



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Los Angeles Regional Water Quality Control Board**

Ms. Jamie King  
California State Park, Angeles District  
1925 Las Virgenes Rd.,  
Calabasas, CA 91302

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7009 2820 0001 6537 9515

**WATER QUALITY CERTIFICATION FOR PROPOSED ARROYO SEQUIT STEELHEAD BARRIER RESTORATION PROJECT (Corps' Project No. 2001-1085-BM), ARROYO SEQUIT CREEK, UNINCORPORATED LOS ANGELES COUNTY (File No. 13-093)**

Dear Ms. King:

Board staff has reviewed your request on behalf of California State Park, Angeles District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on January 24, 2014.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

**Please read this entire document carefully.** The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

Samuel Unger  
Samuel Unger, P.E.  
Executive Officer

2-7-14  
Date

MARIA MEHRANIAN, CHAIR | SAM UNGER, EXECUTIVE OFFICER

## DISTRIBUTION LIST

Mark Abramson  
Santa Monica Bay Restoration Foundation  
1 LMU Drive  
Pereira Annex Mail S 8160  
Los Angeles, CA 90045

Bill Orme (via electronic copy)  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Brianne McGuffie  
U.S. Army Corps of Engineers  
Regulatory Branch, Los Angeles District  
P.O. Box 532711  
Los Angeles, CA 90053-2325

Brock Warmuth (via electronic copy)  
California Department of Fish and Wildlife  
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3883 Ruffin Rd Suite A  
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Paul Amato (via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Jim Bartel  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92011

**ATTACHMENT A**

**Project Information  
File No. 13-093**

1. Applicant: Jamie King  
California State Park, Angeles District  
1925 Las Virgenes Rd.,  
Calabasas, CA 91302  
  
Phone: (818) 880-0364 Fax: (818) 880-6165

2. Applicant's Agent: Mark Abramson  
Santa Monica Bay Restoration Foundation  
1 LMU Drive  
Pereira Annex MS:8160  
Los Angeles, CA 90045  
  
Phone: (310) 490-0279

3. Project Name: Arroyo Sequit Steelhead Barrier

4. Project Location: Unincorporated Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.04561	118.93491
34.05731	118.93726
34.05371	118.93728
34.05731	118.93736
34.04561	118.93491
34.04558	118.93707
34.05371	118.93728
34.05462	118.93511

5. Type of Project: Removal of fish migration barriers

6. Project Purpose: The proposed project (Project) will remove three in-stream barriers for the endangered steelhead mitigation along a 1.5 mile reach of the Arroyo Sequit Creek in Leo Carrillo State Park, Los Angeles County.

## ATTACHMENT A

### Project Information File No. 13-093

#### 7. Project Description:

The Project will replace two Arizona crossings with two freespan bridges, designed for passage of a 100-year storm event, and will remove one 2 ft. tall check dam. The bridges have been designed to eliminate the use of rock slope protection or other bank armoring techniques and keep the abutments out of the main and bankfull channels. The specifics at each barrier are as follows:

#### Lower Campground Crossing (34.045927°, -118.934675°)

This Arizona crossing is located 0.10 miles from the ocean and is considered the keystone fish migration barrier for the Arroyo Sequit watershed. The approximate 70-foot long by 20-foot wide by five-foot high concrete barrier Arizona crossing is a primary cause of the scour occurring in the channel immediately downstream. The Barrier is also a substantial impediment to the migration of steelhead during low to moderate stream flows. This is due to shallow flow depths and high velocity water over the crossing with a substantial vertical jump between the creek channel bottom and the upstream road surface.

The project proposes to replace the crossing with an elevated steel wide-flange bridge that is 90-feet long, 26-feet wide, (two 12-foot wide traffic lanes with two one-foot wide fog lines). The bottom of the new bridge deck (soffit) will be elevated 13 feet above finished grade in order to accommodate a 100 year flood event with one additional foot (100 +1) for a margin of safety. The new bridge will be slightly realigned to the north of the existing crossing to facilitate the approach leading to the Pacific Coast Highway bridge and fire department standards for the associated turning circumference.

The approaches on either side of the bridge require modification because of the increased elevation of the new bridge. Approximately 9,000 cubic feet of cement associated with the Arizona crossing and 4,500 square feet of existing asphalt will be removed.

