



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

October 21, 2012

Ms. Nardy Khan
County of Orange
300 N. Flower Street
Santa Ana, CA 92702

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 5780

In reply refer to / attn:
748486:dbradford

SUBJECT: CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION NO. 10C-004; LAGUNA CANYON ROAD DRAINAGES PROJECT

Ms. Khan:

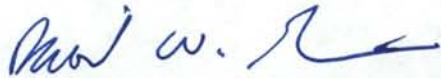
Enclosed find Clean Water Act Section 401 Water Quality Certification 10C-004 (Certification) for discharges to waters of the United States/State and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for **Laguna Canyon Road Drainages Project** (Project). A description of the Project can be found in the Project information sheet, location map, and site maps which are included as Attachments 1 through 5 to the Certification.

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 reference number 748486:dbradford. For questions or comments, please contact Darren Bradford by phone at (858) 637-7137, or by email at DBradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer
San Diego Water Board

DG:js:kkd:dlb

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 10C-004 for Laguna Canyon Road Drainages Project, with 5 attachments.

E-copies: Refer to Attachment 2 of Certification 10C-004 for Distribution List.

Tech Staff Info & Use	
File No.	10C-004
WDID	9000002022
Reg. Measure ID	372725
Place ID	748486
Party ID	251069
Person ID	377678

California Regional Water Quality Control Board, San Diego Region

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: Laguna Canyon Road Drainages Project
Certification Number 10C-004, WDID: 9000002022

APPLICANT: Ms. Nardy Khan (Agent)
County of Orange (Applicant)
300 N. Flower Street
Santa Ana, CA 92702

Reg. Meas.	372725
Place	748486
Party	251069
Person	377678

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 Laguna Canyon Road Drainages Project (Project) consists of maintenance within three existing drainage facilities and minor improvements to an existing maintenance road. These drainage facilities are identified as DS-11, DS-12, and DS-23 (See Location and Site Maps, Attachment 3), and consist of culverts that extend beneath Laguna Canyon Road and discharge flows into earthen channels located east of Laguna Canyon Road. The maintenance activities involve minor grading within the existing channels to restore an adequate drainage gradient and to prevent standing water. In addition, the existing dirt maintenance road used to access drainage facility DS-23 will be paved with asphalt-concrete paving for the first 15 feet adjacent to Laguna Canyon Road, followed by porous concrete pavement for another 48 feet east, and includes a turn-out that will allow maintenance vehicles to safely merge onto Laguna Canyon Road. The access road terminates at the top of slope above the RCP location for DS-23. Small to mid-size grading equipment will be used and all staging areas will be located within the existing dirt road.

The project will result in permanent discharges to 0.07 acre (366 linear feet) of non-wetland waters of the United States and/or State. The drainages will remain earthen, however, impacts are considered permanent since the vegetation within the facilities will be removed and will not be restored following completion of the maintenance activities.

Mitigation must include off-site restoration (re-establishment/rehabilitation) of a minimum of 0.14 acre (366 linear feet) of native riparian habitat within the Laguna Coast Wilderness Park, of which, 0.07 must be reestablishment. The proposed mitigation is within the same watershed. All mitigation sites and their buffers must be conserved and maintained in perpetuity. This provides a ratio of 2:1 (area mitigated:area impacted) for permanent impacts.

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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. 10C-004 (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, then this Certification shall expire 5 years from the date of issuance.
- B. The Applicant 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/gowdr401regulated_projects.pdf.
- C. The Applicant 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 herein. The conditions within this Certification must supersede conflicting provisions within such plans submitted as part of this Certification action.

- D. During construction, the Applicant must maintain a copy of this Certification at the project site. This Certification must be available at all times to site personnel and agencies.
- E. Upon presentation of credentials, the Applicant must permit the San Diego Water Board or its authorized representative(s) to:
 - 1. Enter onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - 2. Access and/or copy any records required to be kept under the terms and conditions of this Certification.
 - 3. Inspect of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - 4. Sample any discharge or surface water covered by this Certification
- 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 California Water Code (CWC) 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. The only restriction is that the burden, including costs of preparing the reports, must bear a reasonable relationship to the need for and the benefits to be obtained from the reports.
- H. In response to any violation of the conditions of this Certification, or if the results of the Project have unintended impacts to water quality, 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 Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and Best Management Practices (BMPs) implementation and maintenance.

