



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

May 10, 2012

Jeff Hitch
City of Murrieta
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

In reply refer to / attn:
746801: dbradford

Subject: ACTION ON REQUEST FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION APPLICATION NO. 09C-087; JACKSON AVENUE STREET IMPROVEMENT PROJECT

Mr. Hitch:

Enclosed find Clean Water Act Section 401 Water Quality Certification for discharges to waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the **Jackson Avenue Street Improvement Project** (Project). A description of the project and project location can be found in the project information sheet, location map, and site maps which are included as Attachments 1 through 5.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Darren Bradford at (858) 637-7137 or dbradford@waterboards.ca.gov.

GRANT DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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100% RECYCLED PAPER

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 09C-087 for the **Jackson Avenue Street Improvement Project**, with 5 attachments

Tech Staff Info & Use	
Order No.	-
Party ID	493370
Place ID	746801
Global ID / GeoTracker Case ID	-
File No.	09C-087
WDID	9000001997
NPDES No.	-
Reg. Measure ID	372005
Person ID	493371
Inspection ID	-
Violation ID	-

cc: Refer to Attachment 2 of Certification 09C-087 for Distribution List.

San Diego Regional Water Quality Control Board

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

PROJECT: Jackson Avenue Street
Improvement Project,
Certification Number (09C-087),
WDID: 9 000001997

APPLICANT: Jeff Hitch
City of Murrieta
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562

CIWQS Reg. Meas. ID: 372005 Place ID: 746801 Party ID: 493370
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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 type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The proposed project is located in the City of Murrieta and consists of the widening and extension of Jackson Avenue from Magellan Street southward over Warm Springs Creek to Ynez Road in the City of Temecula. The purpose of the project is to improve traffic flow by providing an alternative roadway between the Cities of Murrieta and Temecula. The proposed project would permanently impact 60 linear feet (0.20 acres) of non-wetland portions of Warm Springs Creek through the construction of a hydro-arch bridge over Warm Spring Creek. Construction of the bridge will also temporarily impact 0.02 acres (10 linear feet) of wetland and 0.85 acres (280 linear feet) of non-wetland waters of the United States (U.S.). On-site mitigation includes the restoration of temporary impacts to pre-project condition. The construction of the bridge will also remove an unpermitted culverted crossing and associated debris within on-site waters. Off-site mitigation includes the 1) establishment of 0.78 acres of waters of the U.S.

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(mixed riparian and streambed) at a City-owned parcel tributary to Warm Springs Creek and 2) preservation of 1.14 acres of riparian habitat on-site. This parcel is also proposed as for mitigation for future City of Murrieta 401 Certifications. Post-construction BMPs will treat 100% of new impervious surfaces associated with the project, and consist of biofiltration swales, catch basin infiltration areas, and a catch basin filtration unit. Five biofiltration swales will treat the majority of new impervious surfaces associated with the project. Catch basins located adjacent to the bridge will be fitted with catch basin filtration units, as biofiltration is not feasible due to site constraints. As Jackson Avenue currently does not have any storm water treatment best management practices (BMPs), all post-construction BMPs north of Warm Springs Creek (5 swales, catch basin infiltration at Elm Street, and 1 catch basin units) will provide retrofit treatment to the existing impervious surfaces.

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I. STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials.

- A. 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).
- B. This Certification action is not intended and must 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.
- C. The validity of any non-denial Certification action must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 09C-087 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, this Certification expires.
- B. The City of Murrieta must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material That Have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
- C. The City of Murrieta must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting

provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

- D. During construction, the City of Murrieta must maintain a copy of this Certification at the Project site so as to be available at all times to site personnel and agencies.
- E. The City of Murrieta must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
 - 1. Entry onto Project premises, including all areas on which fill or mitigation is located or in which records are kept.
 - 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
 - 3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - 4. Sampling of any discharge or surface water covered by this Order.
- F. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must 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.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may pursuant to Water Code sections 13267 and 13383, require the holder of any permit or license subject to this Certification to investigate, monitor and report information on the violation.
- H. In response to any violation of the conditions of this Certification, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Prior to the start of the project, and annually thereafter, the City of Murrieta must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practice (BMP) implementation and maintenance.
- B. The City of Murrieta must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- C. The City of Murrieta must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002, *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, and any subsequent reissuance as applicable.
- D. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
- G. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- H. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The City of Murrieta and subsequent owners are responsible for implementing and maintaining

BMPs to prevent erosion of rough graded areas to prevent flow from these areas from causing adverse effects to beneficial uses. After completion of grading, all areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at: <http://www.cal-ipc.org/ip/inventory/weedlist.php>.

- I. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State except where authorized as fill and/or dredge material under this Certification. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- J. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable.

IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. The City of Murrieta is prohibited from allowing post-construction discharges to cause onsite or offsite downstream erosion, damage to properties or damage to stream habitats in the receiving waters that will receive post-construction discharges from project site.
- B. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. An updated *Project Specific Water Quality Management Plan for Jackson Avenue Extension Project* that includes the catch basin infiltration areas and sizing calculations adequate to demonstrate compliance with condition IV.D, below, must be submitted to the San Diego Water Board **prior to the initiation of project construction**. The updated *Project Specific Water Quality Management Plan for Jackson Avenue Extension Project* must include post-construction BMPs that will treat 100 percent of new impervious surfaces associated with the project.
- D. All post-construction BMPs, including the biofiltration swales, infiltration areas, and Clearwater (or equivalent) curb inlet filters as described in the

Project Specific Water Quality Management Plan for Jackson Avenue Extension Project, prepared by RBF Consulting and dated January 25, 2010, must be designed and installed to comply with the following numeric sizing criteria:

1. Volume

Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- a. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record (0.8 inch approximate average for the Riverside County area); or
- b. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event; or

2. Flow

Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- a. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
- b. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
- c. The maximum flow rate of runoff, as determined from the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

- E. Post-construction BMPs must be installed and functional prior to completion of project construction.
- F. All post-construction BMPs, including the biofiltration swales and catch basin filters described in the *Project Specific Water Quality Management Plan for Jackson Avenue Extension Project*, prepared by RBF Consulting and dated January 25, 2010; and storm water discharge points must:
 1. Be regularly inspected and maintained for the life of the project per manufactures' specifications and industry standards;

2. Be assessed for performance no less than one time per year to determine if the BMPs are protective of receiving water(s) and to identify any necessary corrective measures;
3. Have all preventive and corrective maintenance performed;
4. Be inspected no less than one time per year, immediately prior to the commencement of the rainy season (October 1) and after every storm event exceeding 0.5 inches of precipitation; and
5. Have a maintenance log that documents all inspections and maintenance activities.

