



# California Regional Water Quality Control Board San Diego Region



Arnold  
Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

September 14, 2009

In reply refer to: WPC:08C-022:clemente

Mr. Gary Reist  
Chief Plant Operations  
22<sup>nd</sup> District Agricultural Association  
2260 Jimmy Durante Boulevard  
Del Mar, CA 92014

WDID: 9000001770  
CIWQS:  
Party No. 345310  
Place No. 344194  
Reg. M. No. 716387

Dear Mr. Reist:

**SUBJECT:** Action on Request for Clean Water Act Section 401 Water Quality Certification for Stevens Creek Channel Maintenance Project, Certification Number (08C-022).

Enclosed is the Clean Water Act Section 401 Water Quality Certification for the Stevens Creek Channel Maintenance Project, Certification Number (08C-022). A description of the project and project location can be found in the project information sheet, project location map, and project site maps which are included as Attachments 1 through 6. Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be expected that the 22<sup>nd</sup> District has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification will result in enforcement actions against the 22<sup>nd</sup> District.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

### California Environmental Protection Agency

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

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Mr. Gary Reist, 22<sup>nd</sup> Agricultural District  
401 Certification 08C-022

- 2 -

9/14/09

If you have any questions regarding this notification, please contact Chiara Clemente directly at 858-467-2359 or by email via [Cclemente@waterboards.ca.gov](mailto:Cclemente@waterboards.ca.gov).

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 08C-022

cc: Refer to Attachment 2 of Certification 08C-022 for Distribution List.

*California Environmental Protection Agency*



# California Regional Water Quality Control Board San Diego Region



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## Action on Request for Programmatic Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

**PROJECT:** Stevens Creek Channel Maintenance Project, Certification Number (08C-022), WDID Number 9 000001770

**APPLICANT:** Mr. Gary Reist, Chief Plant Operations  
22<sup>nd</sup> District Agricultural Association  
2260 Jimmy Durante Blvd.  
Del Mar, CA 92014

|  |
|--|
| CIWQS<br>Reg. Meas. ID: 716387<br>Place ID: 344194<br>Party ID: 345310 |
|--|

**ACTION:**

|  |   |
|--|---|
| <input type="checkbox"/> Order for Low Impact Certification                                      | <input type="checkbox"/> Order for Denial of Certification                        |
| <input checked="" type="checkbox"/> Order for Technically-conditioned Programmatic Certification | <input type="checkbox"/> Waiver of Waste Discharge Requirements                   |
| <input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ              | <input type="checkbox"/> Enrollment in SWRCB General WDR's Order No. 2004-004 DWQ |

**PROJECT DESCRIPTION:**

The project proposes to periodically clear a portion of Stevens Creek of accumulated sediment, debris, and vegetation to prevent flooding and a public safety hazard from occurring at the Del Mar Fairgrounds and Via de la Valle. Activities will include maintenance of 1,150 linear feet of stream, which will be triggered by visual observation of the channel, and conducted on an as needed basis throughout the 5-year duration of the certification. The project also includes eradication of non-native vegetation along the northern bank of the stream and native habitat enhancement.

**STANDARD CONDITIONS:**

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials (Action 3).

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to

*California Environmental Protection Agency*

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

Recycled Paper



section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).

2. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility 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. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

#### **ADDITIONAL CONDITIONS:**

In addition to the three standard conditions, the 22<sup>nd</sup> District Agricultural Association (22<sup>nd</sup> District) must satisfy the following:

#### **A. GENERAL CONDITIONS:**

1. The 22<sup>nd</sup> District must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification (Certification) and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
2. Water Quality Certification No. 08C-022 expires **5 years** after initial initiation of impacts occur.
3. During channel maintenance activities, the 22<sup>nd</sup> District must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
4. The 22<sup>nd</sup> District must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
  - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.

- b. Access to copy any records required to be kept under the terms and conditions of this Certification.
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
  - d. Sampling of any discharge or surface water covered by this Order.
5. The 22<sup>nd</sup> District must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
6. The 22<sup>nd</sup> District must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
7. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. The 22<sup>nd</sup> District must also notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser or transferee with a copy of the Section 401 Water Quality Certification and that the purchaser or transferee understands the Certification requirements and must implement them. If the property is sold, the seller and purchaser must sign and date the notification. If the Certification is transferred, the Certification holder and transferee must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within **10 days** of the sale and/or transfer of the property.
8. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must 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.
9. In response to a suspected violation of any condition of this Certification, the 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, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

10. 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.