- B. The Applicant 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 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 section 13260.
- D. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- E. 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 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.
- F. 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.
- G. All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant is responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. 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>.
- H. 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/State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- I. Removal of vegetation must occur by hand, mechanically, or using United States Environmental Protection Agency (USEPA) 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, the *Statewide General National*

Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States, and any subsequent reissuance as applicable. Removal of vegetation must occur outside of the avian nesting season (March 15-August 31).

- J. Except as authorized by this certification, 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. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.

IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. The Applicant shall not allow post-construction discharges to cause onsite or offsite downstream erosion, and/or damage to properties or damage to stream habitats from the project site.
- B. The Applicant must eliminate illicit discharges and prevent all nuisance flows from the development area from entering the receiving waters.

V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. Unavoidable impacts to an unnamed tributary to San Juan Creek within the San Juan Watershed are limited to:
1. Permanent Impacts - 0.07-acre (366-linear feet) of non-wetland waters of the United States and/or State.
 2. Temporary Impacts – None.
- B. Mitigation must include off-site restoration (re-establishment/rehabilitation) of a minimum of 0.14 acre (366 linear feet) of native riparian habitat within the Laguna Coast Wilderness Park, of which, 0.07 must be re-establishment. All mitigation sites and their buffers must be conserved and maintained in perpetuity. This provides a ratio of 2:1 (area mitigated:area impacted) for permanent impacts.
- C. Compensatory mitigation for unavoidable impacts must be implemented as described in the *Habitat Mitigation and Monitoring Program for the Laguna Canyon Road Drainage Systems Project*, dated October, 2011. Mitigation, maintenance, monitoring, and long-term management of the mitigation sites must be implemented as described in this document. Any deviations must be approved by the San Diego Water Board.

- D. The Applicant must restore areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
- E. The mitigation sites must be designed, constructed, and maintained, in perpetuity, to meet the following conditions:
1. Most of the channels through the mitigation sites are 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 sites have a well-developed plant community characterized by a high degree of horizontal and vertical interspersation among plant zones and layers.
- F. The construction of proposed mitigation must be concurrent with project grading and 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 by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- G. The Applicant 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.
- H. Mitigation shall be considered acceptable once it has met the predetermined success criteria for that site, and must be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.
- I. Mitigation sites must be maintained, in perpetuity, 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 mitigation sites.
- J. Mitigation shall be considered acceptable once it has met the predetermined success criteria for that site, and must be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.

- K. 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.
- L. 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 Applicant is responsible for repair and replanting of the damaged area(s).
- M. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States and/or 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 and/or 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 and/or 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 and/or 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 and/or State (e.g., conservation easement).

VI. MONITORING REQUIREMENTS

A. California Rapid Assessment Method

The California Rapid Assessment Method (CRAM) must be utilized at the impact and mitigation site(s) prior to impacts to establish pre-project baseline conditions. In addition, CRAM must be utilized at the mitigation site(s) following completion of the mitigation site construction at years 3 and 5 and continuing until success criteria have been met. The results of the CRAM assessment must be submitted **each year with the Annual Monitoring Reports** and data must be uploaded into eCRAM (<http://www.cramwetlands.org>).

VII. NOTIFICATION REQUIREMENTS

- A. The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of 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 recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser 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 of ownership.**
 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the Executive Officer of the San Diego Water Board within **10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

- C. **Within six months of the start of construction**, the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation sites and their buffers in perpetuity. **Within one year of the start of construction**, the Applicant must submit proof of a completed preservation mechanism that will protect all mitigation sites and their 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 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.
- D. The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

VIII. REPORTING REQUIREMENTS

- A. The Applicant must submit Geographic Information System (GIS) shape files of the impact and mitigation sites within 30 days of project impacts and the mitigation sites within 30 days of mitigation installation. All impact and mitigation sites shape files must

be polygons. 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.

