
Santa Ana Regional Water Quality Control Board

September 11, 2012

Kerwin Russell
Natural Resources Manager
Riverside-Corona Resource Conservation District
4500 Glenwood Dr.
Riverside, CA 92501

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE LOWER TEQUESQUITE CREEK AQUATIC
RESTORATION PROJECT, CITY OF RIVERSIDE, COUNTY OF RIVERSIDE,
CALIFORNIA (SARWQCB PROJECT NO. 332012-16)**

Dear Mr. Russell:

On July 25, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (401 Certification) from the Riverside-Corona Resource Conservation District (RCRCD) for a project to restore aquatic habitat in the downstream section of Tequesquite (Arroyo) Creek. Included with the application were the following:

- A copy of the application for the United States Army Corps of Engineers (USACE) Clean Water Act Section 404 Nationwide Permit for the project;
- A copy of the California Department of Fish and Game (CDFG) Long term Routine Maintenance Lake and Streambed Alteration Agreement (Streambed Agreement) to be used for the project;
- A copy of a Notice of Exemption indicating that the project was certified as exempt from California Environmental Quality Act (CEQA);
- \$944 as the fee required to complete the process to issue a 401 Certification for a restoration project, as specified by the California Code of Regulations (CCR), Division 3, Chapter 9, Article 1, Section 2200 (a) (3) and the Dredge and Fill Fee Calculator.

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) (Basin Plan) and subsequent Basin Plan amendments:

Project Description:

The project entails restoring aquatic habitat in the section of Tequesquite Creek from its confluence with the Santa Ana River to approximately 800 linear ft. upstream. In particular, the RCRCD proposes to improve habitat for the Santa Ana sucker (*Catostomus santaanae*), listed as endangered by the U.S. Fish and Wildlife Service, and the arroyo chub (*Gila orcutti*) and speckled dace (*Rhinichthys osculus*), both listed by the CDFG as species of special concern. The project will focus on improving habitat through the removal of debris dams, trash, exotic vegetation (particularly palms, ash, eucalyptus, tamarisk, *Arundo donax*, and castor bean), and other human impacts such as illegal dumping of broken concrete. Where needed, the stream bank will be stabilized by re-contouring to a 2:1 slope, and re-planted with willow and mule fat cuttings and other native riparian vegetation. Willow wattles will also be used to stabilize and re-vegetate areas within the project site. Gravel and small cobbles may be placed in the project site channel to improve fish habitat, particularly spawning habitat, if found to be necessary. Gravel placement in specific areas of the stream channel would be limited to no more than 50 cubic yards over the project period of two years.

Receiving water:	Santa Ana River, Reach 3
Latitude / Longitude	33/58'35.77 N by -117.24'14.49" W T5W, R6E, USGS <i>Riverside West</i> quadrangle
Fill area:	0.70 acre
Dredge/Fill volume:	N.A.
Federal permit:	USACE NWP 27
Mitigation:	The project will temporarily impact waters of the state but ultimately will restore and enhance beneficial uses; therefore no mitigation is required.

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 will ensure those impacts are mitigated to an acceptable level.

The RCRCD found that the project is categorically exempt from provisions of CEQA and filed a CEQA Notice of Exemption for the project on July 25, 2012. The RCRCD cited several sections of Title 14 of the California Code of Regulations (CEQA Guidelines) in justifying the CEQA exemption, including section 15304 (projects consisting of minor public or private alterations in the condition of land, water, and/or vegetation), and section 15316 (projects involving the acquisition of lands for wildlife conservation purposes). Regional Board staff concludes that the exemptions cited appear

reasonable for this project. In addition, the Regional Board independently concludes that the project's impacts to water quality will be reduced to a less than significant levels and that beneficial uses will be protected. This includes consideration of the conditions set forth in this 401 Certification,

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

- 1) The applicant must comply with the requirements of the applicable Clean Water Act section 404 permit.
- 2) The applicant must comply with the conditions of the CDFG streambed alteration agreement for the project.
- 3) The applicant must submit the annual report, electronically or hard copy, required under the CDFG Agreement for the project to Regional Board staff at the same time that the report is submitted to CDFG.
- 4) All materials generated from construction activities associated with this project shall be managed appropriately. This shall include identifying all potential pollution sources within the scope of work of this project, and incorporating all necessary pollution prevention BMPs as they relate to each potential pollution source identified.
- 5) The project proponent shall utilize BMPs 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.
- 6) 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, debris from metal cutting or welding, including dusts, fillings, grindings and slag, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
- 7) 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.

- 8) 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 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.
- 9) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.

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.

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, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification 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. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.

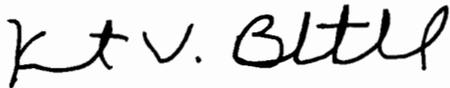
This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related 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. 2003-0017-DWQ is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Dave Woelfel at (951) 782-7960, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold
Executive Officer
Santa Ana Regional Water Quality Control Board

cc (via electronic mail):

U. S. Army Corps of Engineers, Riverside Office- Jim Mace
State Water Resources Control Board, OCC- David Rice
State Water Resources Control Board, DWQ -Water Quality Certification Unit
California Department of Fish and Game – Juan Lopez Torres
U.S. EPA- Supervisor of the Wetlands Regulatory Office WTR- 8