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project, and annually thereafter, The 22<sup>nd</sup> District must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. The 22<sup>nd</sup> District must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirement are accessible at:  
[http://www.waterboards.ca.gov/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
3. The 22<sup>nd</sup> District must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge and channel maintenance activities.
4. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
5. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
6. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.

**C. CHANNEL MAINTENANCE CONDITIONS:**

1. Channel maintenance activities will be conducted in accordance with the methods outlined in the July 14, 2009 modification to the permit application, submitted by LSA Associates, Inc. on behalf of the 22<sup>nd</sup> District.
2. Channel Maintenance activities will be triggered through visual observation any of the following criteria:
  - a. When vegetative cover within the defined maintenance area of reach 3 of the channel exceeds 10 to 20 percent above water.
  - b. When there is 1 foot or greater obstruction of the culvert width, due to sediment or debris accumulation, in the inlet and outlet culverts associated with reach three.
3. A qualified biologist will conduct a pre-maintenance survey of the area prior to commencement of channel maintenance activities, and will also be present onsite during all channel maintenance activities.
4. Maintenance activities are limited to a 12 foot wide path along the centerline of the channel. All remaining areas within the channel (approximately 12 feet on the north bank and 12 feet on the south bank) will be untouched and allowed to support wetland vegetation to preserve the water quality functions and beneficial uses of Stevens Creek.
5. The 22<sup>nd</sup> District will photo-document the condition of the channel prior to the initiation of maintenance activities in accordance with condition E.1 of this certification. Each instance of channel maintenance will be documented in the annual progress report required by Condition G.2 of this certification.

**D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE**

1. Mitigation for recurring temporary impacts to 0.32 acres (1,150 - linear feet), must be achieved at a 1.34:1 ratio, with the eradication of non-native vegetation and revegetation of 0.43 acre of the northern bank of reach 3 of the creek, in accordance with the July 2009, *Draft Mitigation and Monitoring Plan and Technical Specifications Stevens Creek Emergency Flood Control Channel Maintenance San Diego, California* (prepared by LSA Associates).
2. The 22<sup>nd</sup> District must notify the Regional Board in writing at least **5 days** prior to the actual commencement of mitigation installation, and completion of mitigation installation.
3. The 22<sup>nd</sup> District must submit a report (including topography maps and planting locations) to the Regional Board within **90 days** of completion of

mitigation site preparation and planting, describing as-built status of the mitigation project.

4. The construction of proposed mitigation must be completed no later than 12 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.
5. Within **120 days** of the issuance of this Certification, the 22<sup>nd</sup> District must provide the Regional Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. Within **one year** of the issuance of this Certification, the 22<sup>nd</sup> District must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. *The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the U.S. that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.*
6. Throughout the mitigation monitoring program mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the onsite or offsite mitigation areas.
7. Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
8. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, The 22<sup>nd</sup> District is responsible for repair and replanting of the damaged area(s).

9. *Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **December 1** of each year. Monitoring reports must include, but not be limited to, the following:*
  - a. Names, qualifications, and affiliations of the persons contributing to the report;
  - b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum;
  - c. Topographic complexity characteristics at each mitigation site;
  - d. Upstream and downstream habitat and hydrologic connectivity;
  - e. Source of hydrology;
  - f. Width of native vegetation buffer around the entire mitigation site;
  - g. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
  - h. Photo documentation from established reference points;
  - i. A Survey report documenting boundaries of mitigation area; and
  - j. Other items specified in the final <Wetland and Riparian Mitigation and Monitoring Plan Title, Date, Author>.
10. **Responsible Party Updates:** The 22<sup>nd</sup> District must provide the name and contact information of any third party accepting responsibility for implementing the mitigation requirements of this Certification. The notification must be submitted to the Regional Board within 30 days of the transfer of responsibility. The notification must include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification.
11. For purposes of this Certification, Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the U.S./State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species).

