



# California Regional Water Quality Control Board San Diego Region



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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

**Matthew Rodriguez**  
Secretary  
for  
Environmental Protection

**Edmund G. Brown Jr.**  
Governor

March 8, 2012

**Certified Mail – Return Receipt Requested**  
Article Number: 7011 0470 0002 8961 5094

Mr. Ron Caraet  
Program Manager  
California Department of Transportation  
4050 Taylor Street  
San Diego, CA 92110

In reply refer to:  
768188: mporter

Dear Mr. Caraet:

**SUBJECT: Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 11C-052 for the I-805 North Managed Lanes Project**

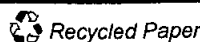
The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the I-805 North Managed Lanes Project Certification, number 11C-052. On January 12, 2012, the San Diego Water Board received an amendment request from the California Department of Transportation (attached).

After a review of the I-805 North Managed Lanes Project file and the amendment request, I concur that the proposed change is a reasonable modification to the original Clean Water Act section 401 Water Quality Certification (Certification). As a result, the Certification for the I-805 North Managed Lanes Project has been amended to reflect the proposed change detailed below.

The proposed change is limited to Additional Condition III.J. and shown in redline/strikeout in the following paragraph:

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. The clearing and grubbing of native habitats will occur from September 1 to February 14 to avoid impacts to nesting birds. However, vegetation may be removed during this time if a qualified biologist conducts a survey for nesting birds within one week of vegetation removal, and ensures no nesting birds shall be impacted by the project. If nesting birds are present, no work shall occur until the young have fledged and will no longer be impacted by the project. Removal of vegetation must occur outside of the avian nesting season (March 15 to August 31).

**California Environmental Protection Agency**



Any petition for reconsideration of this Certification amendment 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 the California Department of Transportation has accepted and will comply with all conditions of the revised Certification. Failure to comply with all conditions of this Certification may result in enforcement actions against the California Department of Transportation.

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 Mike Porter at 858-467-2726 or [mporter@waterboards.ca.gov](mailto:mporter@waterboards.ca.gov).

Respectfully,



DAVID W. GIBSON  
Executive Officer

Enclosure:

Amendment Requested dated January 12, 2012.

E-copies:

Ms. Sophia C. Huynh  
Environmental Protection Specialist/Senior PM  
USACOE-Los Angeles District  
Regulatory Division  
[sophia.c.huyn@usace.army.mil](mailto:sophia.c.huyn@usace.army.mil)

Mr. Tim Dillingham  
California Department of Fish and Game  
South Coast Region  
Habitat Conservation Planning – North  
[tdillingham@dfg.ca.gov](mailto:tdillingham@dfg.ca.gov)

Mr. Eric Raffini  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency, Region 9  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

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

Tech Staff Info & Use	
File No.	11C-052
WDID	9000002308
Reg. Measure ID	380099
Place ID	768188
Party ID	7222
Person ID	527665

**DEPARTMENT OF TRANSPORTATION**

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January 12, 2012

Mr. David W. Gibson  
Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, California 92123-4353

Dear Mr. Gibson:

**SUBJECT: Clean Water Act Section 401 Water Quality Certification No. 11C-052  
for the I-805 North Managed Lanes Project; 768188: mporter.**

This letter is to request an amendment to Permit No. 11C-052. The amendment we would like to address is located in Section III, Part J of the permit. We would like the wording in Section III, Part J to be changed to read as below:

- Section III 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. The clearing and grubbing of native habitats will occur from September 1 to February 14 to avoid impacts to nesting birds. However, vegetation may be removed during this time if a qualified biologist conducts a survey for nesting birds within one week of the vegetation removal, and ensures no nesting birds shall be impacted by the project. If nesting birds are present, no work shall occur until the young have fledged and will no longer be impacted by the project.

After reviewing the Dredge and Fill Fee Calculator, we believe that no additional fees would be needed for this amendment. This minor change does not require any additional technical analysis from the RWQCB. If you have any questions, please contact Pauline Lamphere of my staff at (619) 688-0117 or at [Pauline.Lamphere@dot.ca.gov](mailto:Pauline.Lamphere@dot.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "K. Smith".

KIM SMITH, Chief  
Environmental Stewardship and Ecological Studies Branch

*"Caltrans improves mobility across California"*

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1. Article Addressed to:  
*Ron Carvet*  
*Program Manager*  
*Caltrans*  
*4050 Taylor St.*  
*San Diego CA 92110*

2. Article Numbr  
 (Transfer from) 7011 0470 0002 8961 5094

**COMPLETE THIS SECTION ON DELIVERY**

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B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

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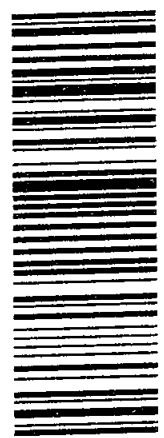
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PS Form 3811, February 2004 3-8 Domestic Return Receipt *m. Porter* 102595-02-M-1540

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Sent To  
*Ron Carvet, Caltrans*  
 Street, Apt. No. \_\_\_\_\_  
 or PO Box No. *4050 Taylor St.*  
 City, State, ZIP+4  
*San Diego CA 92110*

PS Form 3800, August 2006 See Reverse for Instructions