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Santa Ana Regional Water Quality Control Board

March 11, 2013

Tricia D. Thrasher
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1223 University Ave, Suite 200
Riverside, CA 92507-7209

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE GLEN MOR 2 STUDENT APARTMENTS-ARROYO IMPROVEMENTS PROJECT, COUNTY OF RIVERSIDE, CALIFORNIA (ACOE REFERENCE NO. NOT AVAILABLE) (SARWQCB PROJECT NO. 332012-34)

Dear Ms. Thrasher:

On November 30, 2012, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), from University of California, Riverside (UCR) for a project to improve pedestrian circulation, stabilize drainage channel banks, maintain existing culverts, and enhance riparian habitat. The project is located within an arroyo northwest of Big Springs Road and Valencia Hill Drive, on the UCR campus, in the city of Riverside, Riverside County. 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 will consist of bank stabilization activities at named locations below, as well as the construction of two pedestrian bridges and culvert repair work.

- Upstream Gabion Wall

  Approximately 125 linear feet of gabion wall will be constructed along the northern bank of the arroyo, south of the Glen Mor 1 recreational fields. The wall will be constructed to a total height of 10-13 feet, with the upper four feet rising above finished grade. The base of the gabion will be buried six to nine feet below bed grade for scour protection. The face of the gabion wall will closely follow the existing bank along the downstream half of the wall, with the upstream half situated within a bench outside the existing stream zone. Finished landscaping will include a uniformly sloped erosion control feature, sloping away from the bank of the arroyo, toward the recreational fields.

- Central Gabion Wall

  Approximately 250 linear feet of gabion wall will be placed along the northern bank of the arroyo, just south of Glen Mor 1 and Pentland Hills residential properties. At this location, the gabion wall will be constructed to reach a height of six feet above finished grade, with an additional depth of wall extending approximately 6 feet below bed grade for scour protection. The position of the proposed wall meanders both landward and streamward of the existing bank. Where the wall is placed within the existing streambed, grading will provide compensating channel bottom width and establish a new bank on the opposing side. Construction will require removal of three hybridized walnut trees and a patch of mulefat scrub at the downstream end of the gabion wall. Excavation for the wall and layback area is estimated to require removal of 625 cubic yards of material from the jurisdictional stream. Approximately 300 cubic yards of rock will be placed within the existing stream limits with construction of the gabion wall and approximately 325 cubic yards of material would be backfilled into the excavation limits to the stream side of the new wall. An additional 186 cubic yards of material would be placed within existing stream areas isolated behind the new wall.

Two bridges will be constructed as part of this project to accommodate pedestrian circulation and to reduce pedestrian-caused erosion within the arroyo. The proposed bridges will be supported on concrete abutments and will be able to accommodate golf cart-type service vehicles.

- Short Bridge (also referred to as Bridge 2 or West Bridge)

  Construction of this bridge is located near the existing unpaved footpath through the arroyo, at the northeast corner of Lothian (residence) Hall. This bridge will be approximately 55 feet in length and will rest on abutments supported by cast-in-drilled-hole piers. Improvements at the abutments will include placement of rip-rap for scour protection, with temporary excavation to allow placement of ungrouted rip-rap below grade to a depth of approximately 2 feet. The bridge will clear the existing ground surface within the arroyo bottom by approximately one foot to three feet. Three hybridized walnut trees will be removed in the vicinity of the bridge to provide clearance for the bridge's span and to improve visibility for safety purposes. The south abutment includes an integrated water quality feature that accepts all runoff from the approximately 2.5-acre portion of the Glen Mor 2 development site, which historically has drained to the arroyo. This modular wetland unit incorporates an integrated outlet that will discharge to the rip-rap zone around the abutment.