V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. All impacts will occur in Warm Springs Creek. Mitigation for permanent impacts to 60 linear feet (0.20 acres) of non-wetland waters, and for temporarily impacts to 0.02 acres (10 linear feet) of wetland waters and 0.85 acres (280 linear feet) of non-wetland waters of the U.S. must be achieved in accordance with the draft *Jackson Avenue Improvement Project Habitat Mitigation and Monitoring Plan*, prepared by Helix Environmental and dated July 28, 2011. The below mitigation must be conducted by the City of Murrieta:

Onsite

1. On-site restoration of 0.51 acres of riparian (non-wetland southern willow/cottonwood) and 0.16 acres of streambed (non-wetland);

Offsite (Mapleton Open Space)

1. Establishment of 0.56 acres of riparian (southern willow-cottonwood) waters of the State;
2. Establishment of 0.01 acres of riparian (mule fat scrub) waters of the State;
3. Establishment of 0.02 acres of wetland waters of the State;
4. Establishment of 0.21 acres of streambed waters of the State.

- B. The construction of off-site mitigation must be completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- C. The City of Murrieta must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States/State. Restoration

- must include grading of disturbed areas to pre-project contours and revegetation with native species. The City of Murrieta must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
- D. The City of Murrieta must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas.
- E. The City of Murrieta must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
- F. The off-site mitigation site must be designed, constructed, and maintained in perpetuity to meet the following conditions:
1. Most of the channel through the mitigation site is characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 3. The mitigation site has a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- G. Mitigation shall be considered acceptable once it has met the pre-determined success criteria for that site, and shall be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.
- H. Throughout the mitigation monitoring program mitigation areas must 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 must not occupy more than 5 percent of the on-site or off-site mitigation areas.
- I. The San Diego Water Board acceptance of the final mitigation plan must not be construed as approval of the mitigation site or plan for use by other current or future projects that are planning to use additional acreage at the site for mitigation.

- J. Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
- K. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, the City of Murrieta is responsible for repair and replanting of the damaged area(s).
- L. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States/State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States/State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States/State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States/State (e.g., conservation easement).

VI. MONITORING REQUIREMENTS:

- A. Monitoring of the impact and mitigation sites (on-site and off-site) must utilize a quantitative function-based assessment to establish pre-project baseline conditions at impact and mitigation sites (i.e. conditions prior to project impacts), set success criteria for off-site establishment and on-site restoration, and assess off and on-site mitigation site progress. The California Rapid Assessment Method (CRAM) must be utilized and CRAM data must be uploaded into eCRAM (<http://www.cramwetlands.org>). CRAM must occur at the project and mitigation sites (on-site and off-site) prior to project and mitigation construction (baseline), immediately following project and mitigation construction completion (year 0), and at years 3 and 5 following completion of project and mitigation construction.

VII. NOTIFICATION REQUIREMENTS:

- A. The City of Murrieta must report to the San Diego Water Board any noncompliance which may endanger human health or the environment. Any information shall be provided orally **within 24 hours** from the time the City of Murrieta becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the City of Murrieta becomes aware of the circumstances. The written submission shall contain a written description of the incident and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.
- B. The City of Murrieta must notify the San Diego Water Board of any change in ownership or transfer of certification responsibilities associated with the project or mitigation areas. Notification of change in ownership or transfer of responsibilities must include, but not be limited to, a statement that the City of Murrieta has provided the purchaser/transferee with a copy of the Section 401 Water Quality Certification and that the purchaser/transferee understands and accepts the certification requirements and acknowledges the obligation to implement them and be subject to liability for failure to do so. The seller and purchaser/transferee must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board within 10 days of the transfer. Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the City of Murrieta will be interpreted to refer to the transferee as appropriate. Transfer does not necessarily relieve the City of Murrieta of this Certification in the event that a transferee fails to comply.
- C. The City of Murrieta must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of fill and mitigation activities.
- D. **Prior to the start of construction**, the City of Murrieta must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect the on-site and off-site mitigation areas and their buffers in perpetuity. **Within one year of the start of construction**, the City of Murrieta must submit proof of a completed preservation mechanism that will protect all mitigation areas and any buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future

development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the United States and/or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VIII. REPORTING REQUIREMENTS:

- A. The City of Murrieta must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion. The City of Murrieta must submit a Final Project Annual Report to the San Diego Water Board **prior to August 1 following completion of the project**. The reports must include the following:
1. Date of construction initiation.
 2. Projected date of construction completion.
 3. Status of BMPs for the project.
 4. Final Project Report: As-built drawings no bigger than 11"X17" and GIS locations of post-construction treatment BMPs.
- B. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted **prior to December 1 of each year**. Monitoring reports must include, but not be limited to, the following:
1. Names, qualifications, and affiliations of the persons contributing to the report;
 2. Date of initiation of mitigation installation and date mitigation installation was completed.
 3. Mitigation as-builts, including topography maps and planting locations.