The new bridge abutments will be located outside of the bankfull width and the top of the creek bank, and will utilize spread footings. Abutments will be approximately 34-feet long, three-feet thick, and 22-feet tall as measured from the bottom of the footing (nine feet below grade and 13 feet above finished grade). Approximately 25-foot long, one-foot thick wing walls will extend from the abutment on both downstream and upstream sides of the bridge. The wing

## ATTACHMENT A

### Project Information File No. 13-093

wall height will range from about 6.5 feet to 21.3 (approximately eight feet will be below grade) feet. The footing will measure approximately 30-foot long, 20-foot wide, and two feet thick.

To remove the five-foot scour depression that exists below the existing Arizona crossing and the excess material that comprises the road and that has built up behind the crossing, the creek will be re-contoured from 100 feet upstream of the crossing, to 100 feet downstream of the crossing, to restore the natural grade. The streambed will be restored with a mix of native alluvial materials, including some boulder materials to promote channel roughness and stability and provide natural structure as found up and downstream of the project site. Three large concrete slabs that are currently within the stream channel located within the restoration area will be removed. Open space areas outside of the creek bed that are disturbed during project construction will be re-vegetated with native riparian vegetation.

Although no surface water will be present in the work area during construction, it is possible that subsurface water is encountered during grading activities. If subsurface water is encountered it will be pumped out to settling tanks (baker tanks) to remove any turbidity and then will be slowly released for percolation into a 5,000 sf upland area located to the west and adjacent to Mulholland Highway. Appropriate dewatering permits will be applied for.

#### Upper Group Campground Crossing (34.054894°, -118.935060°)

The upper group campground Arizona crossing is located approximately 0.75 miles upstream of the ocean on Arroyo Sequit Creek. This crossing provides access to the group campground located on the westerly side of the channel upstream from the main campground. This approximate 120-foot long by 20-foot wide by 4-foot high concrete crossing is skewed at approximately a 45-degree angle to the stream and has experienced substantial downstream channel and streambank erosion with a head cut approximately three feet high. The upstream edge of the crossing has a row of evenly spaced concrete pillars that appear to be used as steps during low flows. Fish passage is hindered at this site by a substantial jump pool on the downstream side of the crossing, shallow flow depths, high velocity flows over the concrete crossing, and strong turbulence through and around the pillars/steps.

## ATTACHMENT A

### Project Information File No. 13-093

The Project will replace the existing crossing with an elevated steel wide-flange bridge that is 90-feet long, and 16-feet wide. The new bridge will be shifted approximately 60-feet to the north to cross the creek in more perpendicular position in order to minimize the length of the bridge span and to improve stream channel and stream bed stability. The bottom of the new bridge will be elevated approximately 12.5-feet above grade in order to accommodate a 100 year flood event plus one additional foot of freeboard for a margin of safety.

The new bridge requires a 145-foot long road re-alignment on the eastern slope to connect the existing roadway to the new bridge alignment. The approach on the western side will be realigned slightly to reconnect with the existing pavement. Approximately 8,000 square feet of existing asphalt will be removed and 2,000 cubic feet of cement associated with the Arizona crossing will be taken to a legal point of disposal. Grading will occur to contour for the new approach road fills and bridge abutments.

The eastern bridge abutment will be located outside of the top bank of the creek, while the western abutment is located within the upper creek bank due to topographic constraints. All abutments are located well outside the bankfull width of the creek. Abutments will be approximately 22-feet long, three-feet wide, and 11-feet tall measured from the bottom of the footing. The 10- to 15-foot long, one-foot thick wing walls will be attached on both upstream and downstream sides of the bridge. The wing wall height will range from six- to 10-feet. The wing wall footing will measure approximately 20-feet long, 12-feet wide and 1.5-feet thick.

Water, sewer and electrical utility lines are located in or adjacent to the existing crossing and will be removed and relocated during construction to hang underneath the proposed bridge. A defunct well and well house adjacent to the crossing will be removed. The existing electrical panel located within will be relocated to State Park's audiovisual building at the amphitheater adjacent to the project site.

To remove the scour depression that exists below the existing Arizona crossing and the excess material that comprises the road and has built up behind the crossing, the creek will be re-contoured from 50-feet upstream of the crossing, to 100-feet downstream of

## ATTACHMENT A

### Project Information File No. 13-093

the crossing, in order to restore the natural grade. The streambed will be restored with a mix of native alluvial materials, including boulders, to promote channel stability and provide natural structure as found up and downstream of the project site. Existing cement debris located within the restoration area will be removed. Open space areas outside of the creek channel that are disturbed during project construction will be re-vegetated with native riparian vegetation.

