

If applicable, please describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

The State Water Board did not receive any comments corresponding to the Public Notice of Application for Water Quality Certification that was issued for RGP 74 in September 2009. RGP 74 has not been controversial for the Corps. Issues were raised during the public review and comment periods for the two SAMPs associated with RGP 74, and the Corps addressed all comments received in its final environmental documents for the SAMPs.

Please provide a list of the responsible or trustee agencies for the project.

Trustee agencies:

California Water Quality Control Board

California Department of Fish and Game (state lead agency for San Diego Creek Watershed SAMP/WSAA Process)

U.S. Fish and Wildlife Service

Attachment to Sample Summary for Electronic Document Submittal

Lead Agency: State Water Resources Control Board

Project Title: Water Quality Certification of the U.S. Army Corps of Engineers' (Corps) Regional General Permit (RGP) 74 for temporary dredge and fill activities pursuant to the San Juan Creek and Western San Mateo Creek Watershed Special Area Management Plan (SAMP)

Project Location: portions of Mission Viejo, Rancho Santa Margarita, in Orange County

Project Description:

The State Water Resources Control Board (Water Board) is issuing a public notice of its intent to use the Environmental Impact Statement (EIS) for the San Juan Creek and Western San Mateo Creek Watersheds SAMP, and a Greenhouse Gas Emissions Addendum, in place of an Environmental Impact Report (EIR) for the purposes of considering an application for a 401 Water Quality Certification for RGP 74. Under Section 401 of the Clean Water Act (33 U.S.C. § 1341), the Corps must receive authorization from the state where the activity occurs indicating that the Corps 404 Permit meets state water quality standards. The State Water Board must also comply with the California Environmental Quality Act (CEQA: Pub. Resources Code, § 21000 et seq.) when issuing a 401 Water Quality Certification. The Corps prepared a National Environmental Policy Act (NEPA) EIS for the San Juan Creek and Western San Mateo Watersheds SAMP; however, a CEQA EIR was not prepared. Section 15221 of the CEQA guidelines states that an EIS may be used in place of an EIR if it meets the provisions of the CEQA guidelines. State Water Board staff has determined that the EIS, with a Greenhouse Gas Emissions Addendum, meets the CEQA requirements for an EIR. As a result, the State Water Board, as the lead agency under CEQA, intends to use the Corps' EIS with the Green House Gas Emissions Addendum for the San Juan Creek and Western San Mateo Creek Watersheds SAMP in place of an EIR for the San Juan Creek and Western San Mateo Creek Watershed SAMP for the purpose of issuing a programmatic 401 water quality certification for the SAMP under RGP 74.

A SAMP is a voluntary watershed-level planning and permitting process involving local landowners and public agencies that seek permit coverage under the federal Clean Water Act Section 404 for future actions affecting jurisdictional waters of the U.S. The purpose of a SAMP is to provide for reasonable economic development and the protection and long-term management of sensitive aquatic resources (biological and hydrological). SAMPs are intended for specific geographic areas of special sensitivity that are also under intense development pressure. The Corps is planning to issue RGP 74 for discharges of dredge and fill material resulting in temporary impacts to waters of the U.S. located in eligible areas of the San Juan Creek and Western San Mateo Watersheds SAMP and the San Diego Creek Watershed SAMP. To the extent feasible, waters of the U.S., including wetlands, are avoided and unavoidable impacts are minimized and fully mitigated under these SAMPs.