequent design process. The project configuration was refined in a way to avoid impacts to Waters of the State and habitat areas for sensitive species. Project impacts to 11.27 acres of Non-wetland Waters and 2.10 acres of Wetlands within Devil's Gate Reservoir were avoided through project configuration refinement.

X. Compensatory Mitigation

The Permittee shall provide compensatory mitigation as set forth in section XIV, items H and I for permanent and temporary impacts to waters and riparian area under the California Department of Fish and Wildlife and Los Angeles Water Board jurisdictions. The Permittee shall provide 55.94 acres of onsite mitigation within Devil's Gate Reservoir and 32.2 acres of offsite mitigation as shown in Attachment B.

XI. California Environmental Quality Act (CEQA)

The Los Angeles County Flood Control District (LACFCD), as lead agency, published a Notice of Preparation and Initial Study for the Project on September 28, 2011. LACFCD held public scoping meetings on October 5 and 15 of 2011. The public review period was extended from 30 to 45 days and available for agency and public comment from September 28, 2011 to November 11, 2011.

LACFCD published a Notice of Availability/Completion and Draft Environmental Impact Report (DEIR) on October 23, 2013 (State Clearinghouse No. 2011091084). Community meetings were held on November 6, 14, and 16, 2013. The public review period was extended from 30 to 90 days and available for agency and public comment from October 23, 2013 to January 6, 2014.

LACFCD published the Final Environmental Impact Report (FEIR) in October 2014. LACFCD held public informational meetings on the FEIR prior to certification on November 1, 3 and 6, 2014. The County of Los Angeles Board of Supervisors approved the Project's Final Environmental Impact Report including a Statement of Overriding Considerations for aesthetics and temporary traffic impacts on November 12, 2014.

LACFCD held public informational meetings to provide updates on the mitigation plan on July 13, 14, and 16, 2016.

In 2017, LACFCD recirculated limited portions of the FEIR as the result of a judgment from the Superior Court of the County of Los Angeles. The judgment found that the FEIR complied with CEQA on all but three narrow topics. Therefore, the LACFCD recirculated only those sections of the FEIR related to: 1) the 1:1 mitigation ratios in three specific Biological Mitigation Measures; 2) the imposition of the Biological Mitigation Measures from the FEIR on the proposed Devil's Gate Water Conservation Project, should such a project go forward; and 3) the requirement that sediment removal haul trucks meet the U.S. Environmental Protection Agency's emission standards for Model Year 2010 or later.

LACFCD published a Notice of Availability/Notice of Completion of the Recirculated Portions of the FEIR on July 24, 2017. The public review period was extended from 45 to 55 days and available for agency and public comment from July 24, 2017 to September 18, 2017. Informational, open house style community meetings were held on October 24, 25, and 28, 2017.

The County of Los Angeles Board of Supervisors approved the Project's Recirculated Portions of the FEIR, including a revised Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program on November 7, 2017. At that time, the County of Los Angeles Board of Supervisors decided through its motion to reduce the sediment removal amount to 1.7 million cy plus any additional sediment inflow to the reservoir during the Project, while maintaining a similar footprint. Subsequent to the certification of the Recirculated Portions of the FEIR, LACFCD held public informational meetings to provide updates on the project on April 30 and May 1, 2018.

The Los Angeles Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the lead agency's adopted environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Los Angeles Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the lead agency adequately addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the lead agency for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).) The Los Angeles Water Board considered the whole of the record, including comments received during the public review process.

Pursuant to CEQA, these findings of fact support the issuance of this Order based on the FEIR, recirculated FEIR, the application for this Order, and other supplemental documentation.

XII. Petition for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XIII. Fees Received

An application fee of \$1,097.00 was received on May 6, 2015. An additional fee of \$73,974.00 based on total Project impacts was received on May 6, 2015. 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 A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

XIV. Conditions

The Los Angeles Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 2.