4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 5. Topographic complexity characteristics at each mitigation site;
 6. Upstream and downstream habitat and hydrologic connectivity;
 7. Source of hydrology, including any quantitative and qualitative changes in groundwater levels;
 8. Width of native vegetation buffer around the entire mitigation site;
 9. Qualitative and quantitative comparisons of current mitigation conditions with on-site and mitigation site pre-construction conditions and previous mitigation monitoring results. CRAM must be utilized, and CRAM data must be uploaded into eCRAM (<http://www.cramwetlands.org>).
 10. Stream Photodocumentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.
 11. A Survey report documenting boundaries of mitigation area, including Geographic Information System (GIS) shape files (polygons) of the impact and mitigation areas (Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points). GIS metadata must also be submitted.
- C. The submittal of information under this Certification is required pursuant to California Water Code (CWC) sections 13267 and 13283. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit required information pursuant to CWC section 13268 or 13385.
- D. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
- E. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.
- F. All applications, reports, or information submitted to the San Diego Water Board must 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."
- G. The City of Murrieta must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 09C-087
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. The City of Murrieta is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination on May 10, 2010, for a Mitigated Negative Declaration under CEQA Guidelines Title 14, California Code of Regulations. The City of Murrieta has determined the project will not have a significant effect on the environment and mitigation measures were made a condition of the project.

- B. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and also finds that the project as proposed will not have a significant effect on the environment with conditioned mitigation measures and therefore determines that issuance of this Certification is consistent with the Mitigated Negative Declaration.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

- A. On November 17, 2009, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

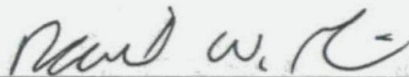
X. SAN DIEGO WATER BOARD CONTACT PERSON:

Chad Loflen
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2727
cloflen@waterboards.ca.gov

XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from **Jackson Avenue Street Improvement Project** (Project No. 09C-087) 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 State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges That Have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual 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 to, 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 Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

9 May 2012
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location and Site Maps
 4. Post-construction BMP Maps
 5. Mitigation Maps

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: City of Murrieta
Attention: Jeff Hitch
1 Town Square
24601 Jefferson Avenue
Murrieta, CA 92562
Telephone: 951-461-6076
Facsimile: 951-461-6049
Email: jhitch@murrieta.org

Applicant Representatives: RBF Consulting
Attention: Richard Beck, Wesley Salter
14725 Alton Parkway
Irvine, CA 92618
Telephone: 949-855-3687
Facsimile: 949-472-8373
Email: rbeck@rbf.com
wsalter@rbf.com

Project Name: Jackson Avenue Street Improvement Project

Project Location: Latitude: 33.544561 N
Longitude: 117.174912 W

Type of Project: Transportation

Need for Project: According to the application:
"The primary purpose of the project is to provide an alternate route of travel and bridge the gap between the Cities of Murrieta and Temecula."

Project Description: The proposed project is located in the City of Murrieta and consists of the widening and extension of Jackson Avenue from Magellan Street southward over Warm Springs Creek to Ynez Road in the City of Temecula. The purpose of the project is to improve traffic flow by providing an alternative roadway between the Cities of Murrieta and Temecula. The proposed project would permanently impact 60 linear feet (0.20 acres) of non-wetland portions of Warm Springs Creek through the construction of a hydro-arch bridge over Warm Spring Creek. Construction of the bridge will also temporarily impact 0.02 acres (10 linear feet) of wetland and 0.85 acres (280 linear feet) of non-wetland waters of the United States (U.S.). On-site mitigation includes the restoration of

temporary impacts to pre-project condition. The construction of the bridge will also remove an un-permitted culverted crossing and associated debris within on-site waters. Off-site mitigation includes the 1) establishment of 0.78 acres of waters of the U.S. (mixed riparian and streambed) at a City-owned parcel tributary to Warm Springs Creek and 2) preservation of 1.14 acres of riparian habitat on-site. This parcel is also proposed as for mitigation for future City of Murrieta 401 Certifications. Post-construction BMPs will treat 100% of new impervious surfaces associated with the project, and consist of biofiltration swales, catch basin infiltration areas, and a catch basin filtration unit. Five biofiltration swales will treat the majority of new impervious surfaces associated with the project. Catch basins located adjacent to the bridge will be fitted with catch basin filtration units, as biofiltration is not feasible due to site constraints. As Jackson Avenue currently does not have any stormwater treatment BMPs, all post-construction BMPs north of Warm Springs Creek (5 swales, catch basin infiltration at Elm Street, and 1 catch basin units) will provide retrofit treatment to the existing impervious surfaces.

Federal Agency/Permit:	U.S. Army Corps of Engineers NWP 14, James Mace
Other Required Regulatory Approvals:	California Department of Fish and Game Streambed Alteration Agreement, Anna Ewing
California Environmental Quality Act (CEQA) Compliance:	Mitigated Negative Declaration, NOD: May 10, 2010, SCH# 2009101046, Lead Agency: City of Murrieta
Receiving Water:	Warm Springs Creek, Santa Margarita HU, Murrieta HA, French HSA
Affected Waters of the United States:	Permanent: Streambed: 0.20 acres, 60 linear feet Temporary: Wetland: 0.02 acres, 10 linear feet Streambed: 0.85 acres, 280 linear feet
Dredge Volume:	None