- B. The Applicant must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **January 1** of each year following the issuance of this Certification until the project has reached completion. The Applicant must submit a Final Project Annual Report to the San Diego Water Board prior to **January 1** following completion of the project. The reports must include the following:
1. Date of construction initiation.
 2. Date of construction completion.
 3. Status of BMPs for the project.
 4. Final Project Report: Photo documentation of implemented post-construction BMPs. 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 Global Positioning System (GPS) coordinates for each of the photo points referenced.
- C. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **January 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;
 8. Width of native vegetation buffer around the entire mitigation site;

9. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results.
 10. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation sites, 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.
- D. All information requested in this Certification is pursuant to CWC section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
- E. 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.
- F. 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.

- G. 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."

- H. The Applicant 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. 10C-004
9174 Sky Park Court, Suite 100
San Diego, California 92123

IX. CEQA FINDINGS

- A. County of Orange is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination for the Mitigated Negative Declaration titled IP 09-338 for the Laguna Canyon Road Drainage Improvements Project, State Clearing House No. 201085000594, May 10, 2010.
- B. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and finds that the project as proposed will not have a significant effect on the environment if compensatory mitigation is accomplished as conditioned in this Certification.

X. PUBLIC NOTIFICATION OF PROJECT APPLICATION

- A. On January 26, 2010, 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.

XI. SAN DIEGO WATER BOARD CONTACT PERSON

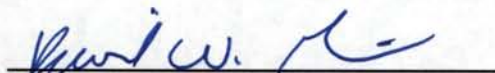
Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Telephone: 858-637-7137
Email: DBradford@waterboards.ca.gov

XII. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Laguna Canyon Road Drainages Project** (Certification No. 10C-004) 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).

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 10C-004 issued on October 21, 2012.



DAVID W. GIBSON
Executive Officer
San Diego Regional Water Quality Control Board

10/17/12

Date

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

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: County of Orange (Applicant)
Department of Public Works
300 North Flower Street
Santa Ana, CA 92702

**Applicant
Representatives:** Ms. Nardy Khan (Agent)
Telephone: 714-834-2340
Email: Nardy.Khan@ocpw.ocgov.com

Project Name: Laguna Canyon Road Drainages Project

Project Location: The Project site is located along existing Laguna Canyon Road (State Route [SR] 133), north of SR-73 in unincorporated Orange County (Exhibit 1). The Project site is located on the U.S. Geological Survey's (USGS') Laguna Beach 7.5-minute topographic quadrangle. The Project site is also located within Laguna Coast Wilderness Park and within the Natural Community Conservation Plan (NCCP) reserve. The project center reading is located at latitude 33.603132 and longitude -117.761795.

Type of Project: Minor grading to restore an adequate drainage gradient and to prevent standing water within three existing stream channels and minor improvements to an existing maintenance road.

Project Description: The Laguna Canyon Road Drainages Project (Project) consists of maintenance within three existing drainage facilities and minor improvements to an existing maintenance road. These drainage facilities are identified as DS-11, DS-12, and DS-23, and consist of culverts that extend beneath Laguna Canyon Road and discharge flows into earthen channels located east of Laguna Canyon Road. The maintenance activities involve minor grading within the existing channels to restore an adequate drainage gradient and to prevent standing water. In addition, the existing dirt

maintenance road used to access drainage facility DS-23 will be paved with asphalt-concrete paving for the first 15 feet adjacent to Laguna Canyon Road, followed by porous concrete pavement for another 48 feet east, and includes a turn-out that will allow maintenance vehicles to safely merge onto Laguna Canyon Road. The access road terminates at the top of slope above the RCP location for DS-23. Small to mid-size grading equipment will be used, and all staging areas will be located within the existing dirt road.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Nationwide Permit No. 3-Maintenance, Mr. Jason Lambert.

Other Required Regulatory Approvals: California Department of Fish and Game (CDFG) § 1602 Streambed Alteration Agreement, Mr. Kevin Hupf.