B. Reporting and Notification Requirements

Required content for the reporting and notification requirements is detailed in Attachment C, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

- a. **Annual Reporting:** The Permittee shall submit an Annual Report each year by July 1st. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities for each phase of the Project: Initial Sediment Removal, Annual Reservoir Maintenance, and Compensatory Mitigation.
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges for Initial Sediment Removal Letter following completion of the Initial Sediment Removal. This request shall be submitted to the Los Angeles Water Board staff within thirty (30) days following completion of all initial sediment removal activities. If the Permittee intends to cease activities under this Order, the Permittee shall submit a Request for Notice of Completion for All Discharges Letter following completion of all activities. The Los Angeles Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. **Request for Notice of Project Complete Letter:** If the Permittee intends to cease activities under this Order, the Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,³ and no further Project activities will occur. This request shall be submitted to Los Angeles Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Los Angeles

³ Completion of post-construction monitoring shall be determined by Los Angeles Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

Water Board staff shall issue a Notice of Project Complete Letter to the Permittee, which will end the post discharge monitoring period and associated annual fees.

3. Conditional Notifications and Reports: The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials⁴

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - Lastly follow the required OES procedures as set forth in:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf
- ii. Following notification to OES, the Permittee shall notify Los Angeles Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. Within five (5) working days of notification to the Los Angeles Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards: The Permittee shall notify the Los Angeles Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- i. Examples of noncompliance events include: lack of stormwater treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. In-Water Work

- i. The Permittee shall notify the Los Angeles Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification

⁴ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

may be via telephone, e-mail, delivered written notice, or other verifiable means.

- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Los Angeles Water Board staff.

d. Modifications to Project

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Los Angeles Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Los Angeles Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.

e. Transfer of Property Ownership: This Order is not transferable in its entirety or in part to any person or organization except after notice to the Los Angeles Water Board in accordance with the following terms:

- i. The Permittee must notify the Los Angeles Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Los Angeles Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Los Angeles Water Board to be named as the permittee in a revised order.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

f. Transfer of Long-Term BMP Maintenance: If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Los Angeles Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Los Angeles Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. General: If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction-related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

2. Accidental Discharges/Noncompliance: Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Los Angeles Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

3. In-Water Work or Diversions:

For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Los Angeles Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

During in-water work or stream diversion, any discharge(s) to waters of the state shall conform to the following water quality standards:

- a. Oil and Grease. Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
- b. Dissolved Oxygen. No single determination shall be less than 5.0 mg/L, except when natural conditions cause lesser concentrations.
- c. pH. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of waste discharge.
- d. Turbidity. 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%.

Sampling shall be conducted in accordance with Table 3 sampling parameters.⁵

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L & % saturation	Grab	Daily for the first week, weekly, thereafter
pH	Standard Units	Grab	Daily for the first week, weekly, thereafter
Turbidity	NTU	Grab	Daily for the first week, weekly, thereafter
Temperature	°F (or as °C)	Grab	Daily for the first week, weekly, thereafter

⁵ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Los Angeles Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Baseline sampling shall be conducted in at least one location within the project boundary for each occasion of water diversion. All other sampling shall take place at a minimum of two locations. In streams or flowing water the sample locations shall be upstream and downstream. Results of the analyses shall be submitted to this 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.

4. **Post-Construction:** Visually inspect the Project site during the rainy season to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Los Angeles Water Board staff member overseeing the Project within three (3) working days. The Los Angeles Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Los Angeles Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Los Angeles Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, 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 Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as established in the Basin Plan for the Los Angeles Region or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Los Angeles Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the Devil's Gate Reservoir Sediment Removal and Management Project Mitigation Monitoring and Reporting Program (MMRP) originally dated October 2014, and revised in November 2017, which is incorporated herein by reference.
7. **Construction General Permit Requirement:** If enrolled, the Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0011-DWQ; NPDES No. CAS004001) (General Construction Permit). If not enrolled in the General Construction Permit, the Permittee shall develop and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP) and a Rain Event Action Plan (REAP) as described in the General Construction Permit.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment A of this Order.

