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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

February 25, 2015

Mr. James Payne
Environmental Director
Morongo Band of Mission Indians
12700 Pumarra Road
Beaumont, CA 92220

JPayne@morongo_nsn.gov

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE TUKWET CANYON GOLF COURSE STREAMBANK
STABILIZATION PROJECT, CITY OF BEAUMONT, COUNTY OF RIVERSIDE,
CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT
NO. 332014-23)**

Dear Mr. Payne:

On October 9, 2014, we received an application from the Morongo Band of Mission Indians, for a Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), for a project that entails: repairing an eroded engineered slope; re-grading vertical stream banks to a 2:1 slope; and, placing rock slope protection in an unnamed drainage, which is a tributary to San Timoteo Creek Reach 3. On October 9, 2015, the applicant submitted a check for \$1,201.00, with the application materials. On January 27, 2015 another check for an additional \$4816.00, was received, which satisfies this project's fee requirement for consideration of a 401 Certification. This fee amount was determined using the Dredge and Fill Fee Calculator on the State Water Resources Control Board (SWRCB) web site, which is based on California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3) in effect when the application was submitted. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) (Basin Plan) and subsequent Basin Plan amendments:

Project Description: The Morongo Band of Mission Indians proposes to repair 400 linear feet of degraded engineered slope. Additionally, 50 linear feet of ungrouted riprap will be installed to protect the banks of the channel. Regrading the channel, banks, and slopes will result in 0.30 acres and 350 linear feet of temporary impacts to streambed and riparian areas.

WILLIAM RUH, CHAIR | KURT V. BERCHTOLD, EXECUTIVE OFFICER

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Placement of riprap will permanently impact 0.05 acres and 50 linear of streambed in the unnamed tributary of San Timoteo Canyon.

The work will take place within Section 36 of Township 2 South, Range 2 West, of the U.S. Geological Survey *EI Casco, California* 7.5 minute topographic quadrangle map (33° 57' 35" N, -117° 2' 53" W).

Receiving water: Unnamed Wash and San Timoteo Creek Reach 3, which have present or potential beneficial uses, including: Groundwater Recharge (GWR), contact recreation (REC1), non-contact recreation (REC2), wildlife habitat (WILD), and warm freshwater habitat (WARM).

Fill area:

| | | |
|---------------------------------------|------------|-----------------|
| Permanent Impact to Streambed Habitat | 0.05 acres | 50 linear feet |
| Temporary Impact to Streambed Habitat | 0.05 acres | 220 linear feet |
| Temporary Impact to Riparian Habitat | 0.25 acres | 130 linear feet |

Dredge/Fill volume: 55 cubic yards of rock riprap

Federal permit: U.S. Army Corps of Engineers Permit Nationwide No. 13 (non-notifying).

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
- Post construction hydroseeding of coastal sage scrub species into upland areas disturbed by construction activities. Placement of fiber rolls on newly constructed slopes.
- Post construction on-site restoration of 0.25 acres of riparian habitat and 0.05 acres of streambed habitat. Prior to construction, the applicant will document the number and species of shrubs present in the temporary impact areas. After construction, container plantings of the species removed will be installed at a ratio of three new plantings for each removed shrub.

Offsite Water Quality Standards Mitigation Proposed:

- None.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife will ensure those impacts are mitigated to an acceptable level.

Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State according to the requirements of the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity.

Pursuant to the California Environmental Quality Act (CEQA), the City of Beaumont, as the lead agency for approval of this project, filed a Notice of Exemption pursuant to CEQA Guidelines Section 15269(c) with the County Clerk of the County of Riverside on October 2, 2014, which declares that the project undertakes "specific actions necessary to prevent or mitigate an emergency." The Regional Board has independently considered the City's Notice of Exemption in the issuance of this Certification and finds that no changes or alterations to the proposed project are necessary to avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project Storm Water Pollution Prevention Plan (SWPPP), Water Quality Management Plan (WQMP) and/or Habitat Mitigation and Management Plan (HMMP).
- 3) The applicant shall provide documentation that illustrates the location(s), as well as the specific area(s) within the locations where the proposed mitigation will be implemented. The documentation shall also identify the number and species of woody perennial plants to be removed by the project.
- 4) Plans of the methods and materials of restoration proposed as mitigation shall be provided to this office for approval prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state. Container plantings of trees and shrubs of the species removed will be planted as part of the on-site restoration at ratio of at least three plantings per shrub or tree removed.

- 5) The applicant shall complete the post-construction restoration of temporary impacts to waters of the U.S. within 30 days following completion of construction activities. Upon consideration of a written request, this period may be extended by Regional Board authorization to accommodate proper planting times. If restoration is not initiated within one year of impacts, additional mitigation may be required to offset temporal loss of waters of the U.S.
- 6) On-site restoration of temporary impacts of 0.25 acres of riparian and 0.05 acres of streambed shall be monitored yearly to ensure restoration measures were effective. A yearly report will be submitted to the Regional Board to document the restoration success until the restoration is deemed successful. Monitoring will be performed for a minimum of 1 year after project construction and will include photo-documentation and quantitative measures of restoration success. Remedial actions (e.g. additional planting, non-native species eradication, erosion control measures, supplemental watering, etc.) shall be implemented during the maintenance and monitoring period to ensure success of the restoration.
- 7) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified. Additionally no materials may be stored within waters of the United States or Waters of the State of California.
- 8) The project proponent shall utilize BMPs during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
- 9) The project proponent shall delineate the work area with brightly colored fencing or other methods to ensure both temporary and permanent impacts to Waters of the United States and Waters of the State of California do not exceed the limits (0.05 acres of permanent and 0.35 acres of temporary) authorized in this certification.
- 10) Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 11) Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum

products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.

- 12) This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
- 13) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
- 14) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification 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. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby certify 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 (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at: www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf

Should there be any questions, please contact Jason Bill at (951) 782-3295 or Marc Brown at (951) 321-4584.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

LSA Associates, Inc. - Maria A. Lum – maria.lum@lsa-assoc.com
U. S. Army Corps of Engineers, Los Angeles Office- James Mace
State Water Resources Control Board, OCC- David Rice
State Water Resources Control Board, DWQ -Water Quality Certification Unit
California Department of Fish and Wildlife – Gabriele Quillman
U.S. Environmental Protection Agency, Supervisor of the Wetlands Regulatory
Office – Tim Vendlinski WTR- 8