California Environmental Quality Act (CEQA) Compliance: Mitigated Negative Declaration, IP 09-338 for the Laguna Canyon Road Drainage Improvements Project, County of Orange, Public Works, State Clearing House No. 201085000594, May 10, 2010.

Receiving Waters: Three unnamed tributaries to Laguna Canyon Channel. San Juan hydrologic unit, Laguna hydrologic area, Laguna Beach hydrologic sub area.

Impacted Wetlands of the United States and State: Permanent –
Wetlands None
Streambed 0.07-acre, 366-linear feet

Temporary – None- The drainages will remain earthen, however, impacts are considered permanent since the vegetation within the facilities will be removed and will not be restored following completion of the maintenance activities.

Dredge Volume: None

Related Projects Implemented/to be Implemented by the Applicant(s): None

Compensatory Mitigation: Mitigation for unavoidable impacts is described in the Habitat Mitigation and Monitoring Program for Laguna Canyon Road Drainage Systems Project, dated October 12, 2011.

Mitigation must include off-site restoration (re-establishment/rehabilitation) of a minimum of 0.14 acre (366 linear feet) of native riparian habitat within the Laguna Coast Wilderness Park, of which, 0.07 must be re-establishment. All mitigation sites and their buffers must be conserved and maintained in perpetuity. This provides a ratio of 2:1 (area mitigated:area impacted) for permanent impacts.

Best Management Practices (BMPs): BMPs must include, but not be limited to:

- Silt fencing.
- Fiber rolls.
- Gravel bag berms.
- Concrete washout area.
- Stabilized construction entrance/exit.
- Spill prevention and control.
- Street sweeping and vacuuming.

Public Notice: On January 26, 2012, 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.

Fees: Total Due: \$0.00
Paid: \$2,330.00 (Check No.01-00084007)
Paid: \$652.00 (Check No. 01-00160236)

CIWQS: Regulatory Measure ID: 372725
Place ID: 748486
Party ID: 251069
Person ID: 377678
WDID 9000002022

**ATTACHMENT 2
DISTRIBUTION LIST**

Mr. Jason Lambert
U.S. Army Corps of Engineers
Regulatory Branch
Jason.p.lambert@usace.army.mil