2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Los Angeles Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. The Permittee shall submit a signed copy of the Department of Fish and Wildlife's Lake and Streambed Alteration Agreement to the Los Angeles Water Board immediately upon execution and prior to any discharge of waste to waters of the state.
7. This Order shall expire five (5) years from date of this Order. The Applicant shall submit a complete application at least 90 days prior to termination of this Order if renewal is requested.

G. Best Management Practices

1. Fugitive Dust

- Dust generated from construction activities shall be minimized and contained through appropriate means that may include the use of street sweepers and water trucks.

2. Good Site Management "Housekeeping"

- No project equipment-related materials (i.e. waste, spills, or residue) shall be discharged from the project site to streets, drainage facilities, receiving waters, or adjacent property by wind or runoff.
- Non-storm water runoff from equipment, vehicle washing, or any other activity shall be contained within the project site using appropriate BMPs.
- Temporary fencing shall be installed at the limits of clearing and grubbing operations and other soil-disturbing activities. The temporary fencing shall be installed prior to commencement of clearing and grubbing operations and other soil-disturbing activities.
- Debris generated from construction activities shall be properly contained to ensure no discharge of waste to surface waters.
- The Contractor shall prepare an accumulated precipitation procedure (APP) before any discharge from the project. The APP shall describe the location of proposed discharges, the BMPs to prevent pollution, and the actual equipment to be used. The APP shall be prepared and submitted in accordance with BMP NS-2 and the Public Works BMP Manual Section 7.
- 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 (ROWD) to this Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.
- A qualified biologist monitor shall be present during initial ground- or vegetation-disturbing project-related activities. Following initial project-related activities, a qualified monitoring biologist shall be present as necessary to maintain the implemented protection measures and monitor for additional species that may be impacted by the activities. 'Initial activities' means each year's recommencing of ground disturbing or sediment or vegetation removal and each recommencing after a significant break (more than two weeks) in activities.
- LACFCD, in consultation with a qualified biologist, will employ bird exclusionary measures (e.g., mylar flagging) prior to the start of bird breeding season to prevent birds from nesting within established boundaries of the project.
- Prior to commencement of sediment removal activities within bird breeding season (March 1 through August 31), a preconstruction bird nesting survey shall be conducted by a qualified biologist for the presence of any nesting bird within 300 feet of construction work area. The surveys shall be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis, with the last survey being conducted no more than three days prior to the initiation of

clearance/construction work. Preconstruction surveys shall be repeated annually for the duration of the sediment removal.

- If an active nest is found, the qualified biologist will develop and implement appropriate protection measures for that nest. These protection measures shall include, as appropriate, construction of exclusionary devices (e.g., netting) or avoidance buffers. The biologist shall have the discretion to adjust the buffer area as appropriate based on the proposed construction activity, the bird species involved, and the status of the nest and nesting activity; but it shall be no less than 30 feet. Work in the buffer area can resume once the nest is determined to be inactive by the monitoring biologist.
- Within 30 days prior to commencement of vegetation or sediment removal activities, a preconstruction bat survey shall be conducted by a qualified biologist for the presence of any roosting bats. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, a qualified biologist will develop and implement appropriate protection measures for that maternity roost or hibernacula. These protection measures shall include, as appropriate, safely evicting non-breeding bat, establishment of avoidance buffers, or replacement of roosts at a suitable location.
- Within 90 days prior to ground-disturbing activities, a qualified biologist shall conduct a tree survey within the project footprint to identify trees that will be removed or potentially affected by the project and trees that can be avoided. The Permittee will replace trees that cannot be avoided. The biological monitor shall implement measures to protect the root zone of oak trees that may be impacted immediately adjacent to the project site and along access roads.