#### Check Dam (34.057441°, -118.933495°)

A small two-foot high, one-foot wide, 20-foot long check dam constructed of native stream cobble and concrete is located 1.0 mile upstream from the ocean where the stream daylight. An approximately 20-foot wide, 30-foot long by two-foot deep pool forms behind the dam. Derelict piping that once conveyed water from the dam is present in sections along the creek. The only access to the check dam is on foot through the stream channel due to steep erodible banks. Although this structure is likely passable by adult steelhead during most flows, it is a barrier for juvenile fish. Removal of this barrier will provide access to all size and age classes of steelhead trout up to the natural limits of Arroyo Sequit Creek.

Sand bags will be used to create a coffer dam to roughly split the stream channel behind the check dam in half. This will allow stream flows to be diverted to one side of the channel while allowing for demolition in the dry area on the opposite side of the channel. Prior to coffer dam installation, a biologist will ensure no fish or other wildlife are present within the pool. Blocking nets (3/32-inch diameter mesh screening will be placed on all intake pipes) and silt fence barriers will be set immediately up and down stream of the pool to ensure no fish or aquatic wildlife can enter the work area. A pump will be used to remove remaining ponded water in where work will occur.

Once half the work area is dewatered, a gas-powered drill and hand tools will be used to remove the check dam down to the natural stream bed elevation. Care will be taken that no material moves into adjacent flowing water areas. All check dam material will be hauled offsite by foot.

After the first half of the check dam is removed, water will be

## ATTACHMENT A

### Project Information File No. 13-093

pumped to the opposite side of the pool to dry out the final work area. The same measures outlined above will be implemented. The coffer dam and netting and barrier material will be removed and hauled offsite by foot.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP No. 27 (Permit No. 2001-1085-BM)
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife, Streambed Alteration Agreement  
California Coastal Commission, Coastal Development Permit
10. California Environmental Quality Act Compliance: The California Department of Parks and Recreation filed a Notice of Determination with the State Clearinghouse on January 11, 2006 that the Project is Categorical Exempt pursuant to the CEQA Guidelines, Section 15302, *Replacement or Reconstruction*, and 15304, *Minor Alterations to Land*.
11. Receiving Water: Arroyo Sequit Creek (Hydrologic Unit No. 404.44)
12. Designated Beneficial Uses: MUN\*, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, WET, REC1, REC2  
  
\*Conditional beneficial use
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.21 temporary acres (460 linear feet)  
  
Non-wetland waters (vegetated streambed): 0.57 temporary acres (460 linear feet)
14. Related Projects Implemented/to be Implemented by the Applicant: Future Projects to be implemented:  
  - Removal of gabions downstream of project site;



## ATTACHMENT A

### Project Information File No. 13-093

- Redesign of campgrounds to allow flood plain to drain;
- Clearing of debris collecting under Pacific Coast Highway bridge during high storm events.

#### 15. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Work area limits will be flagged to delineate the extent of ground and vegetation disturbance.
- Temporary fencing and gates are used around both the Lower Campground Crossing and Upper Group Camp Crossing to protect public safety.
- Project signage will be installed in a visible area onsite to notify the public of the goals and construction constraints of the project.
- Traffic control measures will be implemented as required by Caltrans and Los Angeles County.
- All equipment that will have contact with the stream channel and that is brought to the site shall be cleaned and certified prior to site access to avoid spread of invasive weeds and New Zealand mud snail.
- No equipment, stockpiles or other construction material will be left in the creek or areas where they can affect water or habitat quality.
- All equipment maintenance and storage will be placed within designated storage areas (paved parking lots identified in design plans). Equipment shall be maintained and drip pans placed under all equipment parked overnight.
- No special-status species are anticipated to be within the work area, with the exception of nesting birds, as work will be conducted when the creek is usually dry.
- Preconstruction surveys will be conducted within one week of

## ATTACHMENT A

### Project Information File No. 13-093

construction, and the day prior to construction to ensure no species are present.