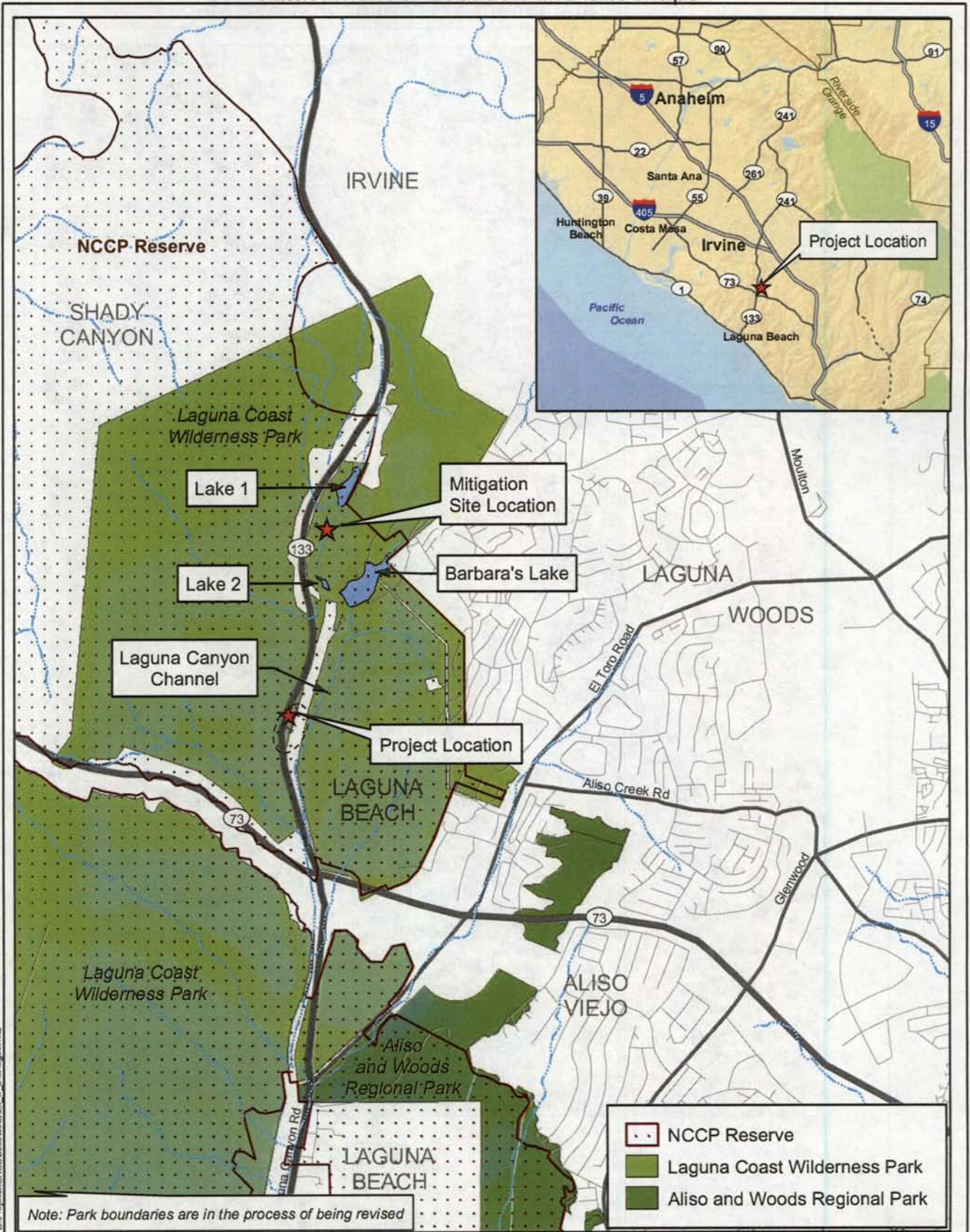
Mr. Kevin Hupf
California Department of Fish and Game
khupf@dfg.ca.gov

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

SONICA KOHLI, P.E.
OC Public Works
Projects & Regulatory Permits
Sonica.Kohli@ocpw.ocgov.com