#### **E. STREAM PHOTO DOCUMENTATION PROCEDURE**

1. The 22<sup>nd</sup> District, and its successors, must conduct photo documentation of the project site, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment Number 6. The 22<sup>nd</sup> District must submit this information in a photo documentation report to

the Regional Board with the Channel Maintenance and Mitigation Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

#### **F. GEOGRAPHIC INFORMATION SYSTEM REPORTING**

1. The 22<sup>nd</sup> District must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within 30 days of project impacts and the mitigation area within **30 days** of mitigation installation. All impact and mitigation areas shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

#### **G. REPORTING:**

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. The 22<sup>nd</sup> District must submit annual progress reports on channel maintenance activities to the Regional Board prior to **December 1** of each year following the issuance of this Certification until the project has reached completion. The reports shall include but not be limited to:
  - a. A description documenting that the channel met the necessary criteria for initiating maintenance activities.
  - b. Photo documentation of maintenance area pre and post maintenance.
  - c. Documentation of the amount of material (cubic yards) removed from the channel, and verification that the excavated material was disposed of at an approved off-site location.
3. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
4. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:
  - a. For a corporation, by a responsible corporate officer of at least the level of vice president.
  - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

5. A duly authorized representative of a person designated in Items 4.a. through 4.c. above may sign documents if:
  - a. The authorization is made in writing by a person described in Items 4.a. through 4.c. above.
  - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c. The written authorization is submitted to the Regional Board Executive Officer.

6. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

7. The 22<sup>nd</sup> District must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer  
 California Regional Water Quality Control Board  
 San Diego Region  
 Attn: 401 Certification; Project No. 08C-022  
 9174 Sky Park Court, Suite 100  
 San Diego, California 92123

6. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

| Report Topic   | Certification Condition | Due Date(s)   |
|--|-------------------------|---|
| Notification of Transfer of Ownership                | A.7                     | Within 10 days of the sale and/or transfer of the property              |
| Notification of Channel Maintenance                  | B.3                     | 5 days prior to initiation of maintenance activities                    |
| Notification of Mitigation installation & Completion | D.2                     | 5 days prior to the actual commencement of mitigation installation, and |

|  |     |   |
|--|-----|---|
|  |     | completion of mitigation installation.  |
| Report on As-built status of Mitigation site             | D.3 | Within 90 days of completion of mitigation site preparation and planting.                           |
| Mitigation Area Preservation Instrument                  | D.5 | Draft instrument within 120 days of certification issuance. Final within one year of certification. |
| Annual Mitigation Monitoring Report                      | D.9 | December 1, annually until mitigation is deemed successful  |
| GIS Information Submittal                                | F.1 | Within 30 days of project impacts and the mitigation area within 30 days of mitigation installation |
| Annual Progress Report on Channel Maintenance Activities | G.2 | December 1, annually until 404 permit expiration.   |

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On April 22, 2008 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

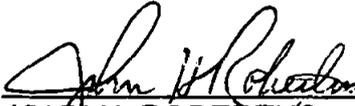
**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Chiara Clemente  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
(858) 467-2359  
Cclemente@waterboards.ca.gov

**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from **Stevens Creek Channel Maintenance Project** (Project No. 08C-022) 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. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Board's Water Quality Control Plan (Basin Plan).

  
\_\_\_\_\_  
JOHN H. ROBERTUS  
Executive Officer  
Regional Water Quality Control Board

9/14/2009  
Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location Map
  4. Site Map
  5. Mitigation Map
  6. Stream Photo documentation Procedure

**ATTACHMENT 1  
PROJECT INFORMATION**

**Applicant:** ✓ 22<sup>nd</sup> District Agricultural Association  
 Attention: Mr. Gary Reist, Chief Plant Operations  
 2260 Jimmy Durante Boulevard  
 Del Mar, CA 92014  
 Telephone: (858) 792-4272  
 Email: greist@sdfair.com

**Applicant Representatives:** ✓ LSA Associates, Inc.  
 Attention: Mr. Mike Trotta, Principal  
 703 Palomar Airport Road, Suite 260  
 Carlsbad, CA 92011-1028  
 Telephone: (760) 931-5471  
 Email: mike.trotta@lsa-assoc.com

**Project Name:** ✓ *Stevens Creek Channel Maintenance Project (08C-022)*

**Project Location:** ✓ Latitude: 32.978572 N      Longitude: 117.261887W

**Type of Project:** ✓ Programmatic Channel Maintenance, Flood Control

**Need for Project:** ✓ Channel maintenance is needed periodically to alleviate flooding concerns on fairgrounds and Via de La Valle.

**Project Description:** ✓ The project proposes to periodically clear a portion of Stevens Creek of accumulated sediment, debris and vegetation to prevent flooding and a public safety hazard from occurring at the Del Mar Fairgrounds and Via de la Valle. Activities will include maintenance of 1,150 linear feet of stream, which will be triggered by visual observation of the channel and conducted on an as needed basis throughout the 5-year duration of the certification. The project also includes eradication of non-native vegetation along the northern bank of the stream and native habitat enhancement. The middle 12 feet of the 36 foot wide channel will be periodically maintained and a 12 foot buffer of wetland vegetation on each bank will be left unmaintained low growth wetland.

