



California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>
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Arnold Schwarzenegger
Governor

**Action on Request for
Clean Water Act Section 401 Water Quality Certification
and Waiver of Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials**

PROJECT: State Route 79 Culvert Improvements
(File No. 07C-048, WDID No. 9000001653)

APPLICANTS: Mr. Sam Amen
California Department of Transportation
District 11, MS-221
4050 Taylor Street
San Diego, CA 92110

ACTION:

- | | |
|---|--|
| <input type="checkbox"/> Order for Low Impact Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically-conditioned Certification | <input checked="" type="checkbox"/> Waiver of Waste Discharge Requirements |

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from 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 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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ADDITIONAL CONDITIONS:

In addition to the three standard conditions, Caltrans shall satisfy the following:

A. GENERAL CONDITIONS

1. Caltrans shall, at all times, fully comply with the engineering plans, specifications and technical reports submitted with this application for 401 Water Quality Certification and all subsequent submittals required as part of this certification. The conditions within this certification shall supersede conflicting provisions within such plans submitted prior to the certification action.
2. Caltrans shall comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
3. Caltrans shall maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
4. Prior to the start of the project, Caltrans shall educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and best management practices.
5. Caltrans shall permit the San Diego Regional Water Quality Control Board (SDRWQCB) or its authorized representative at all times, upon presentation of credentials:
 - a) Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b) Access to copy any records required to be kept under the terms and conditions of this certification.
 - c) Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
6. Caltrans shall notify the SDRWQCB within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional BMPs or other measures that will be implemented to prevent future discharges.
7. Caltrans shall, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may

cause a condition of pollution or nuisance if the materials reached a waters of the U.S. and/or State.

8. This Certification is not transferable to any person except after notice to the Executive Officer of the SDRWQCB. The applicant shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new owner containing a specific date for the transfer of this Certification's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing owner is liable for compliance and violations up to the transfer date and that the new owner is liable from the transfer date on.
9. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
10. In response to a suspected violation of any condition of this certification, the SDRWQCB may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SDRWQCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
11. In response to any violation of the conditions of this certification, the SDRWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
12. The newly constructed drop inlet drop inlet structure associated with culvert number 10, and the associated riparian creation areas created onsite will remain in an un-maintained natural state after completion of the project.

B. MITIGATION

1. Mitigation for permanent impacts to 0.004 acres of ACOE vegetated waters of the US and temporary impacts to 0.01 acres of jurisdictional water of the US/State, will be achieved at a 4:1 ratio, by the creation of 0.057 acre of riparian habitat within the area of impact. Willow planting will be done in accordance with the April 9, 2007, *Conceptual Willow Planting Plan for State Route 79 Culvert Rehabilitation Project*.
2. Caltrans shall submit a report (including topography maps and planting locations and photographs) to the Regional Board within 90 days of completion of mitigation site preparation and planting, describing as-built status of the mitigation project. If the site grading and planting are not completed within six weeks of each other, separate reports will be submitted describing those specific as-built conditions.
3. The construction of proposed mitigation shall be completed within the same calendar year as impacts occur, or at least no later than 9 months following the close of the calendar year in which impacts first occur (e.g., if impacts occur in June 2007, construction of mitigation for all impacts must be completed no later than September 2008).
4. 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. Annual exotic plant species shall not occupy more than 5 percent of the onsite or offsite mitigation areas.
5. Mitigation monitoring reports shall be submitted annually for a period of 3 years until mitigation has been deemed successful. 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 and previous mitigation monitoring results;
 - d) Photo documentation from established reference points;
 - e) Survey report documenting boundaries of mitigation area; and
 - f) Other items specified in the draft and final Wetland and Riparian Mitigation and Monitoring Plan.

6. For purposes of this certification, creation is defined as the creation of vegetated or unvegetated waters of the U.S. where they have never been documented or known to occur (e.g., conversion of nonnative grassland to freshwater marsh).

D. REPORTING

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

3. Caltrans shall submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; File No 07C-048
9174 Sky Park Court, Suite 100
San Diego, California 92123

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On June 5, 2007, receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.