- Although not anticipated to be present, in the event sensitive plants are identified in the project area, they will be avoided to the maximum extent feasible.
- Disturbance to annuals will not occur until seed has set and top soil can be retrieved and set aside for re-spreading upon project completion.
- If avoidance is unfeasible, plants (or their associated bulbs/rhizomes) will be transplanted in an adjacent undisturbed area in appropriate habitat.
- Mature tree removal has been avoided for all but one bay laurel tree, which is located along the eastern approach of the lower crossing.
- Ten bay laurel saplings will be replanted in the restoration area to provide a net increase of the species.
- All other trees will protected in place via construction fencing and construction monitoring, and disturbance will limited to outside the trees dripline.
- If an active bird nest is identified within 100 feet (300 feet for raptors) of project activities, an approved biological monitor will be present to ensure equipment stays far enough away to avoid stress to the nest.
- Construction will skip areas until all active nests are no longer present.
- An appropriate buffer boundary as identified by the biological monitor will be flagged for work avoidance.
- A biological monitor or environmental resource specialist will be onsite during all ground or vegetation disturbing activities, activities near identified nest sites, or activities when water is present, to ensure the project is implemented as described, per permit conditions, and to relocate any fish or wildlife out of harm's way into adjacent and appropriate open space areas.

## ATTACHMENT A

### Project Information File No. 13-093

- Although no cultural resources are anticipated to be within the project area as it is located within and along an active creek channel and previously developed roadway and campground facilities, a cultural resource monitor shall be present during initial ground disturbing activities.
- In the event a resource is found, the monitor will stop work to assess the find, and determine the appropriate steps to avoid resource impacts.
- Sand bags or other noise attenuation devices will be used around pumps to keep noise levels to acceptable levels. Approved State Park work hours, listed above, will be implemented to protect camping and recreation activities from noise associated with truck traffic and work activities.
- Any utility trenches will be checked daily and just prior to backfill to avoid animal entrapment.
- All equipment storage, material stockpiles, trash and potential pollutants will be placed and stored in designated staging areas which will be surrounded by a combination of straw wattle, sand or gravel bags, and silt fencing such that no runoff can leave the storage or equipment staging areas.
- All areas subject to erosion from grading will be surrounded with a combination of silt fences, wattles, and sand bags to control storm water from entering near creeks.
- All recently graded areas not in the active channel will be re-vegetated with appropriate native plantings at the end of construction and prior to November 1st.
- Check dam demolition location surface waters will be diverted around work areas to allow demolition of the check dam in the dry and prevent any materials from entering surface waters.
- All concrete debris will be removed from the ground prior to dewatering any work area.
- Fish and aquatic species Monitoring will occur pre- and during construction. If species are discovered they will be relocated

## ATTACHMENT A

### Project Information File No. 13-093

outside of the work area.

- Work areas will be isolated by blocking nets or equivalent to prevent aquatic species from entering or re-entering work areas.
- No heavy equipment will be allowed for check dam removal only Hand tools will be utilized to avoid debris moving into surface waters.

16. Proposed  
Compensatory  
Mitigation:

None; the project is restoration.

17. Required  
Compensatory  
Mitigation:

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

## ATTACHMENT B

### Conditions of Certification File No. 13-093

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit, the California Department of Fish and Wildlife's (CDFW) Streambed Alteration Agreement, and California Coastal Commission, Coastal Development Permit. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFW's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.

## ATTACHMENT B

### Conditions of Certification File No. 13-093

5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.

## ATTACHMENT B

### Conditions of Certification File No. 13-093

13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0002-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.  
  
Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
19. All project and construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank

## ATTACHMENT B

### Conditions of Certification

File No. 13-093

stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

20. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
- pH
  - temperature
  - dissolved oxygen
  - turbidity
  - total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

21. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
22. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1<sup>st</sup>** of each year following this issuance of 401 Certification until the project is complete and restoration success has been documented. The Annual



## ATTACHMENT B

### Conditions of Certification File No. 13-093

Reports shall describe in detail all of the project and construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the project status or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:

- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (c) The overall status of project and a detailed schedule including whether or not work has begun on the Project;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (f) A certified Statement of "no net loss" of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
23. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
24. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

**ATTACHMENT B**

**Conditions of Certification  
File No. 13-093**

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)"

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **13-093**. Submittals shall be sent to the attention of the 401 Certification Unit.
26. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
27. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ.
28. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
29. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
30. *Enforcement:*

## ATTACHMENT B

### Conditions of Certification File No. 13-093

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
31. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.