**Federal Agency/Permit:** U.S. Army Corps of Engineers §404, NWP Number 31, Robert Smith

**Other Required Regulatory Approvals:** California Department of Fish and Game Streambed Alteration Agreement, Marilyn Fluharty

California Coastal Commission: Coastal Development Permit, Ellen Lirly

California Environmental Quality Act (CEQA) Compliance: ✓ On April 4, 2008, the 22<sup>nd</sup> District Agricultural Association, acting as lead agency under CEQA, determined that the proposed activity was categorically exempt as an existing facility (Section 15301(i)).

Receiving Water: ✓ Stevens Creek, San Dieguito HU (905), Solano Beach HA (905.11

Affected Waters of the State/United States: ✓ Recurring Temporary:  
Wetland: 0.002 acre (10 linear feet)  
Riparian  
Streambed: 0.32 acre (1140 linear feet)

Dredge Volume: ✓ An estimated 1,830 cubic yards of accumulated sediment and debris will be excavated from the affected reach of Stevens Creek, and after initial excavation amounts will vary.

Related Projects Implemented/to be Implemented by the Applicant(s): none

Compensatory Mitigation: ✓ Recurring temporary impacts to 0.322 acres of waters of the US/State will be mitigated at a 1.34:1 ratio by the eradication of non-native vegetation and revegetation of 0.43 acre of the northern bank of reach 3 of the creek, in accordance with the July 2009 *Draft Mitigation and Monitoring Plan and Technical Specifications Stevens Creek Emergency Flood Control Channel Maintenance San Diego, California* (prepared by LSA Associates)

Mitigation Location: ✓ Latitude: 32.978572 N                      Longitude: 117.261887W

Best Management Practices (BMPs):

- A temporary silt barrier will be installed downstream prior to channel maintenance activities and removed only after work is complete and sediment has settled out.
- A qualified biologist will conduct a pre-maintenance survey of the work area, and will be present during channel maintenance activities.
- Excavated material will be temporarily placed on the south bank to allow materials to dry before they are disposed of at an approved off-site upland location.

Public Notice: On April 22, 2008, receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public

Fees: ✓ Total Due: \$7860.00  
Total Paid: \$7860.00 (Check No. 1433 & 2706)

CIWQS: Regulatory Measure ID: 344194, Party ID: 345310  
Place ID: 716387

**ATTACHMENT 2  
DISTRIBUTION LIST**

Mr. Robert Smith  
U.S. Army Corps of Engineers, Regulatory Branch  
San Diego Field Office  
6010 Hidden Valley Rd, Suite 105  
San Diego, CA 92011-4213  
[robert.r.smith@usace.army.mil](mailto:robert.r.smith@usace.army.mil)

Ms. Marilyn Fluharty  
California Department of Fish and Game  
South Coast Region  
Habitat Conservation Planning – South  
4949 Viewridge Avenue  
San Diego, CA 92123  
[MFluharty@dfg.ca.gov](mailto:MFluharty@dfg.ca.gov)

Mr. Mike Trotta  
LSA Associates, Inc.  
703 Palomar Airport Road, Suite 260  
Carlsbad, CA 92011-1028  
[mike.trotta@lsa-assoc.com](mailto:mike.trotta@lsa-assoc.com)

U.S. EPA, OWOW, Region 9  
75 Hawthorne St.,  
San Francisco, CA 94105  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

State Water Resources Control Board, Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
P.O. Box 100  
Sacramento, CA 95812-0100  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

**ATTACHMENT 3  
PROJECT LOCATION**

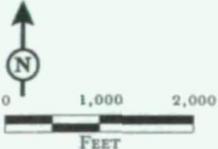


FIGURE 1

LSA

LEGEND

 Project Location



Stevens Creek - Del Mar Fairground  
Project Location Map

SOURCE: USGS 7.5' QUAD - DEL MAR (1975)  
I:\DLM0701\Fig1.mxd (11/28/2007)

**ATTACHMENT 4  
SITE MAP**



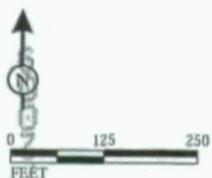
LSA

FIGURE 2

LEGEND

— Reach Centerlines

○ Pipe/Culverts



SOURCE: Aerial: AirphotoUSA (2007)

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Stevens Creek Channel Maintenance  
 Del Mar Fairgrounds and Horsepark  
 Project Area Map

