



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

May 14, 2008

Craig Wentworth
California Department of Transportation
464 North Fourth Street
Sixth Floor
San Bernardino, CA 92401-1400

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE BIG BEAR BRIDGE REPLACEMENT PROJECT (CORPS FILE NO. 200600299 – SJH)

Dear Mr. Wentworth:

On March 24, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the proposed replacement of the Big Bear Bridge (State Route 18 at Big Bear Creek). This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description: Construction of a new bridge spanning Big Bear Creek below Big Bear Lake Dam. The project will include relocation of the intersection of State Routes 18 and 38. Construction of the bridge will require temporary construction access to the bottom of Bear Creek Canyon. The project is expected to take approximately 3 years to complete. The bridge is located within Sections 14 and 222 of Township 2 North and Range 1 West of the U.S. Geological Survey *Big Bear Lake, California*, 7.5-minute topographic quadrangle map (34 deg. 14 min. 30 sec. N/-117 deg. 58 min. 30 sec. W).

Receiving Waters: Big Bear Creek and an un-named ephemeral drainage.

Fill Area: Up to 0.025 acres of temporary impact (145 total linear feet).

Dredge Volume: Not applicable.

California Environmental Protection Agency



Federal Permits: US Forest Service
US Army Corps of Engineers Nationwide Permit No. 33.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Construction and post-construction impacts resulting from the project and use of the roadways are addressed by waste discharge requirements issued to the Department of Transportation (Caltrans) by the State Water Resources Control Board in Order No. 99-06 DWQ. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans' rights-of-way and easements.

You have submitted an application for coverage under nationwide permits from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to California Environmental Quality Act (CEQA), Caltrans certified an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) on March 30, 2007. The Executive Officer has considered Caltrans' EIR/EIS in the issuance of this Certification.

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

- 1) Permanent appurtenant structures for the new bridge (i.e. down drains, conduits, etc.) located within Big Bear Canyon must utilize materials, colors, and textures that blend the structures into the overall landscape and minimize aesthetic impacts to sightseers, persons fishing, and other recreational users of waters of the State.
- 2) Areas where riparian vegetation is temporarily removed during construction must be re-vegetated with appropriate native vegetation to an equal, or better, condition. The effort must be initiated not later than October 15th following completion of work within waters of the State and be conducted according to a written work plan.
- 3) A copy of this Certification, the re-vegetation work plan, and any subsequent amendments, must be maintained on site as denoted elements of the project Storm Water Pollution Prevention Plan (SWPPP).

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality 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.

Although we anticipate no further regulatory involvement, if the above stated 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.

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 Santa Ana Regional Water Quality Control Board (Regional Board) 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 Regional Board 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 Regional Board 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. Please notify our office five (5) days before construction begins on this project.



This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. 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 (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Stephanie Hall
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Mike Flores
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith
U.S. Forest Service – Robin Eliason

APF: 401/certifications/big bear bridge 362008-06