Attachment 3: Location and Site Maps

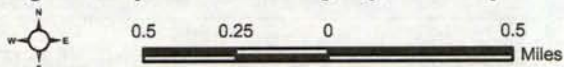


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Project Location

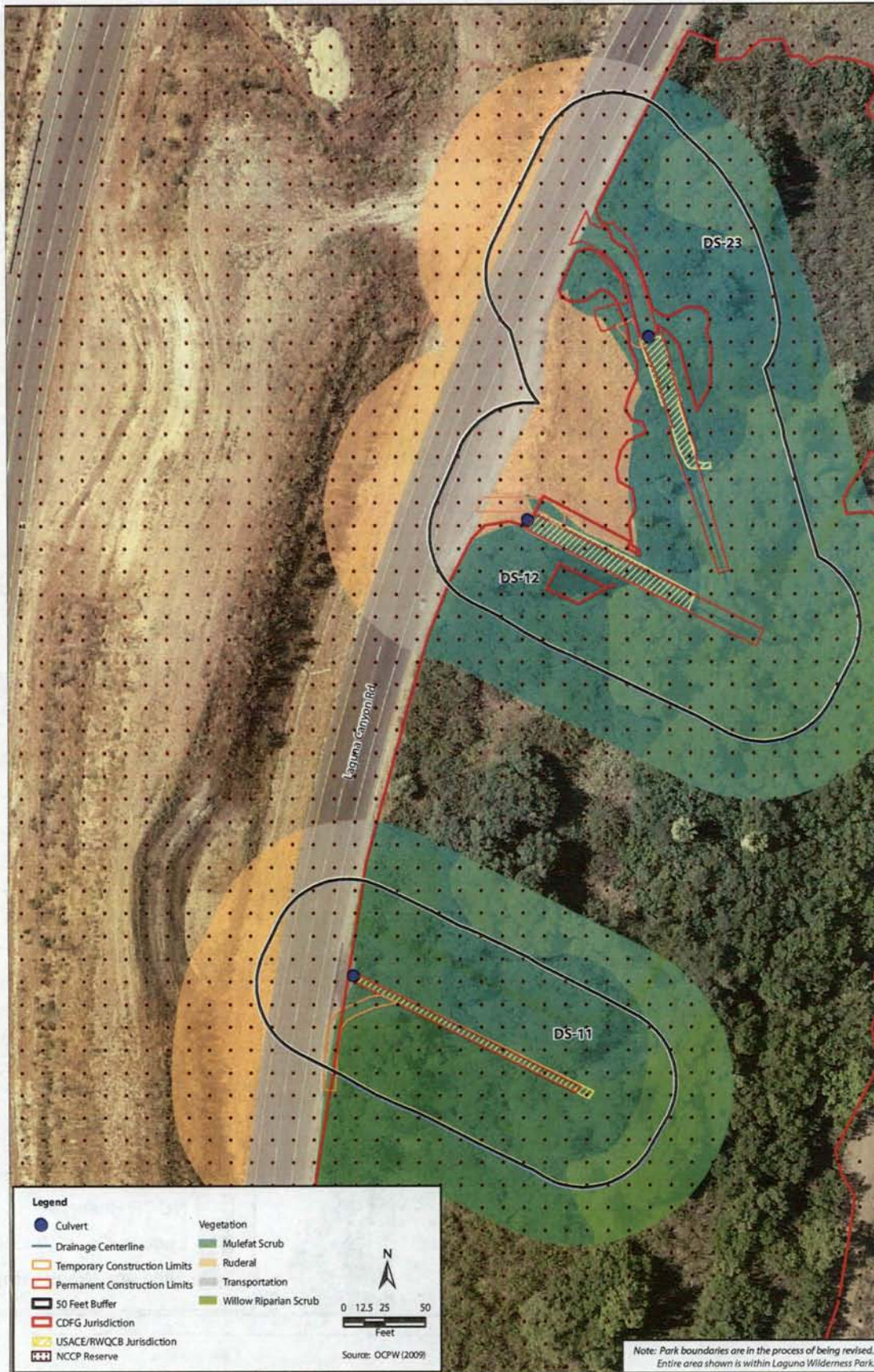
Exhibit 1

Habitat Mitigation and Monitoring Program
Laguna Canyon Road Drainage Systems Project