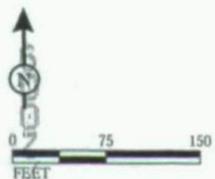
**ATTACHMENT 5  
MITIGATION MAP & PHOTOS**



Via De La Valle

LSA

FIGURE 3



LEGEND

Mitigation Areas

SOURCE: Aerial: AirphotoUSA (2007)

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*Stevens Creek Channel Maintenance  
Del Mar Fairgrounds and Horsepark  
Reach 3 Proposed Mitigation*



Photo 1. Brazilian Pepper (*Schinus terebinthifolius*) and Tamarisk (*Tamarix* sp.).



Photo 2. Brazilian Pepper (*Schinus terebinthifolius*) and Canary Island date palm (*Phoenix canariensis*).



Photo 3. Giant Reed (*Arundo donax*).



Photo 4. Culvert at west end of Reach 3 choked with nonnative vegetation.

LSA

FIGURE 4

Stevens Creek Channel Maintenance  
Site Photos

## ATTACHMENT 6 STREAM PHOTO DOCUMENTATION PROCEDURES

### Standard Operating Procedure (SOP)

#### Stream Photo Documentation Procedure

(CARCD 2001, Written by TAC Visual Assessments work group)

#### Introduction:

Photographs provide a qualitative, and potentially semi-quantitative, record of conditions in a watershed or on a water body. Photographs can be used to document general conditions on a reach of a stream during a stream walk, pollution events or other impacts, assess resource conditions over time, or can be used to document temporal progress for restoration efforts or other projects designed to benefit water quality. Photographic technology is available to anyone and it does not require a large degree of training or expensive equipment. Photos can be used in reports, presentations, or uploaded onto a computer website or GIS program. This approach is useful in providing a visual *portrait of water resources to those who may never have the opportunity to actually visit a monitoring site.*

#### Equipment:

Use the same camera to the extent possible for each photo throughout the duration of the project. Either 35 mm color or digital color cameras are recommended, accompanied by a telephoto lens. If you must change cameras during the program, replace the original camera with a similar one comparable in terms of media (digital vs. 35 mm) and other characteristics. A complete equipment list is suggested as follows:

#### Required:

- Camera and backup camera
- Folder with copies of previous photos (do not carry original photos in the field)
- Topographic and/or road map
- Aerial photos if available
- Compass
- Timepiece
- Extra film or digital disk capacity (whichever is applicable)
- Extra batteries for camera (if applicable)
- Photo-log data sheets or, alternatively, a bound notebook dedicated to the project
- Yellow photo sign form and black marker, or, alternatively, a small black board and chalk

#### Optional:

- GPS unit
- Stadia rod (for scale on landscape shots)
- Ruler (for scale on close up views of streams and vegetation)
- Steel fence posts for dedicating fixed photo points in the absence of available fixed landmarks

### **How to Access Aerial Photographs:**

Aerial Photos can be obtained from the following federal agencies:

USGS Earth Science Information Center  
 507 National Center  
 12201 Sunrise Valley Drive  
 Reston, VA 22092  
 800-USA-MAPS

USDA Consolidated Farm Service Agencies  
 Aerial Photography Field Office  
 222 West 2300 South  
 P.O. Box 30010  
 Salt Lake City, UT 84103-0010  
 801-524-5856

Cartographic and Architectural Branch  
 National Archives and Records Administration  
 8601 Adelphi Road  
 College park, MD 20740-6001  
 301-713-7040

### **Roles and Duties of Team:**

The team should be comprised of a minimum of two people, and preferably three people for restoration or other water quality improvement projects, as follows:

1. Primary Photographer
2. Subject, target for centering the photo and providing scale
3. Person responsible for determining geographic position and holding the photo sign forms or blackboard.

One of these people is also responsible for taking field notes to describe and record photos and photo points.

### **Safety Concerns:**

Persons involved in photo monitoring should **ALWAYS** put safety first. For safety reasons, always have at least two 2 volunteers for the survey. Make sure that the

area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water
- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

### **General Instructions:**

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project*.

When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream flow, cloud cover, and site access fluctuate. It is often important to include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the angle from which the photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the

project. Of most importance overall, however, is being aware of the goal(s) of the project and capturing images that clearly demonstrate progress towards achieving those goal(s). Again, reference to *Suggestions for Photo Points by Type of Project* may be helpful.

If possible, try to include a black board or yellow photo sign in the view, marked at a minimum with the location, subject, time and date of the photograph. A blank photo sign form is included in this document.