3. Special Status Species

- Within 90 days prior to ground-disturbing activities, a sensitive species educational briefing shall be conducted by a qualified biologist for construction personnel. The biologist will identify all sensitive resources (i.e., species and habitats) that may be encountered on-site, and construction personnel will be instructed to avoid and report any sightings of sensitive species to the Permittee or the monitoring biologist. Educational briefings shall be repeated annually for the duration of the sediment removal.
- Within 90 days prior to ground-disturbing activities, a preconstruction survey shall be conducted by a qualified biologist for the presence of any sensitive species on the Project site in areas that may be impacted by project activities, including, but not limited to, coast range newt, the southwestern pond turtle, and the two-striped garter snake. If sensitive species are observed in locations on the Project site that may be impacted by project activities, the qualified biologist will develop and implement appropriate protection measures for that species. These protection measures shall include, as appropriate, redirecting the species, construction of exclusionary devices (e.g., fencing), or capture/relocation outside the work area. Preconstruction Surveys shall be repeated annually for the duration of the sediment removal.

4. Stabilization/Erosion Control

- Grading will be scheduled so the majority of the work in the reservoir is completed during the dry season or during clear weather forecasts. Erosion susceptible slopes resulting from project activities shall be protected through design/construction techniques such as proper grading, planting, covering, or other BMPs.

5. Storm Water

The project shall comply with the local regulations associated with the Board's Municipal Separate Storm Sewer System (MS4) Permit issued to the LACFCD, Los Angeles County and co-permittees under NPDES Permit No. CAS004001 and Order No. R4-2012-0175.

H. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts to waters of the state and all Project site upland areas of temporary disturbance, which could result in a discharge to waters of the state. The Permittee is required to provide compensatory mitigation for the temporal loss of 13.14 acres waters of the United States and 3.03 acres riparian upland areas by creating or restoring riparian habitat and Riversidean Alluvial Fan Sage Scrub within the stream channel at a minimum 1:1 area replacement ratio (16.17 acres. Total required Project compensatory mitigation information for temporary impacts to waters is summarized in Table 4.
2. A restoration plan for temporary impacts will be included in the Project's Habitat Mitigation and Monitoring Plan (Devil's Gate HMMP). The restoration plan for temporary impacts shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the Project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting). The Permittee shall monitor restored temporary impacted areas for the duration of this permit and per the Project's HMMP.
3. The Los Angeles Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Los Angeles Water Board Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
4. If restoration of temporary impacts to waters of the state is not completed within twenty-four (24) months of the impacts, additional compensatory mitigation may be required to offset temporal loss of waters of the state.

Aquatic Resource Type	Mit. Type ⁶	Units	Method					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zone	PR	Acres		2.08				
Stream Channel	PR	Acres		11.06				

I. Compensatory Mitigation for Permanent Impacts⁷

1. Compensatory Mitigation Plan

The Permittee shall provide compensatory mitigation for permanent impacts to waters of the state in accordance with the Final EIR, the Devil's Gate HMMP, dated August 2018, and the Devil's Gate Off-Site Mitigation Project Habitat Mitigation and Monitoring Plan (Devil's Gate Off-Site HMMP), dated August 6, 2018. Any significant deviations from, or revisions to, the Devil's Gate HMMP or the Devil's Gate Off-Site HMMP must be pre-approved by Los Angeles Water Board staff.

The on-site compensatory mitigation areas are located within Devil's Gate Reservoir and in areas immediately adjacent to the reservoir (Attachment B). The proposed on-site compensatory mitigation area includes one site where wetlands will be rehabilitated. In addition, seven sites are included where non-wetland waters of the U.S. will be re-established, and four sites are included where enhancement activities of non-wetland waters of the U.S. will be implemented. An additional nine riparian buffer sites will be re-vegetated and enhanced and one upland buffer site will be enhanced.

