



California Regional Water Quality Control Board

San Diego Region



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September 28, 2009

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2347 6033

Gregory Canyon, Ltd. LLC
Attention: Jerry Riessen
1551-G Tiburon Blvd
Suite 614
Tiburon, CA 94920

In reply refer to:
227954: mporter

Dear Mr. Riessen:

The California Regional Water Quality Control Board, San Diego Region (Regional Board), received your application for Water Quality Certification for the **Gregory Canyon Bridge** on September 17, 2009, and it was assigned file number **09C-073**. If necessary, further information to clarify, amplify, correct, or otherwise supplement the complete application may be requested following receipt of this notification if items #1-8 listed below are not fully addressed.

Pursuant to 23 CCR § 3856, your application has been deemed:

COMPLETE

■ INCOMPLETE for the following reasons:

Full, technically-accurate description, including the purpose and final goal of the entire activity [23 CCR § 3856(b)].

■ Complete project description [23 CCR § 3856(h)(1-8)].

- 1) The current application form was not submitted with the application. The current version of the application form is at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401app.pdf and is attached. The current version of the application has additional information that we use to track all projects that receive water quality certifications. Further, the new application requests more in-depth information than the previous application form - such as river water velocities and shear forces for different sized storms for pre- and post-construction conditions.
- 2) Please describe the permanent and temporary impacts in linear feet (in addition to area). The Regional Board uses both measurements to calculate appropriate application fees.

California Environmental Protection Agency

- 3) Page 6 of 10 in the application states that no dredging will occur. However, this appears to contradict page 4 of 10 that states Best Management Practices (BMPs) will be used to control dredge spoils. Please clarify this contradiction.
 - 4) The Storm Water Pollution Prevention Plan (SWPPP) does not describe what types of BMPs will be used to control construction waste and pollutants during the borehole drilling for the bridge pier piles. Please describe the type of drilling that will be done, potential sources of pollutants from that drilling method, seasonal staging of the drilling operation and pier construction relative to the rainy or monsoon season, and if coffering will be used. If coffering is used, the area occupied by the coffer dams may be considered a temporary impact by the Army Corps of Engineers (ACOE) and would need to be reflected on the application form.
 - 5) Multiple areas of the application package state that the existing, low-flow crossing downstream of the proposed bridge will be abandoned after construction is complete. Please describe if that means the low-flow crossing will be left in-place as it exists today, or if it will be removed. If it is to be removed, that removal action could count as mitigation by restoring some of the hydro-morphologic functions of the San Luis Rey River.
 - 6) Multiple areas of the application package state that temporary impacts will be mitigated by revegetating those areas. Please provide a planting palette for those areas to be revegetated.
 - 7) The submitted bridge site plans (Nolte) have been photo-reduced to a point where the plans are not legible. Please submit full-sized plans for use by Regional Board and use by the public viewing the application package on the Regional Board's website.
 - 8) Page 5-17 in the SWPPP states that a Storm Water Management Plan has been prepared and describes the post-construction BMPs. However, a Storm Water Management Plan was not submitted with this application package. Some post-construction BMP figures were found in the SWPPP, but that does not replace a Storm Water Management Plan for describing post-construction conditions and abatement of pollutants. Please submit a Storm Water Management Plan that thoroughly describes post-construction conditions, sources of post-construction pollutants, BMPs evaluated, BMPs selected, sizing criteria for selected BMPs, retention of post-construction flows and sizing, and fully complies the County of San Diego's Standard Urban Stormwater Mitigation Plan.
- Identification of the federal license/permit (i.e., agency, type, NWP number, file number) [23 CCR § 3856(c)].

- Copies of federal application, notification, agency-applicant correspondence, or signed statement that none is applicable [23 CCR § 3856(d)].
- Copies of any final or (if not final) draft federal, state, or local licenses, permits, or agreements concerning the project (i.e., Fish and Game Streambed Alteration Agreement). If none are available, a list of those being sought [23 CCR § 3856(e)].
- A draft or final CEQA document [23 CCR § 3856(f)]. Note: Per the Permit Streamlining Act, final CEQA documentation cannot be required for a complete application; however, per CEQA, a final document must be reviewed before taking an action.
- The correct deposit [23 CCR § 3856(g)].

While a deposit of \$640.00 is required for an application to be considered complete, the entire fee must be paid prior to the Regional Board taking a certification action. **Note: At this time and based on information (lack of information on linear feet of impacts) provided in your application, we cannot determine any additional fees. When those linear feet of impacts are submitted, the Regional Board will perform the calculation and determine the application fee.**

Once the information requested above has been received and deemed satisfactory and any additional outstanding fees are resolved, the Regional Board will proceed to review and take action on your request consistent with the regulations of the State Water Resources Control Board with respect to water quality certification. Also, please note that the Regional Board considers the California Environmental Quality Act process with respect to this matter was completed as of November 2008.

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) 467-4726 or mporter@waterboards.ca.gov.

