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**Santa Ana Regional Water Quality Control Board**

September 27, 2016

Ms. Katherine Rubin  
Manager of Wastewater Quality and Compliance  
Los Angeles Department of Water and Power  
111 N Hope Street  
Room 1213  
Los Angeles, California 90012

katherine.rubin@ladwp.com

**NOTICE OF APPLICABILITY (NOA) FOR COVERAGE UNDER THE STATE WATER RESOURCES CONTROL BOARD GENERAL 401 WATER QUALITY CERTIFICATION ORDER NO. SB12002GN FOR US ARMY CORPS OF ENGINEERS 2012 CERTIFIED NATIONWIDE PERMITS.**

**FILE: LOS ANGELES DEPARTMENT OF WATER AND POWER, BLUE CUT FIRE EMERGENCY REPAIRS PROJECT (SARWQCB PROJECT NO. 362016-21)**

Dear Ms. Rubin:

On September 11, 2016, the Santa Ana Regional Water Quality Control Board (Regional Water Board) received a 2012 Certified Nationwide Permit Notice of Intent (NOI) form to comply with the terms of, and obtain coverage under, the State Water Resources Control Board (SWRCB) Clean Water Act Section 401 Water Quality Certification of the U.S. Army Corps of Engineers 2012 Nationwide Permits, Order No. SB12002GN (General 401 Order)<sup>1</sup>, for the Los Angeles Department of Water and Power (DWP) Blue Cut Fire Emergency Repairs Project (Project).

The proposed Project is located in the Cajon Pass area of the San Bernardino National Forest (SBNF) on portions of Swarthout Canyon Road and SBNF Forest Road 3N49. The proposed Project site is mapped on the Cajon, California U.S. Geological Survey (USGS) 7.5-minute series topographic map, in Section 11 of Township 2 North, Range 6 West and in Section 14 of Township 3 North, Range 6 West. The coordinate of the southernmost work location is latitude 34°17' 3.4" North, and longitude -117° 28' 24.0"

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<sup>1</sup> State Water Resources Control Board General 401 Water Quality Certification for 2012 Nationwide Permits, Order No. SB12002GN, is found at - [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/nwp\\_401.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nwp_401.pdf)

West and the coordinate of the northernmost work location is 34°20' 27.4" North and - 117° 29' 1.4" West.

Santa Ana Regional Water Board staff has determined that the Project, as described in the NOI, is categorically exempt from CEQA review under Section 15301 (b), which covers existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services). Section 15304 Class 4, which provides an exemption for projects that consist of minor public or private alterations in the condition of land, also applies to the proposed Project. Regional Board staff also determined that the proposed Project meets the eligibility requirements for coverage under the General 401 Water Quality Certification Order for 2012 Certified Nationwide Permits.

**Project Purpose and Description:**

The Blue Cut Fire caused significant damage to an approximately seven-mile segment of two DWP high voltage transmission lines, Victorville-Century Lines 1 and 2. Both lines are currently out of service as the result of damage sustained in the fire. The emergency power line repair work involves repairing the access road, and establishing temporary pads to restring the line and replace damaged conductors. Two emergency repair locations will require that a temporary at-grade stream crossing be constructed on an access road to allow equipment access to damaged poles and conductors. In addition, a culvert displaced to another location will be moved back to its original location.

The Project will result in temporary impacts to approximately 0.040 acre and 65 linear feet of waters of the United States (U.S.). The Project shall be constructed and maintained using methods, and avoidance and minimization measures described in application materials.