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CONSULTING

Attachment 3: Location and Site Maps



Drainage Structure Locations and Impacts

Exhibit 2

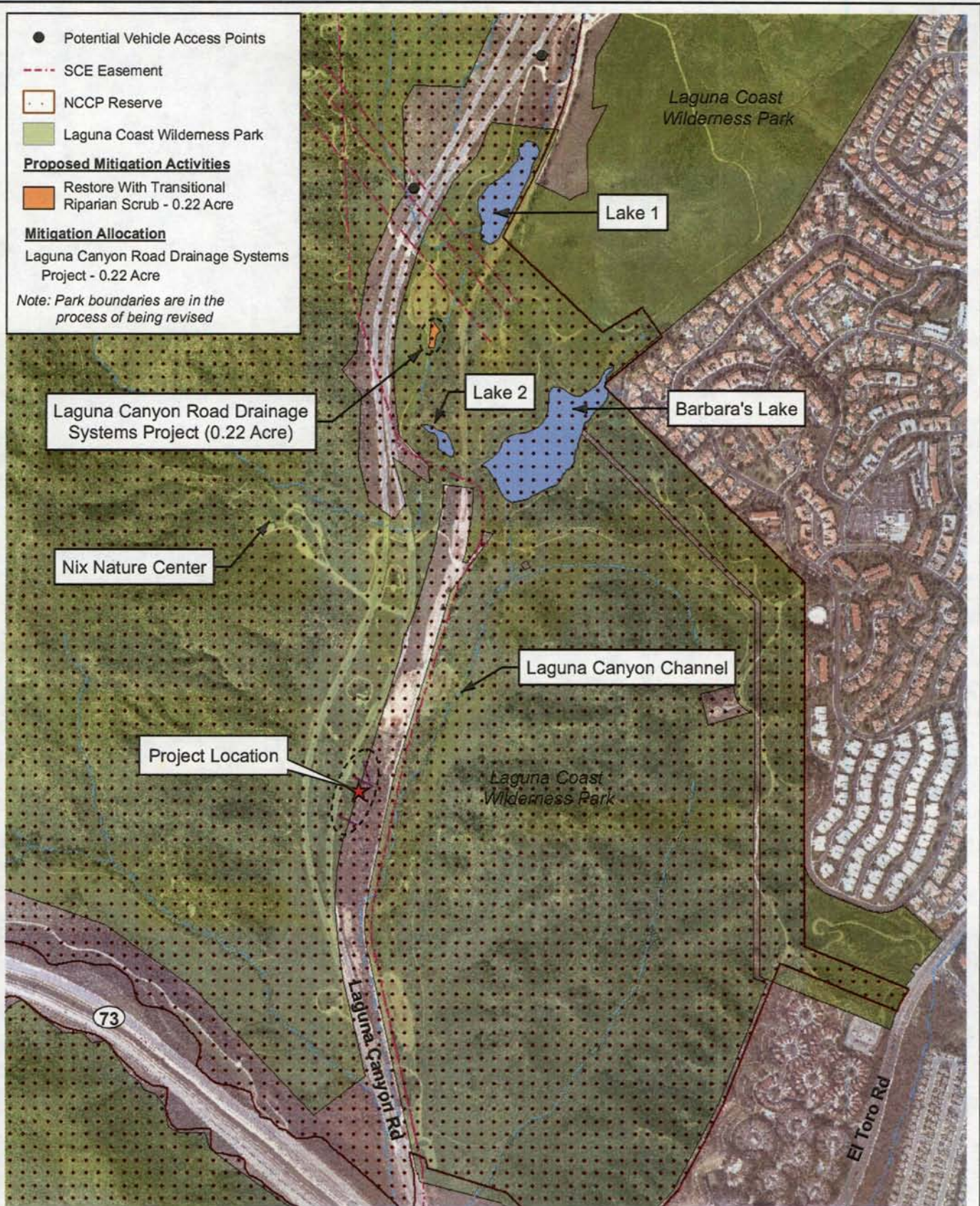
Habitat Mitigation and Monitoring Program
Laguna Canyon Road Drainage Systems Project



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CONSULTING

(092811 JFG) R:\Project\CrCo\063\Graphics\Drainages_HMM\Pre2_drainages.pdf

Attachment 4: Mitigation Site Map

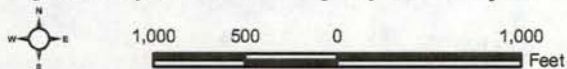


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Proposed Mitigation Site

Exhibit 4

Habitat Mitigation and Monitoring Program
Laguna Canyon Road Drainage Systems Project