Respectfully,



John Robertus
Executive Officer
Regional Water Quality Control Board

cc: Ms. Frances L. McChesney, Senior Staff Counsel
Office of the Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814-2828

Mr. Robert Smith
U.S. Army Corps of Engineers
San Diego Field Office
6010 Hidden Valley Road
Suite 105
Carlsbad, CA 92011

Mr. Bill Magdych
URS Corporation
1615 Murray Canyon Road
Suite 1000
San Diego, CA 92108

Via email: Gregory Canyon Lyris Listmanager

Tech Staff Info & Use	
File No.	09C-073
WDID	9000001968
Place ID	227954

Contents of A Complete Application

23 CCR §3856. Contents of A Complete Application.

A complete application shall include all of the following information items:

- (a) The name, address, and telephone number of:
 - (1) the applicant, and
 - (2) the applicant's agent (if agent is submitting the application)
- (b) A full, technically accurate description, including the purpose and final goal, of the entire activity.
- (c) Complete identification of all federal licenses/permits being sought for or applying to the proposed activity, including the :
 - (1) federal agency;
 - (2) type (e.g., individual license, regional general permit, nationwide permit, etc.);
 - (3) license/permit number(s) (e.g., nationwide permit number), if applicable; and
 - (4) file number(s) assigned by the federal agency(ies), if available.
- (d) Complete copies of either:
 - (1) the application(s) for federal license(s)/permit(s) being sought for the activity, or,
 - (2) if no federal applications are required, any notification(s) concerning the proposed activity issued by the federal agency(ies), or,
 - (3) if no federal notifications are issued, any correspondence between the applicant and the federal agency(ies) describing or discussing the proposed activity.

If no application, notification, correspondence or other documentation must be exchanged between the applicant and federal agency(ies) prior to the start of the activity, the application shall include a written statement to this effect.

- (e) Copies of any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft documentation is available, a list of all remaining agency regulatory approvals being sought shall be included.

If the federal licenses or permits required for the activity include a FERC licenses or amendment to a FERC license, a complete copy of a draft application for the FERC license or amendment to a FERC license meeting the requirements of Subsection 4.38(c)(4) of Title 18 of the Code of Federal Regulations is required.

- (f) A copy of any draft or final CEQA document(s), if available, prepared for the activity. Although CEQA documentation is not required for a complete application, the certifying agency shall be provided with and have ample time to properly review a final copy of valid CEQA documentation before taking a certification action.
- (g) The correct fee deposit, as identified in Section 3833 of this Chapter.
- (h) A complete project description includes:
 - (1) Name(s) of any receiving water body(ies) that may receive a discharge.
 - (2) Type(s) of receiving water body(ies) (e.g., at a minimum: river/streambed, lake/reservoir, ocean/estuary/bay, riparian area, or wetland type).
 - (3) Location of the activity area in latitude and longitude, in township/range, or clearly indicated on a published map of suitable detail, quality, and scale to allow the certifying agency to easily identify the area and water body(ies) receiving any discharge.
 - (4) For each water body type reported under Subsection (h)(2) of this Section, the total estimated quantity of waters of the United States that may be adversely impacted temporarily or permanently by a discharge or by dredging. The estimated quantity of waters to be adversely impacted by any discharge shall be reported in acres and (for channels, shorelines, riparian corridors, and other linear habitat) linear feet, except that dredging estimates shall be reported in cubic yards.
 - (5) The total estimated quantity (in acres and, where appropriate, linear feet) of waters of the United States, by type (see Subsection (h)(2) of this Section) proposed to be created, restored, enhanced, purchased from a mitigation or conservation bank, set aside for protection, or otherwise identified as compensatory mitigation for any anticipated adverse impacts. If compensatory mitigation is to be provided in some other form, that shall be explained.
 - (6) A description and conceptual plan of any other steps that have been or will be taken to avoid, minimize, or compensate for loss of or significant adverse impacts to beneficial uses of waters of the state.
 - (7) The total size (in acres), length (in feet) where appropriate, type, and description of the entire project area, including areas outside of jurisdictional waters of the United States.
 - (8) A brief list/description, including estimated adverse impacts of any projects implemented by the applicant within the last five years or planned

for implementation by the applicant within the next five years that are in any way related to the proposed activity or that may impact the same receiving water body(ies) as the proposed activity. For purposes of this item, the water body extends to a named source or stream segment identified in the relevant basin plan.

Adopted from the U.S. Army Corps of Engineers, Los Angeles District's Special Public Notice, MITIGATION GUIDELINES AND MONITORING REQUIREMENTS, dated January 27, 2003.

In expansion of the definition of Contents of A Complete Application (h)(6) above, the plan must include, but not be limited to, the following:

- a. A site map showing the location of the mitigation area in relationship to the impact area.
- b. A map showing existing resources within and adjacent to the mitigation area.
- c. A figure showing the proposed plant layout and plant palette.
- d. A discussion of beneficial uses (as described in the Basin Plan) that will be lost or impacted through project implementation, and how the proposed mitigation will compensate for these losses/impacts.
- e. A discussion of maintenance and monitoring activities and duration.
- f. A conceptual mitigation plan prepared to the Army Corps of Engineers guidelines may be submitted in lieu of the above items for an application to be considered complete. However, for a certification action to be taken, all of the information in items 1-5 must be provided to the Regional Board.