



# California Regional Water Quality Control Board

## Santa Ana Region



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold Schwarzenegger**  
Governor

April 6, 2010

Ted Craddock  
Program Manager, East Branch Extension  
Department of Water Resources (DWR)  
1416 9<sup>th</sup> Street Room 538-4  
Sacramento, CA 95814

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS  
CERTIFICATION FOR THE EAST BRANCH EXTENSION PHASE 1 IMPROVEMENTS  
PROJECT, CITY OF YUCAIPA, COUNTY OF SAN BERNARDINO, CALIFORNIA  
(OUR FILE NO. 36-2009-14)**

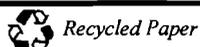
Dear Mr. Craddock:

On September 22, 2009, Regional Board staff received an application for a Clean Water Act Section 401 Water Quality Standards Certification (401 Certification) for the above referenced project. Included with the application were the following:

- Documentation showing that an application for a California Department of Fish and Game (CDFG) Lake or Streambed Alteration Agreement for the project has been submitted;
- A copy of the California Environmental Quality Act (CEQA) documentation (Final Supplemental Environmental Impact Report No. 2) for the project.
- A copy of the Application for a Department of Army Clean Water Act Section 404 Permit for the project, submitted to the United States Army Corps of Engineers; and,
- \$860, as part of the fee required to process a 401 Certification, as required by California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3) and as determined by the 401 Certification fee calculator at [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

On April 6, 2010 the remainder of the fee required to process the 401 Certification, \$935.84, was submitted to this Agency. As a result, the application for the 401 Certification was considered to be complete.

*California Environmental Protection Agency*



Pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15096, as a responsible agency, the Regional Board is required to consider an EIR, Negative Declaration, Mitigated Negative Declaration, or a Notice of Exemption prepared by the lead agency in determining whether to approve a Section 401 Certification. A responsible agency has responsibility for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by Sections 15091 and, if necessary, 15093, for each and every significant impact of the project. The Regional Board has determined that the EIR prepared for this project is adequate, and that the mitigation proposed is sufficient to protect water quality and beneficial uses.

This letter responds to your request for certification, pursuant to Clean Water Act Section 401, that the proposed project, described below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin 1995 (Basin Plan), and subsequent amendments:

1. Project description:

The proposed project entails the enlargement of the existing Crafton Hills Reservoir from the current operational storage capacity of 85 acre-feet to approximately 225 acre-feet. The reservoir would be enlarged by constructing a new earth dam in the adjoining drainage to the west of the existing reservoir. A ridge separates the existing reservoir from the drainage. A notch in the ridge would be excavated to serve as a connecting channel between the existing reservoir and proposed enlargement area. In addition, a one-half mile segment of a 48-inch diameter pipeline would be constructed to connect the East Branch Extension pipeline to the Yucaipa Pipeline. The connector pipeline would divert imported water that otherwise would flow into the Reservoir to the Yucaipa Pipeline during the project construction period. The Pipeline will remain after the completion of the project to provide operational flexibility. The earth dam will have a maximum height of 90 feet from its downstream toe. The construction of the dam and the connector pipeline will permanently impact 0.08 acres and temporarily impact 0.34 acres of intermittent jurisdictional streambed. The proposed objectives of the project are to provide operational flexibility, system reliability, and a reduction in energy impacts and costs.

2. Location: 34°03'54" north  
117°03'05" west,  
Township 1, Range 2, Section 24,  
Yucaipa, California, USGS Quadrangle
3. Receiving water: Crafton Hill Reservoir and unnamed ephemeral drainage  
tributaries, one to Mill Creek and the other to Oak Glenn  
Creek

4. Fill Area: 0.08 acres of permanent and 0.34 acres of temporary impacts
5. Dredge volume: NA
6. Federal permit: Individual Permit, SPL-2009-00436
7. Mitigation:

The project proponent, Department of Water Resources (DWR), has proposed several best management practices (BMPs) to be employed to avoid potential impacts to waters of the state during construction of the project. In addition, DWR has agreed to follow the directives outlined in the January 4, 2010 letter from the Department of Fish and Game to the DWR concerning this project. The directives specify mitigation and avoidance measures to protect fish and wildlife resources. These measures require: revegetation of disturbed areas above the maximum water surface area; reseeding the spoil area with native vegetation; and, implementation of a habitat and restoration and monitoring plan for temporary impacts, including the replacement, at a 1:1 ratio, of willow and cottonwood cuttings around the reservoir.

**This 401 Certification is contingent upon the execution of the following conditions:**

1. The DWR will timely complete the proposed mitigation as described above.
2. Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game shall be completed to ensure that these impacts are mitigated to an acceptable level.
3. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ (currently in effect) or Water Quality Order No. 2009-0009-DWQ (effective July 10, 2010), is required, as is development of a SWPPP to control the discharge of pollutants from the project site.
4. The project proponent shall utilize Best Management Practices during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
5. Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials,

portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.

6. Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
9. This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any of the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
10. The discharger must comply with all conditions and provisions of the U.S. Army Corps of Engineers' Clean Water Act Section 404 Permit(s).

**Under California Water Code, Section 1058, and Pursuant to 23 CCR 3860, the following shall be included as conditions of all water quality standards certification actions:**

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection 3855 (b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (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 Standards Certification. Order No. 2003-0017-DWQ is available at [www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf](http://www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf).

This letter constitutes a conditional water quality standards certification. Although we anticipate no further regulatory involvement, if the above conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements for the project.

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.

In response to a suspected violation of any condition of this certification, the SARWQCB 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 SARWQCB deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the SARWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. This letter constitutes a technically conditioned water quality certification. Please notify our office five (5) days before construction begins on this project.

If you have any questions, please call David G. Woelfel at (951) 782-7960, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT  
Executive Officer

cc: U.S. Army Corps of Engineers – Gerardo Salas  
U.S. Environmental Protection Agency, Supervisor of the Wetlands Regulatory Office – Tim Vendlinski (WTR-8)  
State Water Resources Control Board, DWQ - Water Quality Certification Unit  
State Water Resources Control Board, OCC – David Rice  
California Department of Fish and Game – Michael Flores  
California Department of Water Resources – Mary M. Miller