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CONSULTING

Attachment 5: Site Figures

DATE PLOTTED: 01/10/12
 TIME PLOTTED: 4:11 PM
 12-01-10

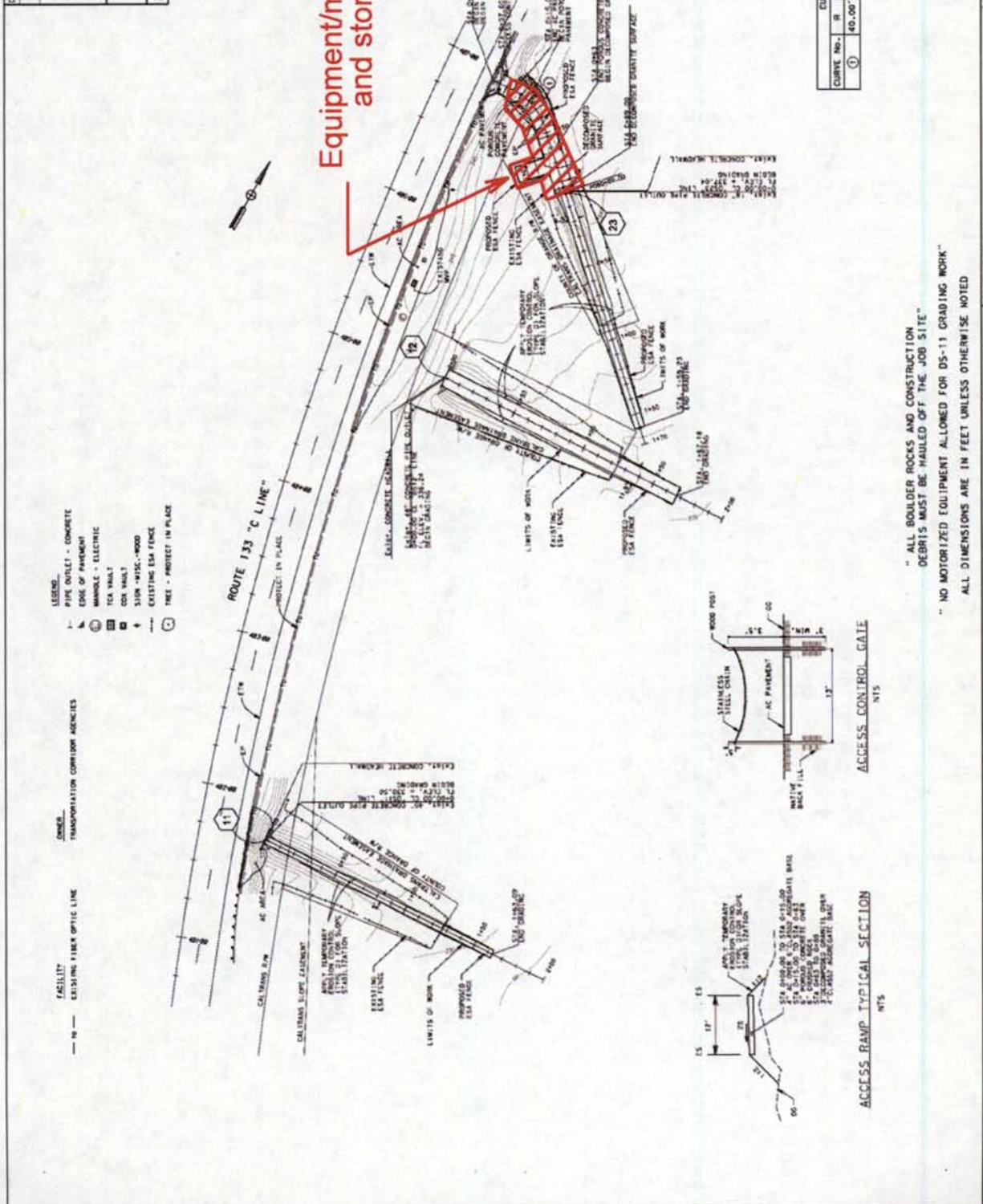
PROJECT NO.	12
COUNTY	OPD
LOCATION CODE	133
PROJECT	4-80/4-81
SHEET NO.	5
TOTAL SHEETS	7

12/1/10
 REGISTERED CIVIL ENGINEER - DATA

PLANS APPROVAL DATE
 COUNTY OF ORANGE
 PUBLIC WORKS
 1000 WEST GARDEN STREET
 SANTA ANA, CALIFORNIA 92703

USAM LEE
 CIVIL ENGINEER
 No. 62783

For the accuracy of information or for errors or omissions, the engineer assumes no responsibility for the accuracy of information or for errors or omissions of this plan sheet.



Curve No. 1

Curve No.	R	L	T	Δ
1	40.00'	32.59'	17.26'	46°40'11"

" ALL BOULDER ROCKS AND CONSTRUCTION DEBRIS MUST BE HAULED OFF THE JOB SITE "

" NO MOTORIZED EQUIPMENT ALLOWED FOR DS-11 GRADING WORK "

ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	PROJECT ENGINEER	DESIGNED BY	USAM LEE
PROJECT ENGINEER	USAM LEE	CHECKED BY	SM ALL
REVISIONS	REVISED BY	GATE REVISED	