### **Recording Information:**

Use a systematic method of recording information about each project, photo point, and photo. The following information should be entered on the photo-log forms (blank form included in this document) or in a dedicated notebook:

- Project or group name, and contract number (if applicable, e.g., for funded restoration projects)
- General location (stream, beach, city, etc.), and short narrative description of project's habitat type, goals, etc.
- Photographer and other team members
- Photo number
- Date
- Time (for each photograph)
- Photo point information, including:
  - Name or other unique identifier (abbreviated name and/or ID number)
  - Narrative description of location including proximity to and direction from notable landscape features like roads, fence lines, creeks, rock outcrops, large trees, buildings, previous photo points, etc. – sufficient for future photographers who have never visited the project to locate the photo point
  - Latitude, longitude, and altitude from map or GPS unit
- Magnetic compass bearing from the photo point to the subject
- Specific information about the subject of the photo
- Optional additional information: a true compass bearing (corrected for declination) from photo point to subject, time of sunrise and sunset (check newspaper or almanac), and cloud cover.

For ambient monitoring, the stream and shore walk form should be attached or referenced in the photo-log.

When monitoring the implementation of restoration, fuel reduction, or Best Management Practices (BMP) projects, include or attach to the photo-log a narrative description of observable progress in achieving the goals of the project. Provide supplementary information along with the photo, such as noticeable changes in habitat, wildlife, and water quality and quantity.

Archive all photos, along with the associated photo-log information, in a protected environment.

### **The Photo Point: Establishing Position of Photographer:**

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).
2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.
3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

### **Determining the Compass Bearing:**

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

## **Suggestions for Photo Points by Type of Project:**

### **Ambient or Event Monitoring, Including Photography Associated with Narrative Visual Assessments:**

1. When first beginning an ambient monitoring program take representative long and/or medium view photos of stream reaches and segments of shoreline being monitored. Show the positions of these photos on a map, preferably on the stream/shore walk form. Subjects to be photographed include a representative view of the stream or shore condition at the beginning and ending positions of the segment being monitored, storm drain outfalls, confluence of tributaries, structures (e.g., bridges, dams, pipelines, etc.).
2. If possible, take a close view photograph of the substrate (streambed), algae, or submerged aquatic vegetation.
3. Time series: Photographs of these subjects at the same photo points should be repeated annually during the same season or month if possible.
4. Event monitoring refers to any unusual or sporadic conditions encountered during a stream or shore walk, such as trash dumps, turbidity events, oil spills, etc. Photograph and record information on your photo-log and on your Stream and Shore Walk Visual Assessment form. Report pollution events to the Regional Board. Report trash dumps to local authorities.

### **All Restoration and Fuel Reduction Projects – Time Series:**

Take photos immediately before and after construction, planting, or vegetation removal. Long term monitoring should allow for at least annual photography for a minimum of three years after the project, and thereafter at 5 years and ten years.

### **Meadow Restoration:**

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing an overlapping sequence of photos illustrating a long reach of stream and meadow (satellite photos, or hill close by, fly-over, etc.)
3. Long view up or down the longitudinal dimension of the creek showing riparian vegetation growth bounded on each side by grasses, sedges, or whatever that is lower in height
4. Long view of conversion of sage and other upland species back to meadow vegetation

5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)
6. Medium and close views of structures, plantings, etc. intended to induce these changes

**Stream Restoration/stabilization:**

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.
4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)
5. Medium and close views of structures, plantings, etc. intended to induce these changes.
6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

**Vegetation Management for Fire Prevention (“fuel reduction”):**

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.
4. Medium view photos showing examples of vegetation changes, and plantings if included in the project. It is recommended that a person (preferably holding a stadia rod) be included in the view for scale

5. To the extent possible include medium and long view photos that include adjacent stream channels.

**Stream Sediment Load or Erosion Monitoring:**

1. Long views from bridge or other elevated position.
2. Medium views of bars and banks, with a person (preferably holding a stadia rod) in view for scale.
3. Close views of streambed with ruler or other common object in the view for scale.
4. Time series: Photograph during the dry season (low flow) once per year or after a significant flood event when streambed is visible. The flood events may be episodic in the south and seasonal in the north.
5. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 1 and 2 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.



**PHOTO SIGN FORM:** Print this form on yellow paper. Complete the following information for each photograph. Include in the photographic view so that it will be legible in the finished photo.

**Location:**

**Subject Description:**

**Date:**

**Time:**