



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

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Arnold Schwarzenegger
Governor

August 4, 2010

Mr. Christopher Stone, Assistant Deputy Director
Water Resources Division
Los Angeles County Department of Public Works
P.O. Box 1460
Alhambra, California 91802-1460

DENIAL WITHOUT PREJUDICE OF WATER QUALITY CERTIFICATION FOR PROPOSED MORRIS DAM AND RESERVOIR POST-FIRE SEDIMENT REMOVAL PROJECT, SAN GABRIEL RIVER, LOS ANGELES COUNTY, (FILE NO. 10-070)

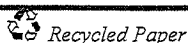
Regional Board staff has reviewed your revised June 29, 2010 request for a Clean Water Act Section 401 Water Quality Certification (401 certification) which proposes to remove approximately 836,000 cubic yards of sediment from Morris Reservoir through dewatering of the reservoir and sluicing and subsequent flushing of sediment to Santa Fe Dam during the 2010/11 rain season. I hereby deny your application without prejudice pursuant to §3859(d) of Title 23 of the California Code of Regulations (23 CCR) because it is inadequate.

Regional Board staff Valerie Carrillo has attended monthly meetings since January 2010 regarding sediment removal within fire-affected watersheds and reservoirs. During these meetings, significant concerns have been identified by Regional Board staff, and also California Department of Fish and Game staff, with regard to sluicing and the potential significant detrimental long-term impacts to water quality and associated aquatic and riparian habitat.

At this time, we are unable to certify your project, because we cannot conclude that impacts to waters of the United States have been appropriately avoided and minimized and that the project would not result in an unacceptable degradation of water quality. Section 401 of the Clean Water Act requires that we certify that your activities will not cause or contribute to a violation of the state water quality standards.

In our review of your application, we do not find that the potential significant impacts have been minimized to the fullest degree possible and we do not find an analysis of alternatives which would include alternatives with less impact. Alternatives need to be identified and adequately analyzed for a project, such as the one proposed, to proceed. Mitigation for unavoidable impacts can be considered when the most appropriate alternative has been identified. In addition to

California Environmental Protection Agency



identification and analysis of alternatives and avoidance and/or minimization, the following information is required:

- A fluvial geomorphological assessment (by a qualified fluvial geomorphologist) for the sediment transport modeling from Morris Reservoir through Santa Fe Dam. The assessment shall address impacts due to sediment transport and deposition through San Gabriel River and provide methods and/or strategies to alleviate negative impacts within the riverbed and associated habitat. The assessment shall include, but not be limited to:
 - Transport modeling to scale the proposed channel and floodplain and determine appropriate instream flow hydraulics and inundation frequencies;
 - Planning and designs for river restoration, gravel augmentation, and in-stream habitat structure placement; and
 - Channel geometry and bed profile surveys.
- A schedule of planned activities. Is this a one-year sluice proposal?
- A full jurisdictional delineation, including wetlands.
- Impact acreage of the areas within the proposed project area. In addition, provide length in linear feet from the dam through the final deposition area.
- Composition and contamination of sediments proposed to be sluiced.
- A complete monitoring plan sufficient to document any impacts to water quality, water recharge or aquatic or riparian habitat due to the sluicing. Monitoring must include bioassessment (appropriate EPA Rapid Bioassessment Protocols) within the reaches impacted before, during and after the proposed sluicing operation.

Both the Morris Reservoir and the San Gabriel River below Morris Dam have existing aquatic life beneficial uses and existing ground water recharge beneficial uses which this Regional Board is charged to protect. When developing the Section 401 certification for the 1998 sluicing project, this Regional Board was able to rely on the analyses completed for the Joint Environmental Impact Statement/Environmental Impact Report for the San Gabriel Canyon Sediment Management Plan. A Mitigated Negative Declaration (MND) has been prepared for this project and not an Environmental Impact Report. The MND does not provide sufficient information to address our concerns and does not provide an analysis of alternatives as is necessary for this project to be certified. In addition, the previous sluicing project in 1998 caused significant

Mr. Christopher Stone
Los Angeles County Department of Public Works

- 3 -

August 4, 2010

impacts and it is unclear how this planned project will avoid such impacts and protect the beneficial uses.

You may choose to revise or submit any pertinent updated information in the future. Additional fees may be required, pursuant to 23 CCR §3833(4), if the revised application is not filed within twelve months of the date of this action; the revised application does not correct the procedural problems which led to this denial without prejudice; or the project has changed significantly in scope or its potential for adverse impact.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759 or LB Nye at (213) 576-6785.

Sincerely,



Samuel Unger
Interim Executive Officer

cc: Bill Orme, State Water Resources Control Board
Eric Raffini, US Environmental Protection Agency
Phuong Trinh, US Army Corps of Engineers
Kelly Schmoker, California Department of Fish and Game
Carol Thomas Williams, Main San Gabriel Basin Watermaster

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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