The off-site compensatory mitigation areas are located within the Peterson Ranch Mitigation Bank, located near the unincorporated community of Leona Valley in Los Angeles County (Attachment B). The off-site compensatory mitigation will take place at and surrounding a large pond in Area D of the mitigation bank, which has already been approved by the Mitigation Bank's Interagency Review Team. Activities within the compensatory mitigation project area will result in enhanced open water, seasonal wetland, and wetland riparian habitats, along with enhanced riparian buffer areas for seasonal wetland and wetland riparian habitats.

⁶ Mitigation type for onsite restoration of temporary impacts is Permittee Responsible (PR).

⁷ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

2. Compensatory Mitigation Monitoring Requirements

Monitoring shall be in accordance with the Final EIR, the Devil's Gate HMMP and the Devil's Gate Off-Site HMMP. The monitoring period shall continue until the Los Angeles Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

3. Permittee-Responsible Compensatory Mitigation Responsibility

- a. The Permittee is required to provide compensatory mitigation for the authorized permanent impact to 1.52 acres of jurisdictional wetlands by rehabilitating jurisdictional wetland habitat at a minimum 3:1 area replacement ratio.
- b. The Permittee is required to provide compensatory mitigation for the authorized permanent impact to 19.49 acres of stream channel by re-establishment and enhancement of stream channel at a minimum 3:1 area replacement ratio.
- c. Required Project *on-site* compensatory mitigation information for permanent degradation of ecological condition of waters is summarized in Table 5. Table 5 also includes the Upland Riparian Buffer mitigation included in the Devil's Gate HMMP.

Table 5: Required Project On-Site Compensatory Mitigation Quantity for Permanent Degradation of Ecological Condition								
Aquatic Resource Type	Comp Mit. Type ⁸	Units	Method ⁹					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	PR	Acres			2.13			
Stream Channel	PR	Acres		4.62	1.35	2.39		
Riparian Zone	PR	Acres			5.72	34.85		
Upland Riparian Buffer	PR	Acres				4.88		

- d. Required Project *off-site* compensatory mitigation information for permanent degradation of ecological condition of waters is summarized in Table 6. Table 6 also includes the Upland Riparian Buffer mitigation included in the Devil's Gate Off-Site HMMP.

⁸ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

⁹ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

Table 6: Required Project Off-Site Compensatory Mitigation Quantity for Permanent Degradation of Ecological Condition								
Aquatic Resource Type	Comp Mit. Type	Units	Method					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	PR	Acres				17.41		
Riparian Zone	PR	Acres				8.19	3.06	
Upland Riparian Buffer	PR	Acres					3.54	

- e. Permittee responsible compensatory mitigation installation shall be initiated within one (1) year of the effective date of the Order.
- f. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
 - i. Performance standards are met.
 - ii. A Transfer Agreement to a third party has been approved by Los Angeles Water Board staff.
 - iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.
 - iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Los Angeles Water Board staff.

4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

- a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Los Angeles Water Board on within 90 days of project initiation.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Los Angeles Water Board staff has received documentation of the mitigation value purchase and the transfer agreement between the Permittee and the seller of the mitigation value.

5. Total Required Compensatory Mitigation Total required Project compensatory mitigation information for permanent degradation of ecological condition is summarized in Table 7. Table 7 also includes the Upland Riparian Buffer mitigation.

Table 7: Total Required Project Compensatory Mitigation Quantity for Permanent Degradation of Ecological Condition								
Aquatic Resource Type	Comp Mit. Type	Units	Method					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	PR	Acres			2.13	17.41		
Stream Channel	PR	Acres		4.62	1.35	2.39		
Riparian Zone	PR	Acres			5.72	43.04	3.06	
Upland Riparian Buffer	PR	Acres				4.88	3.54	

XV. Water Quality Certification

I hereby issue the Order for the Devil's Gate Reservoir Sediment Removal and Management Project, WDID 4WQC40115053 certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project 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).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies and the Los Angeles Water Board's Water Quality Control Plans and Policies.



 Deborah J. Smith
 Executive Officer
 Los Angeles Water Quality Control Board

8-15-18

 Date