Related Projects Implemented/to be Implemented by the Applicant(s):	None listed
Compensatory Mitigation:	<p><u>On-Site Restoration</u> Riparian (Southern Willow Cottonwood): 0.51 acres Streambed: 0.16 acres</p> <p><u>Off-Site Creation (City of Murrieta Open Space Parcel)</u> Wetland: 0.02 acres Riparian (Mulefat Scrub): 0.01 acres Riparian (Southern Willow Cottonwood): 0.56 acres Streambed: 0.21 acres</p>
Mitigation Location:	On-site and off-site
Best Management Practices (BMPs):	<p>100% of on-site new impervious surfaces and existing impervious surfaces for Jackson Avenue will be treated via 5 on-site biofiltration swales, catch basin infiltration areas at catch basins at Elm Street and adjacent to the bridge, and 1 catch basin filtration unit. In accordance with:</p> <p><i>Project Specific Water Quality Management Plan for Jackson Avenue Extension Project</i>, prepared by RBF Consulting and dated January 25, 2010</p> <p>A final updated WQMP is required prior to project construction.</p>
Public Notice:	November 17, 2009 (no comments received)
Inspection:	n/a
Fees:	<p>Total Due: \$3,585 Paid: \$640 (check No. 84355) Paid: \$2945 (check No. 89104)</p>
CIWQS:	<p>Regulatory Measure ID: 372005 Place ID: 746801 Party ID: 493370</p>

**ATTACHMENT 2
E-MAIL DISTRIBUTION LIST**

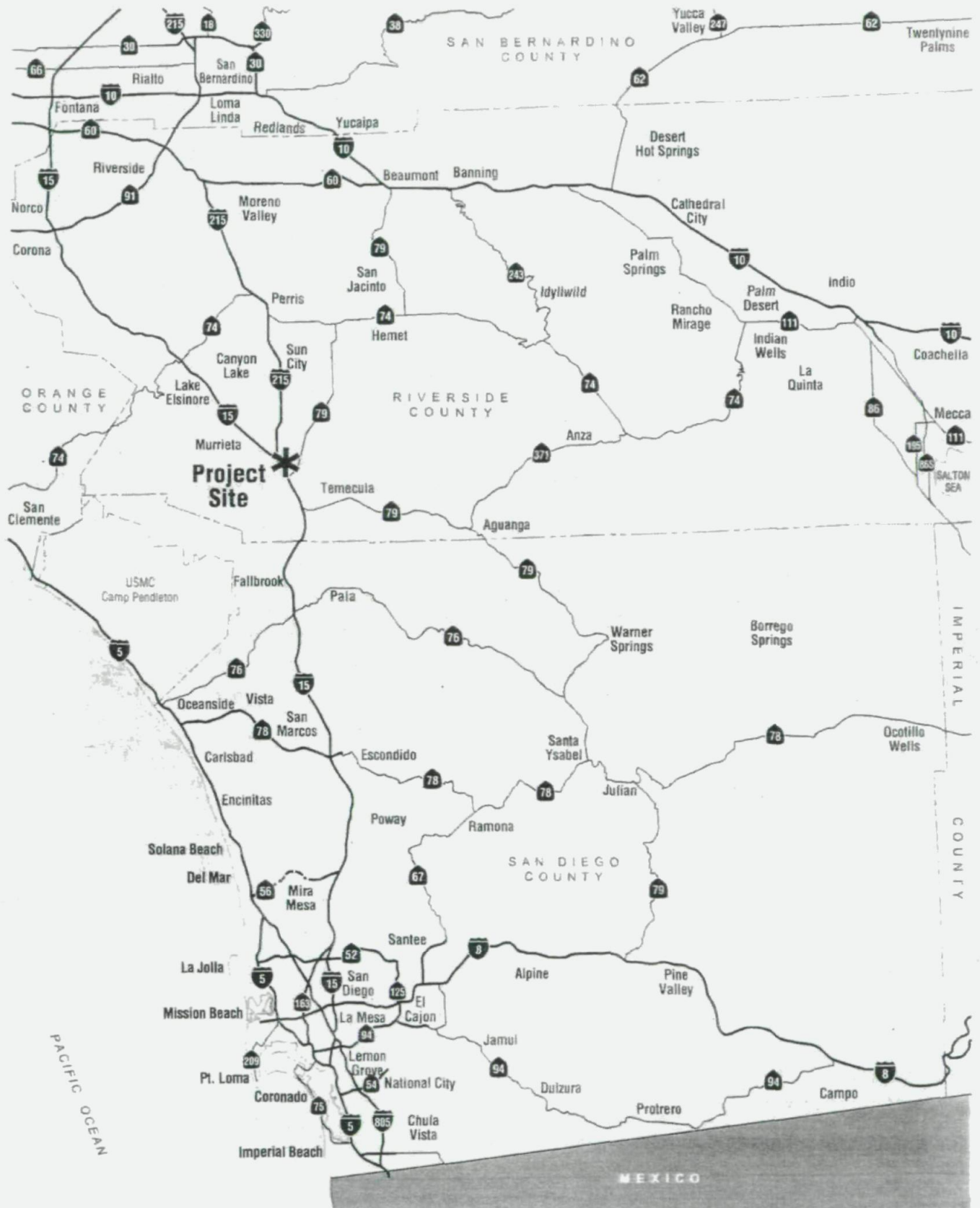
James Mace
U.S. Army Corps of Engineers, Regulatory Branch
James.E.Mace@usace.army.mil

Kim Freeburn
California Department of Fish and Game
Inland Deserts Region
kfreeburn@dfg.ca.gov

U.S. EPA, OWOW, Region 9
75 Hawthorne St.,
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