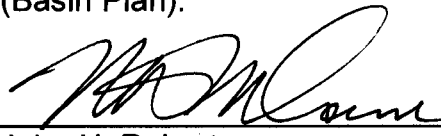
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Christopher Means
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-637-5581
cmeans@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the State Route 79 Culvert Improvements (File No. 07C-048, WDID No. 9000001653) 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. This discharge is also regulated under California Regional Water Quality Control Board, San Diego Region, Waiver of Waste Discharge Requirements (Waiver Policy) No. 17. Please note that this waiver is conditional and, should new information come to our attention that indicates a water quality problem, the regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

 By DIR

John H. Robertus
Executive Officer
Regional Water Quality Control Board

SEPT. 17, 2007
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site photos
 5. Mitigation Map

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Mr. Sam Amen
California Department of Transportation
District 11, MS-221
4050 Taylor Street
San Diego, CA 92110

**Applicant
Representatives:** Mr. Bruce April
California Department of Transportation
District 11, MS-242
4050 Taylor Street
San Diego, CA 92110

Project Name: State Route 79 Culvert Improvements

Project Location: The project is located along State Route 79, approximately 2 miles south of Cuyamaca Lake, 10 miles north of Interstate 8 in San Diego County. The project site lies within the boundaries of Cuyamaca Rancho State Park.

Type of Project: Road culvert improvement project.

Project Description: The proposed project would upgrade 13 existing culverts along SR 79 to increase drainage capacity under the road and reduce flows across the road and undercutting of the pavement. The majority of the culverts drain the slopes above SR-79 and the repair/replacement of the culverts will not impact jurisdictional waters of the US/State. Culvert # 10 conveys Cold Stream under SR-79 and improvements at this location will result in jurisdictional impacts. Proposed work for the project includes:

- Remove and replace Culverts #2, 3, 4, 5, 6, 8, 9, 10, and 12 with larger diameter pipes (see Drainage Improvements Table),
- Abandon the existing two pipes at Culvert # 10 and install two new pipes and place riprap around the outlets for protection,
- Construct new headwalls at Culverts #4 and #10,
- Construct a drop inlet with a grouted-in rock berm to direct water away from the road and into Culvert # 10,
- Add extensions to Culverts 1, 13 and 14 to increase the distance of the inlets from the roadway,
- Clean ditch upstream of inlet (upland areas) for all culverts (see attached photo dated June 21, 2006), and
- Line ditch upstream of inlets with concrete except for Culverts #6 and 10.

Construction of the drop inlet at culvert # 10 would include dredging 1,390 cubic yards of material from the streambed and a fill of approximately 42 cubic yards of riprap for the grouted-in berm and to protect the outlet of Culvert 10.

Federal Agency/Permit:	US Army Corps of Engineers Nationwide Permits 3 & 43
Other Required Regulatory Approvals:	CA Department of Fish & Game Section 1602 Streambed Alteration Agreement
California Environmental Quality Act (CEQA) Compliance:	In November 2005, Caltrans found the proposed project to be Categorically Exempt, Class 4 (PRC 21084; 14 CCR 15300 et seq.)
Receiving Water:	The project will impact Cold Stream, a tributary of the Sweetwater River (HU 9.35)
Impacted Waters of the United States:	The project will result in permanent impacts to 0.004 acres of ACOE vegetated waters of the US and temporary impacts to 0.01 acres of ACOE vegetated waters of the US
Dredge Volume:	Construction of the drop inlet at culvert # 10 would include dredging 1,390 cubic yards of material from the streambed.
Related Projects Implemented/to be Implemented by the Applicant(s):	none
Compensatory Mitigation:	Mitigation for permanent impacts to 0.004 acres of ACOE vegetated waters of the US and temporary impacts to 0.01 acres of, will be achieved at a 4:1 ratio, by the creation of 0.057 acre of riparian habitat within the area of impact. Willow planting will be done in accordance with the April 9, 2007, <i>Conceptual Willow Planting Plan for State Route 79 Culvert Rehabilitation Project</i> .
Best Management Practices:	All construction would occur from existing paved areas and existing maintenance vehicle pullouts would be used to store materials/equipment. Fiber rolls would be installed to ensure no silt and/or other materials enter the stream during construction. Partial road closure may be needed to remove the existing culverts and replace with new culverts.

Public Notice: On June 5, 2007, receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.