Receiving Water:	Unnamed Tributaries of Cajon Wash
Filled Excavated Area:	Permanent Area Impacted: None Temporary Area Impacted: 0.040 acre waters of the U. S.
Total Linear Impacts:	Length Permanently Impacted: None Length Temporarily Impacted: 65 linear feet
Fill Volume:	None
Latitude/Longitude:	Begin Project 34°17' 03.04"N/-117° 28' 24.0" W End Project 34°20' 27.49"N/-117° 29' 1.4" W

Regional Water Board staff has determined that the Project may proceed under the General 401 Order if the following conditions specified in General 401 Water Quality Certification Order No. SB12002GN for 2012 Nationwide Permits and applicable to your Project are adhered to during the proposed activities:

- 1) All activities shall comply with all requirements of California's Porter-Cologne Water Quality Control Act (Water Code, §13000, et seq.) and applicable State or Regional Water Quality Control Plans. (SB12002GN Condition #4).
- 2) Water may not be diverted for Project activities. (SB12002GN Condition #6).
- 3) The proposed Project shall not result in the taking of any species listed as threatened or endangered or as a candidate for threatened or endangered listing under either the federal or California Endangered Species Act. (SB12002GN Condition #8).
- 4) Project activities may not take place in a Hazardous Waste site listed in Section 65962.5 of the Government Code (i.e., "Cortese List"). (SB12002GN Condition #10).
- 5) The total area of ground disturbance is limited to a maximum of five acres, and utility line length is limited to a maximum of five miles. (SB12002GN Condition #14b).
- 6) Temporary impacts to waters of the State are limited to one-half acre and 400 linear feet. (SB12002GN Condition #14c).
- 7) Temporary impacts permitted by the General Certification shall last as short a duration as practicable, and in no case more than 90 days from the beginning of construction. Site restoration for temporary impacts to waters of the State shall be completed as soon as possible after completion of construction. The restoration activities will be completed not later than 30 days after end of construction. (SB12002GN Condition #14c).
- 8) Placement of work areas, including pull sites, laydown yards and staging areas, in waters of the State is prohibited (SB12002GN Condition #14e).
- 9) After construction, the hydrologic functions of the site will be restored. (SB12002GN Condition #14e).
- 10) Trenching across streams with flowing water is prohibited. (SB12002GN Condition #14e).
- 11) No drilling compounds, fluids, or "muds" may be discharged to waters of the State of California or United States. (SB12002GN Condition #14e).
- 12) Only minor trimming of existing vegetation is allowed. No removal or substantial alteration of riparian vegetation is allowed. (SB12002GN Condition #14e).
- 13) No new or expanded hardscape channel lining or bank armor is authorized. (SB12002GN Condition #14e).
- 14) For any excavation, including utility line trenches, the top 6 to 12 inches of topsoil shall be removed and stockpiled separately during construction. Following construction, the topsoil shall be replaced and seeded with native vegetation. (SB12002GN Condition #14f).

- 15) New road construction is prohibited. Maintenance of utility line access roads under this NWP shall be confined to the previously existing road prism. Grading of throughcut roads, including any road having a running surface lower than the surrounding terrain on both sides of the road, is prohibited. (SB12002GN Condition #14f).
- 16) Any waiver of the U.S. Army Corps of Engineers conditions or regional conditions shall disqualify this Project from enrollment under the General Certification. (SB12002GN Condition #16).

In addition to the conditions of the General 401 Order, the Applicant is required to notify the Regional Board of the start of construction activities as well as the completion of construction activities.

Should there be any questions, please contact Jason Bill at (951) 782-3295 or [jason.bill@waterboards.ca.gov](mailto:jason.bill@waterboards.ca.gov), or Wanda Cross at (951) 782-4468 or [wanda.cross@waterboards.ca.gov](mailto:wanda.cross@waterboards.ca.gov).

Sincerely,



for:

Kurt V. Berchtold  
Executive Officer

cc (via electronic mail):

Los Angeles Department of Water and Power- Andrea Yip –  
[Andrea.Yip@ladwp.com](mailto:Andrea.Yip@ladwp.com)

U. S. Army Corps of Engineers, Los Angeles District – Daniel P Swenson

State Water Resources Control Board, OCC- David Rice

State Water Resources Control Board, DWQ -Water Quality Certification Unit

California Department of Fish and Wildlife – Jeff Brandt

U.S. EPA, Region 9 – Wetlands Regulatory Office – Melissa Scianni

U.S. EPA, Region 9 – Wetlands Regulatory Office - Elizabeth Goldmann