Richard Beck
Wesley Salter
RBF Consulting
rbeck@rbf.com
wsalter@rbf.com



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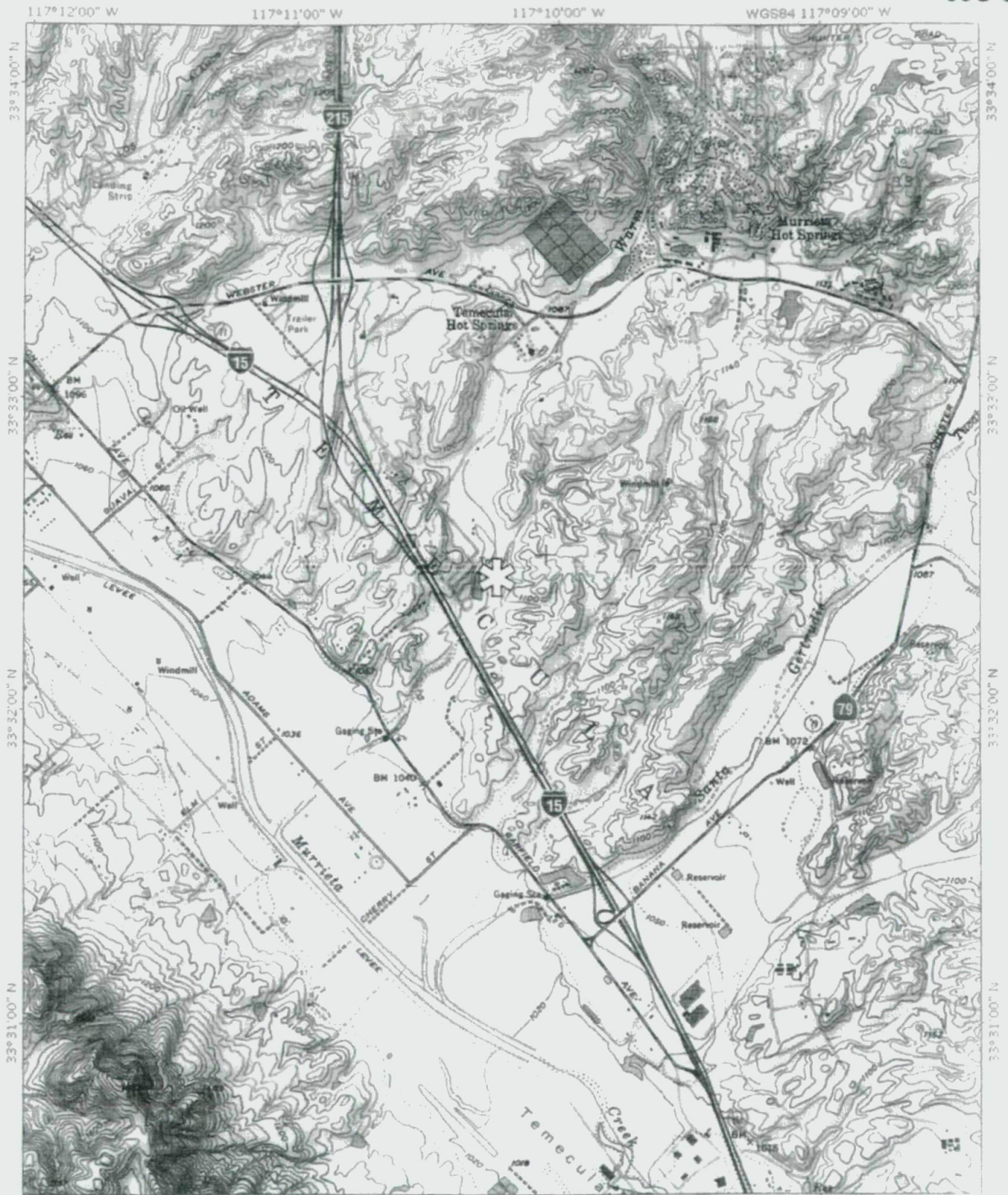
JACKSON AVENUE STREET IMPROVEMENT PROJECT
 JURISDICTIONAL DELINEATION
Regional Vicinity

Exhibit 1



ATTACHMENT 3: LOCATION AND SITE MAPS

09C-087



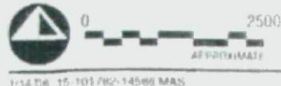
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Printed from TOPIC ©2001 National Geographic Holdings (www.topo.com)

