



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

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May 18, 2009

In reply refer to: WPN: 07C-099: CLOFLEN

Certified Mail Number:  
7009-0080-0000-7308-0660

Andrew Webster  
Rancho California Water District  
42135 Winchester Road  
P.O. Box 9017  
Temecula, CA 92589-9017

File No.	07C-099
<u>CIWQS</u>	
Place	704712
Reg. Measure	333165

Dear Mr. Webster:

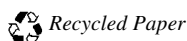
**SUBJECT:** Amendments to CWA Section 401 Water Quality Certification  
No. 07C-099

On March 16, 2009 the California Regional Water Quality Control Board, San Diego Region (Regional Board) received a request from Rancho California Water District to amend the Vail Lake Transmission Main and Pump Station (Project) Section 401 Water Quality Certification, File No. 07C-099 (Certification), to allow for proposed changes to the Project's mitigation requirements, construction requirements and project conditions.

The Project includes the extension of a raw water conveyance system from the Valle de Los Caballos recharge basins to Vail Lake. Approximately 14,000 feet of buried 48-inch transmission pipeline will be constructed through Pauba Canyon from the recharge basins to the downstream face of Vail Dam. The Rancho California Water District proposes changes in mitigation requirements, project conditions and construction conditions for the Project. Mitigation changes are requested due to the inability to meet the timing requirements due to construction safety issues, site specific requirements for invasive species and the location of the mitigation site below Vail Lake dam.

After a review of the Project's file and the proposed changes for the mitigation, construction and project conditions, I concur that the proposed changes to the mitigation timing and invasive species requirements (Conditions D.8 and D.10, respectively) are reasonable modifications to the original Section 401 Water Quality Certification. As a result, the Section 401 Water Quality Certification for the Vail Lake Transmission Main and Pump Station Project has been amended to reflect these proposed changes. The amendments are included as Enclosure 1. The requested amendments and rationale for changes to Project Condition B.5, Construction Condition C.3 and Mitigation Condition D.12 for a catastrophic natural event are not reasonable modifications to the original Section 401 Water Quality Certification.

*California Environmental Protection Agency*



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

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

Enclosures

1. Addendum to Clean Water Act Section 401 Water Quality Certification No. 07C-099
2. Clean Water Act Section 401 Water Quality Certification No. 07C-099, dated February 02, 2009

cc (via email only):

Laurie Monarres, US Army Corps of Engineers Regulatory Branch,  
[Laurie.a.monarres@usace.army.mil](mailto:Laurie.a.monarres@usace.army.mil)

Bill Orme, State Water Resources Control Board, Division of Water, Quality 401 Water  
Quality Certification and Wetlands Unit, [Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

David Smith, Wetland Regulatory Office  
[R9-WTR8\\_Mailbox@epa.gov](mailto:R9-WTR8_Mailbox@epa.gov)

Mike Trotta, LSA Associates, Inc.  
[Mike.trotta@lsa-assoc.com](mailto:Mike.trotta@lsa-assoc.com)

***California Environmental Protection Agency***



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN DIEGO REGION**

**ADDENDUM TO**

**CLEAN WATER ACT SECTION 401  
WATER QUALITY CERTIFICATION NO. 07C-099**

**FOR**

**Vail Lake Transmission Main and Pump Station**

**Condition A.6 is modified:**

~~A.6. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. Rancho California Water District must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within 10 days of the sale of the property.~~

**A.6. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. Rancho California Water District must also notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser or transferee with a copy of the Section 401 Water Quality Certification and that the purchaser or transferee understands the Certification requirements and must implement them. If the property is sold, the seller and purchaser must sign and date the notification. If the Certification is transferred, the Certification holder and transferee must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within 10 days of the sale and/or transfer of the property.**

**Condition D.8 is modified:**

D.8. The construction of proposed mitigation must be initiated within **120 days** following completion of ground-disturbing activities, and the **installation of plant and seed material in accordance with the approved Habitat Mitigation and Monitoring Plan (HMMP)** must be completed no later than **9 months** following the ~~initial discharge of dredge or fill material into on-site waters~~ **completion of construction**. Delays in implementing and/or completing mitigation must be compensated for by additional mitigation of 0.1 acre of in-kind creation for each month of delay.

**Condition D.10 is modified:**

D.10. Throughout the mitigation monitoring program, mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, eucalyptus, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species, **as identified by the latest CALIPC list**, must not **be present in** ~~occupy more than 5 percent of the onsite or offsite mitigation areas~~. **Schismus barbatus, Polypogon monspeliensis, and Veronica anagallis aquatica shall not occupy more than 10 percent of the onsite or offsite mitigation areas**. Whenever possible, removal of non-native and/or invasive species must be conducted by hand or hand-operated power tools rather than by chemical means.



JOHN H. ROBERTUS  
Executive Officer

5/12/09  
Date