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California Regional Water Quality Control Board San Diego Region

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July 29, 2008

Megan Wong
U.S. Army Corps of Engineers
Los Angeles District, Planning Division
915 Wilshire Boulevard,
Los Angeles, CA 90017-2325

CERTIFIED MAIL

7008 0150 0003 7457 7684

In reply refer to:

NWU:18-2004065.02:cloflen

Regulatory Measure ID: 214317 Place No. 257593

Dear Ms. Wong:

SUBJECT: Amendments to CWA Section 401 Water Quality Certification
No. 04C-065

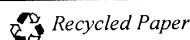
On June 9, 2008 the California Regional Water Quality Control Board, San Diego Region (Regional Board) received a request from U.S. Army Corps of Engineers to amend the South Orange County Water Authority (SOCWA) Coastal Treatment Plant Access Bridge Protection Project (Project) Section 401 Water Quality Certification, File No. 04C-065 (Certification), to allow for proposed changes to the Project's compensatory mitigation.

The Project protects an existing bridge that accesses the SOCWA treatment plant adjacent to Aliso Creek in Orange County, CA. The U.S. Army Corps of Engineers proposes changes in mitigation requirements for the project due to the natural establishment of two initial proposed downstream mitigation sites prior to project commencement. In response, the U.S. Army Corps of Engineers has proposed additional restoration/enhancement of 1.3 acres of riparian habitat downstream of the project site.

After a review of the Project's file, the proposed changes in mitigation and a site visit, we concur that the proposed changes are reasonable modifications to the original Section 401 Water Quality Certification. As a result, the Section 401 Water Quality Certification for the South Orange County Water Authority Coastal Treatment Plant Access Bridge Protection Project has been amended to reflect the proposed changes. The amendments are included as Enclosure 1.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to." In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter. If you have any questions

California Environmental Protection Agency



Megan Wong
04C-065 Amendments

- 2 -

July 29, 2008

regarding this notification, please contact Chad Loflen at (858) 467-2727 or
cloflen@waterboards.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

Enclosures

1. Addendum to Clean Water Act Section 401 Water Quality Certification No. 04C-065
2. Clean Water Act Section 401 Water Quality Certification No. 04C-065, dated August 10, 2004

cc (via email only):

Stephanie Hall, US Army Corps of Engineers Regulatory Branch, Los Angeles CA
Stephanie.j.hall@usace.army.mil

Bill Orme, State Water Resources Control Board, Division of Water, Quality 401 Water
Quality Certification and Wetlands Unit, BORme@waterboards.ca.gov

Tamara Spear, California Department of Fish and Game
tspear@dfg.ca.gov

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN DIEGO REGION

ADDENDUM TO

CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION NO. 04C-065

FOR

SOCWA Treatment Plant Access Bridge

Condition C.1 is modified:

C.1. Mitigation for permanent impacts to 0.25 acres will be achieved by the establishment of ~~0.85~~ **.1** acres of riparian habitat as described in the August 2003 *Consistency Determination* and as generally depicted in Figure 6 (Mitigation Plan) of that document (reproduced in Attachment 4 of this Certification) **and by the restoration of .6 acres within the 1.3 acres downstream riparian habitat mitigation site as described in the Revised Mitigation and Monitoring Plan For Coastal Treatment Plant Access Bridge Protection at Aliso Creek, Laguna Niguel, California May 2008.**

- a. 0.1 acre of mitigation will be provided within the immediate project site (e.g., bridge abutments) by the planting of native riparian vegetation.
- b. ~~0.75 acre of mitigation will be provided at the inside curves of the first two downstream bends.~~
- c. **Restoration within the downstream mitigation site will be provided by the removal of a minimum of .6 acres of invasive species within the 1.3 acre mitigation site followed by replanting or reseeding.**

Condition C.5 is modified:

For a period of five years Following planting of the mitigation area, all mitigation areas shall be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree **in perpetuity**. Annual exotic plant species shall not occupy more than ~~5~~ **two** percent of the onsite or offsite mitigation areas.

Condition C.7 is modified:


Mitigation monitoring reports shall be submitted annually for five years, or until mitigation has been deemed successful by the U.S. Army Corps of Engineers and confirmed by the Regional Board. The first annual report shall be submitted within 12 months following establishment of the mitigation area. Monitoring reports shall be submitted no later than 30 days following the end of the monitoring period. Monitoring reports shall include, but not be limited to, the following:

- a) Names, qualifications, and affiliations of the persons contributing to the report;
- b) Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
- c) Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions, **project benchmarks** and previous mitigation monitoring results;

Condition C.10 is added:

This Certification does not cover annual maintenance activities as described in the Revised Mitigation and Monitoring Plan For Coastal Treatment Plant Access Bridge Protection at Aliso Creek, Laguna Niguel, California, including Section V.B: Mitigation Measures for Future Maintenance. Future maintenance covered by this Certification is limited to invasive species removal per Condition C.5. Future proposed annual maintenance activities not covered under this Certification include, but are not limited to:

- a) **Mowing or removal of native vegetation (excluding trimming removal under supervision of a qualified biologist due to prevent herbicide overspray when removing invasive species)**
- b) **Maintenance modifications to the stream channel**
- c) **Replacement of rip-rap**
- d) **Removal of sediment**
- e) **Any maintenance within the mitigation sites not related to invasive removal.**


JOHN H. ROBERTUS
Executive Officer

29 July 2008
Date