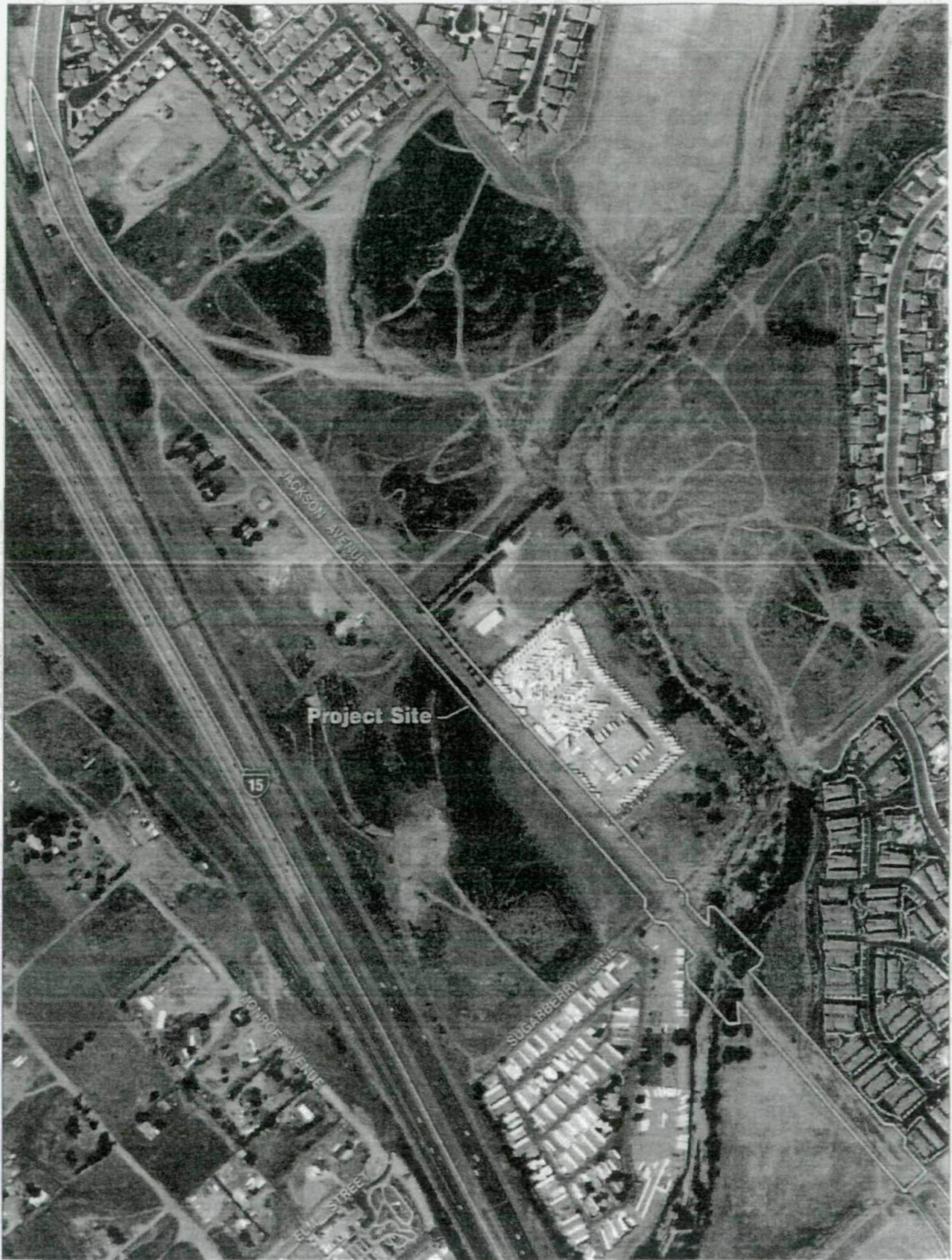
Project Site

JACKSON AVENUE STREET IMPROVEMENT PROJECT
 JURISDICTIONAL DELINEATION
Site Vicinity



1:14,066 15:101,762-14588 MARS

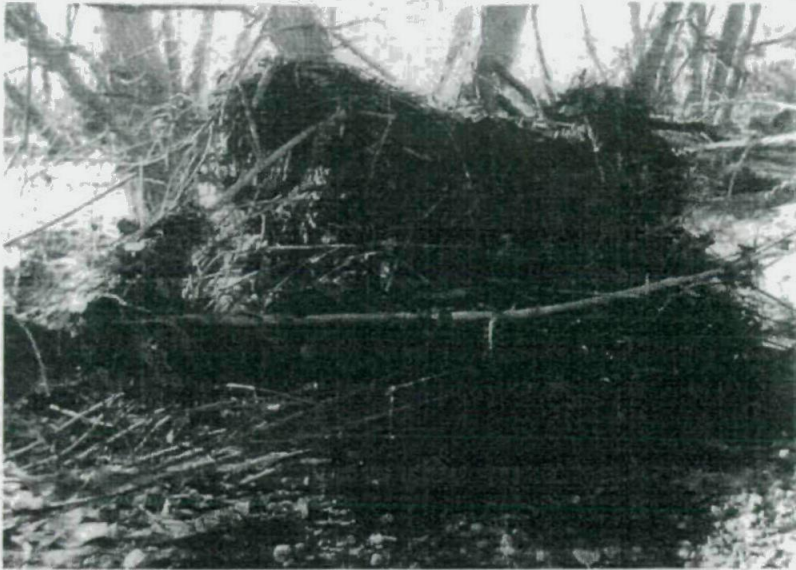
Exhibit 2



JACKSON AVENUE STREET IMPROVEMENT PROJECT
JURISDICTIONAL DELINEATION
Project Site

ATTACHMENT 3: LOCATION AND SITE MAPS

09C-087



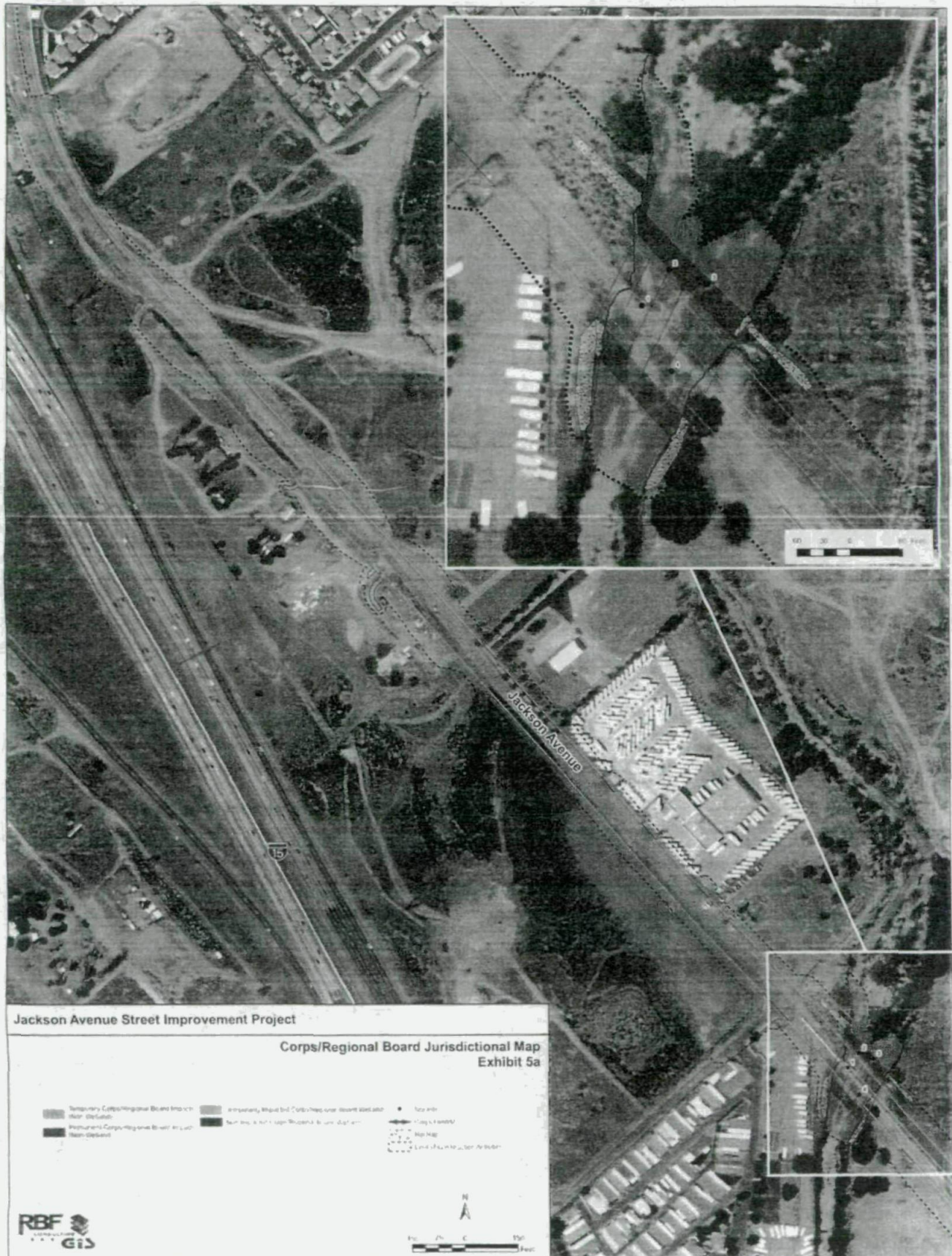
Typical view of drift and debris associated with the on-site drainage.