Fees: Total Due: \$1360.00
Total Paid (check No. 082-166489, 082-186679): \$1360.00

**ATTACHMENT 2
DISTRIBUTION LIST**

Mark D. Cohen
U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 532711
Los Angeles, CA 90053-2325
(213) 452-4196 (fax)

Mr. Bruce April
California Department of Transportation
District 11, MS-242
4050 Taylor Street
San Diego, CA 92110

State Water Resources Control Board
Division of Water Quality

8. Figures and Photos

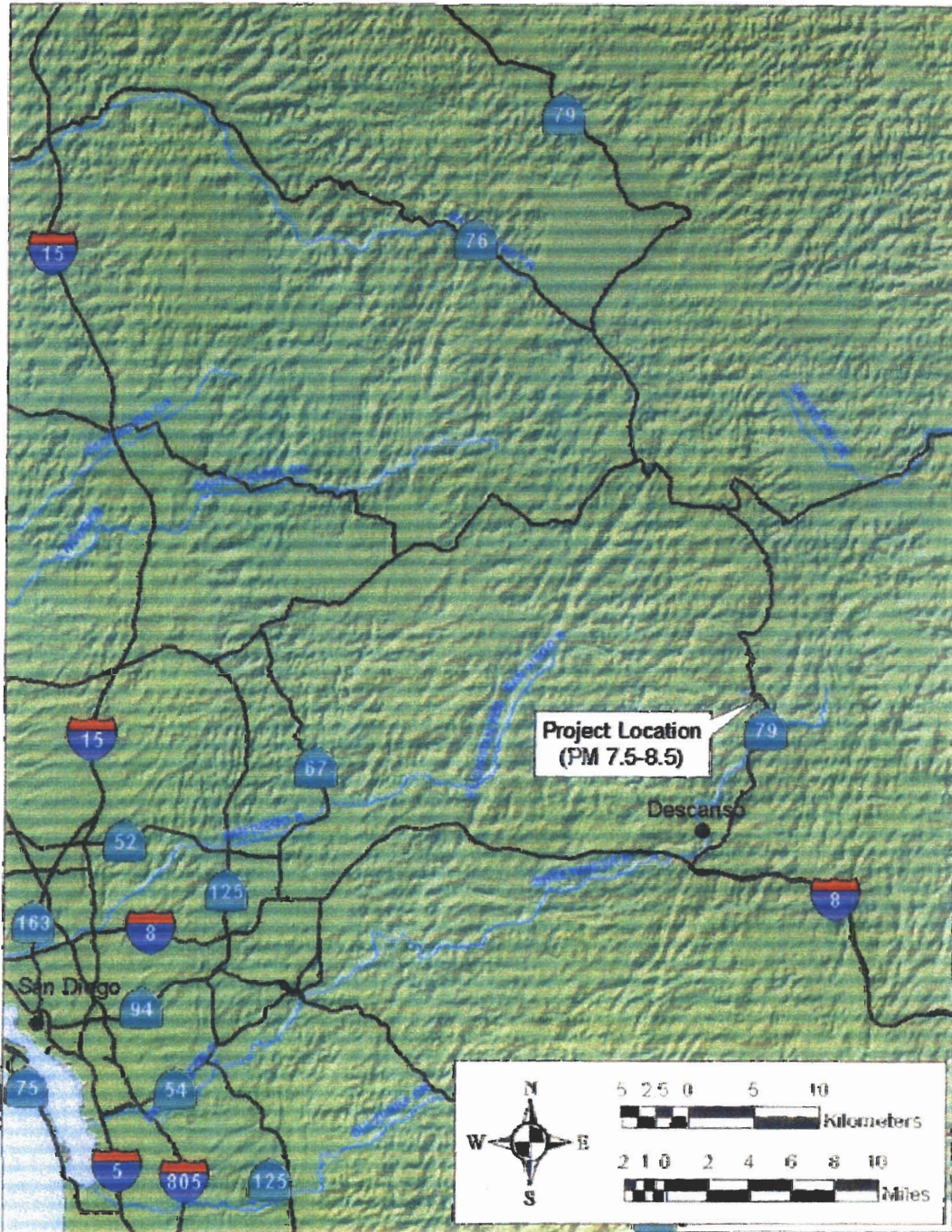


Figure 1. Project Location.

Map of San Diego County showing the approximate location of the San Diego State Route 79 Culvert Rehabilitation Project.

BORDER LAST REVISED 3/1/2007

- PROPOSED FLOWLINE
- ACTIVE CHANNEL (WATERS OF THE US)
- TEMPORARY IMPACTS (CUT) - 456 SQ FT
- PERMANENT IMPACTS - 164 SQ FT
- PROPOSED JURISDICTIONAL PLANTING AREA CREATION - 2470 SQ FT

THIS PLAN ACCURATE FOR ENVIRONMENTAL IMPACT ASSESSMENT ONLY

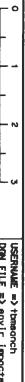
DRAINAGE SYSTEM No. 10

SFO 169+95

SCALE: 1"=10'

