



California Regional Water Quality Control Board

Colorado River Basin Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

January 7, 2010

Mr. Joseph Linsmeier
3156 N. "H" Street
San Bernardino, CA 92363

SUBJECT: DENIAL WITHOUT PREJUDICE OF THE APPLICATION FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE PROPOSED BOAT RAMP CONSTRUCTION PROJECT--Eldon R. V. Project

Staff of the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) has reviewed the application for a Clean Water Act Section 401 Water Quality Certification (WQC) for the subject proposed Boat Ramp Construction Project (Project). Regional Water Board staff received the application on September 23, 2009. Pursuant to Title 23, Section 3835 of the California Code of Regulations (CCR), the application for a 401 WQC for the Project was deemed administratively complete on October 26, 2009.

Mr. Don Brown (the applicant's representative) described the Project as construction of 20'X120' boat ramp to service 10 R.V. lots. The proposed project will take place at the following location: Longitude/Latitude: Township 9 North, Range 22 East; San Bernardino Base and Meridian, APN #660-251-38, Needles, San Bernardino County, California.

Pursuant to Title 23, Section 3856(f) of the CCR, the Regional Water Board may not issue a 401 WQC for the Project until it has been provided with, and had ample time to properly review, a final copy of valid CEQA documentation prepared for the Project.

Pursuant to Title 23, Sections 3836(c) and 3837(b)(2) of the CCR, Regional Water Board staff is denying without prejudice your application for WQC for the Project. The denial without prejudice is being made because staff did not timely receive a final copy of the valid CEQA documentation for the proposed Project or receive sufficient information to evaluate whether the water quality impacts, if any, were adequately mitigated.

Regional Water Board staff is retaining the materials received to date for use later if it receives the documentation specified, unless the applicant in writing withdraws its request for certification. Any new submittals need not include all of the previously submitted reports, unless the information contained in these reports has changed or is no longer valid. Upon receipt of the final, valid CEQA documentation, Regional Water

Board staff will resume its consideration of certification for the Project in an expeditious manner.

If you have any questions, please contact Jay Mirpour of my staff at (760) 776-8981 or by email at: jmirpour@waterboards.ca.gov/.



ROBERT E. PERDUE
Executive Officer

JJM/

cc: Don Brown (Applicant Representative)
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Bill Orme, SWRCB, Division of Water Quality, Water Quality Certification Unit
David Smith, U.S. Environmental Protection Agency, Region 9
Thomas A. Vandenberg, Office of Chief Counsel, SWRCB

File: 401 Eldon R. V. Project, WDID No. 7B363018001

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