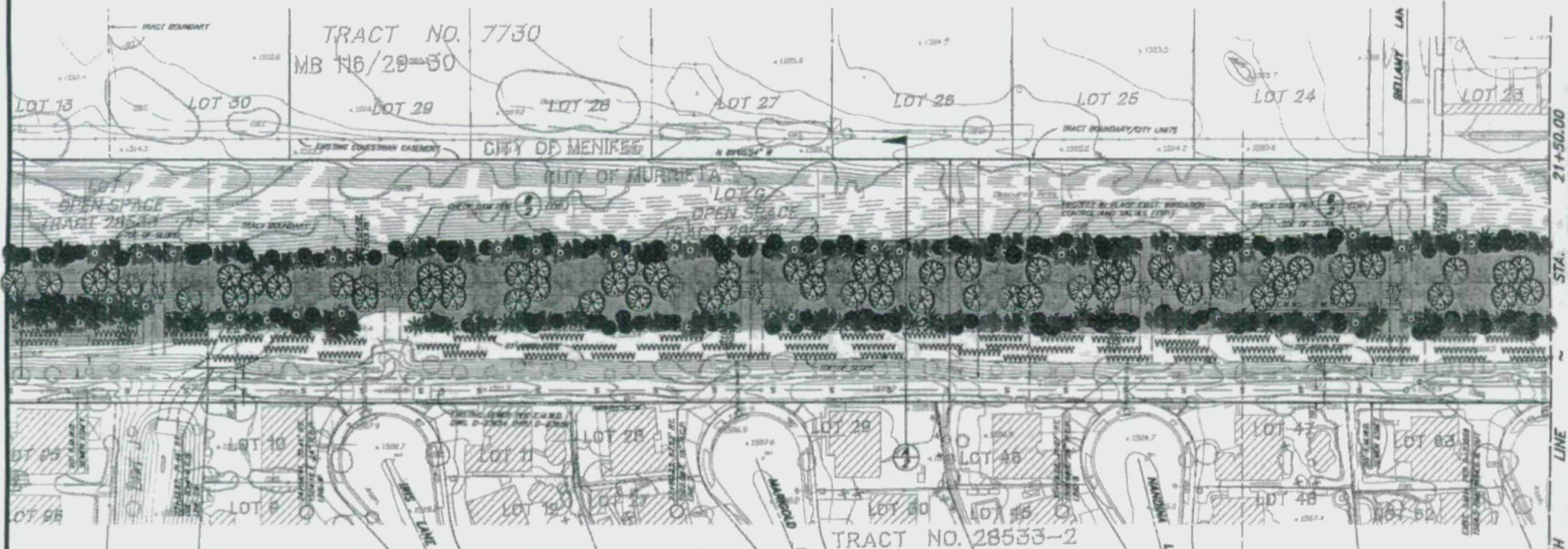
View of on-site drainage and illegal dumping activities.



Typical view of on-site soils.



ATTACHMENT 5: MITIGATION MAPS



Plant Palette

Riparian Trees				Riparian Shrubs (primary constituents)			
SYMBOL	SCIENTIFIC NAME	COMMON NAME	QUANTITY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	QUANTITY
	<i>Salix</i> sp.	willow			<i>Baccharis salicifolia</i>	mulefat	
	<i>Populus fremontii</i>	Fremont cottonwood			<i>Rosa californica</i>	California rose	
					<i>Artemisia douglasiana</i>	mugwort	
					<i>Artemisia dracunculoides</i>	wild tarragon	
					<i>Ribes aureum</i>	golden currant	
Riparian Grasses							
SYMBOL	SCIENTIFIC NAME	COMMON NAME	QUANTITY				
	<i>Juncus</i> sp.	rush					
	Annual Mow Zone						

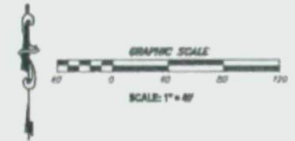
LEGEND:

Upland Slope Hydroseed Mix: California poppy (*Echechlozia californica*), giant wild rye (*Leymus condensatus*), creeping wild rye (*Leymus triticoides*), lupine (*Lupinus* sp.), California buckwheat (*Eriogonum fasciculatum*), California sagebrush (*Artemisia californica*), deerweed (*Lolium scoparium*), brittlebush (*Encelia farinosa*)