ENVIRONMENTAL IMPACTS

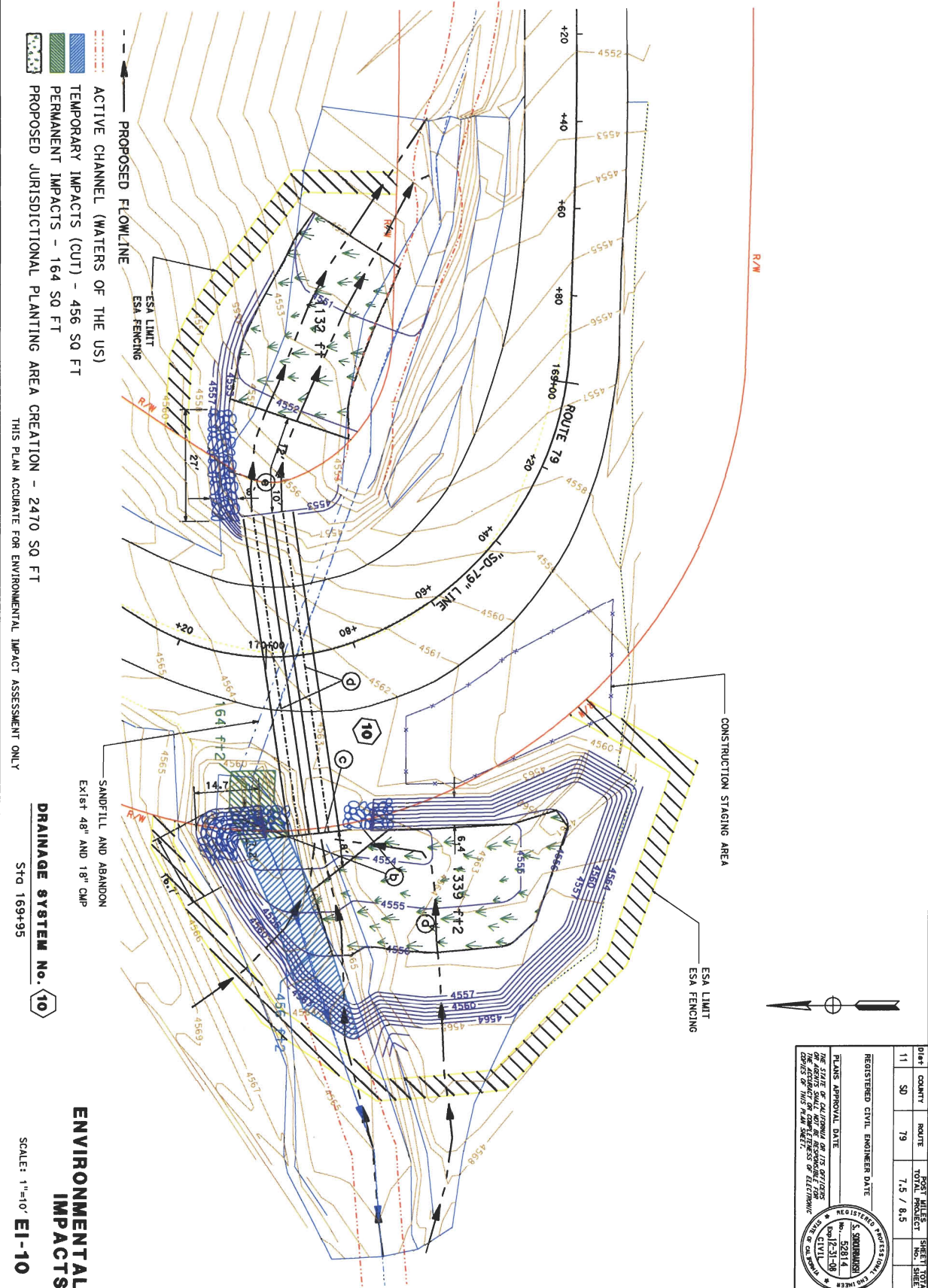
RELATIVE BORDER SCALE



USE NAME as shown on DGN FILE as envl_impacts

CJ 11225

EA 270301



Sheet No.	11
County	SD
Route	79
Sheet Project	7.5 / 8.5
Sheet Total	
Sheet No.	
Sheet Total	

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
REGISTERED CIVIL ENGINEER
S. SOROURBAKHSH
No. 52814
Exp. 12-31-08
CIVIL
THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
REGISTERED CIVIL ENGINEER DATE



Cold Stream channel upstream of the SR-79 Culvert inlet.



Cold Stream channel downstream of the SR-79 Culvert outlet.