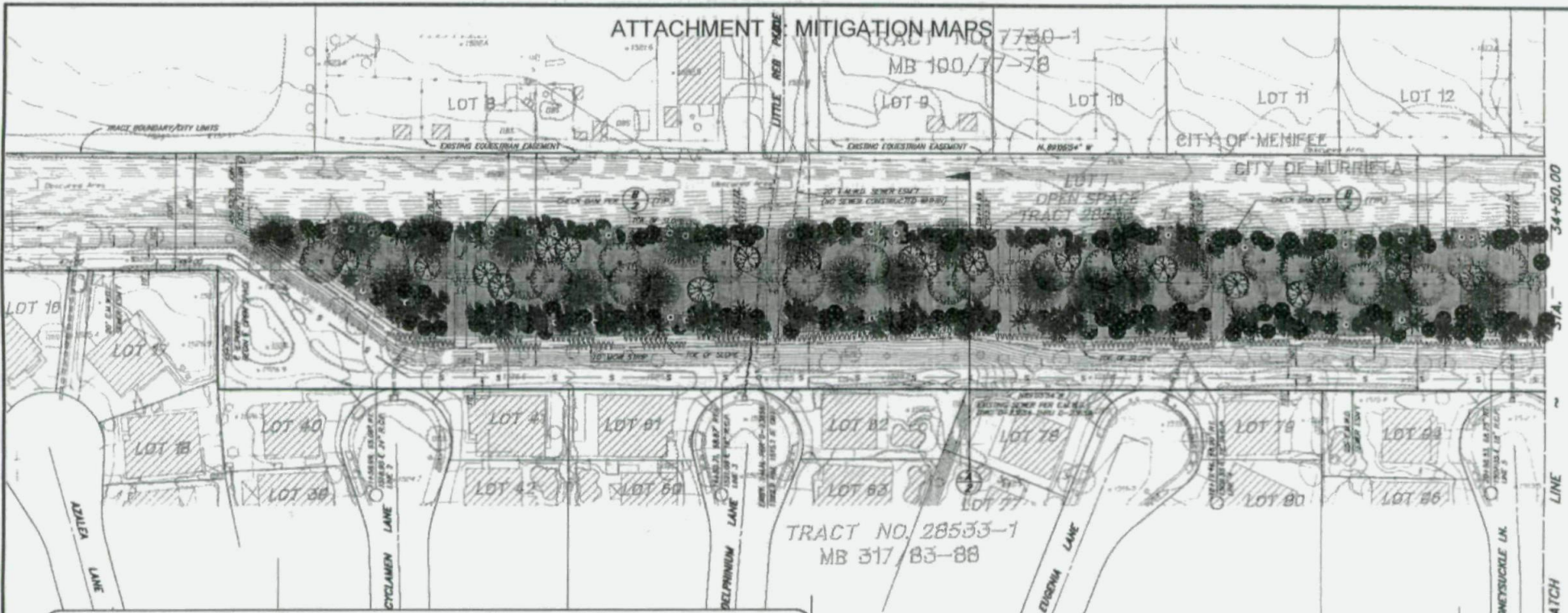
Wetland Hydroseed Mix: yerba mansa (*Anemopsis californica*), mugwort (*Artemisia douglasiana*), patch spike-rush (*Elyochloa parviflora*), Mexican rush (*Juncus mexicanus*), his leaf rush (*Juncus sphacelatus*)

Note: Plant symbols may represent multiple plants placed in the field by the Restoration Ecologist.

PROJECT MITIGATION ACREAGE SUMMARY	
JACKSON BRIDGE PROJECT	2.4 ACRES
LOS ALAMOS ROAD PROJECT	1.2 ACRES
REMAINDER	0.7 ACRES



ATTACHMENT: MITIGATION MAPS



Plant Palette

Riparian Trees				Riparian Shrubs (primary constituents)			
SYMBOL	SCIENTIFIC NAME	COMMON NAME	QUANTITY	SYMBOL	SCIENTIFIC NAME	COMMON NAME	QUANTITY
	<i>Quercus agrifolia</i>	coast live oak			<i>Rosa californica</i>	California rose	
	<i>Salix sp.</i>	willow			<i>Artemisia douglasiana</i>	mugwort	
	<i>Populus fremontii</i>	Fremont cottonwood			<i>Artemisia dracunculata</i>	wild tarragon	
	<i>Platanus racemosa</i>	western sycamore			<i>Ribes aurum</i>	golden current	

LEGEND:

Upland Slope Hydroweed Mit: California poppy (*Eschscholzia californica*), giant wild rye (*Leymus condensatus*), creeping wild rye (*Leymus trichoides*), lupine (*Lupinus sp.*), California buckwheat (*Eriogonum fasciculatum*), California sagebrush (*Artemisia californica*), deerweed (*Lotus scoparius*), britcheah (*Encelia farinosa*)

Wetland Hydroweed Mit: yucca mansa (*Anemopsis californica*), mugwort (*Artemisia douglasiana*), parish spike-rush (*Eleocharis parishii*), Mexican rush (*Juncus mexicanus*), iris leaf rush (*Juncus sphaceloides*)

Riparian Grasses			
SYMBOL	SCIENTIFIC NAME	COMMON NAME	QUANTITY
	<i>Juncus sp.</i>	rush	

~~~~~ Annual Mow Zone

Note: Plant symbols may represent multiple plants placed in the field by the Restoration Ecologist.

| PROJECT MITIGATION ACREAGE SUMMARY |           |
|------------------------------------|-----------|
| JACKSON BRIDGE PROJECT             | 2.4 ACRES |
| LOS ALAMOS ROAD PROJECT            | 1.2 ACRES |
| REMAINDER                          | 0.7 ACRES |