- Long Bridge (also referred to as Bridge 1 or East Bridge)

  This portion of the project is located near the east end of the existing fire lane, along the north side of the arroyo. This bridge will be approximately 140 feet in length and will rest on abutments supported by cast-in-drilled-hole piers. The south abutment will be situated within a terraced area well outside the jurisdictional limits; the majority of the length of the bridge (approximately 105 feet) will extend over upland areas south of the stream channel (as adjusted with gabion wall construction). The proposed northern abutment straddles the eroding north arroyo bank. This area is part of proposed area that will be reclaimed uplands behind the Central Gabion Wall. The bridge will clear finished ground surfaces within the adjusted stream channel by approximately 4 to 5 feet. One hybridized walnut tree interfering with the span will be removed.

Culvert modifications will be included as part of this project. Activities associated with the extension of an existing culvert at Valencia Hill Drive, the removal of a culvert and fill associated with the existing path crossing the arroyo north of Lothian Hall, and the clearing of accumulated debris and sediment at the existing culvert at the downstream limits of the project are detailed below:

- Valencia Hill Drive Culvert Extension – This element has been included as part of the Glen Mor 2 arroyo improvements at the request of the City of Riverside and local residents to accommodate completion of sidewalks along the west side of Valencia Hill Drive. The proposed improvements will extend the existing culvert approximately 10 feet, construct a new headwall/retaining wall, and establish a concrete apron and rip rap energy dissipation feature at the outlet of the extended pipe.

- Culvert/Path Removal – This element involves removal of an approximately 14-foot length of culvert and a turf-block path established as a fire access route with earlier phases of residence hall construction in this area. A work zone extending 10 feet both upstream and downstream of the existing path is estimated for temporary impact calculations. One large tamarisk tree at the inlet side of the culvert will be removed. Additional trimming of riparian vegetation on the upstream side of the path may be included within these project activities. Once the existing path and culvert are removed, the work limits will be graded to conform to the adjacent undisturbed arroyo zone.

- Culvert Clearing – This element involves temporary impacts to remove accumulated debris on the upstream side of the existing 54-inch culvert at the paved path, which runs along the west end of Lothian Hall. A work zone of 25 feet by 25 feet centered on the culvert has been calculated for temporary impacts. It is estimated that approximately 8 cubic yards of accumulated sediment will be removed from the culvert.

	The work will take place within Sections 20 of Township 2 South, Range 4 West, of the U.S. Geological Survey *Riverside East* quadrangle map (33.977328° N/ -117.32016 ° W).
Receiving water:	Unnamed tributary to University Arroyo
Fill area:	0.03 acres of permanent impact to streambed habitat (368 linear feet), and 0.24 acre of temporary impact to streambed habitat (1,832 linear feet)
Dredge/Fill volume:	N/A
Federal permit:	U.S. Army Corps of Engineers Nationwide Permit No. 3, 13, 14, & 27

You have proposed to mitigate water quality impacts as described in your Certification application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Standard water quality related best management practices (BMPs) will be employed during construction activities.
- 0.27 acre (2,200 linear feet) of enhancements to the ephemeral (arroyo) stream. Compensatory mitigation is proposed to offset 0.03 of permanent impact to streambed habitat as well as 0.24 acre of temporary impact to streambed habitat. All proposed enhancements are illustrated in the project's Arroyo Restoration Program.

Offsite Water Quality Standards Mitigation Proposed:

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 Wildlife will ensure those impacts are mitigated to an acceptable level.

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 or Negative Declaration prepared by the lead agency in determining whether to approve a project. 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.

As required by Section 15096, the Regional Board has considered the EIR prepared for the proposed project, and information provided subsequently in the University's application, in approving this Certification.

In the issuance of this Certification, the Executive Officer has considered those sections of the May 2011 Environmental Impact Report for this project that relate to water quality. Based on the mitigation proposed and the conditions set forth in this Certification, impacts to water quality will be reduced to a less than significant level and beneficial uses will be protected. The Regional Board independently finds that changes or alterations have been required or incorporated into the project that avoid or mitigate impacts to water quality to a less than significant level.

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) Proposed mitigation shall be timely implemented. Materials documenting the purchase of necessary mitigation credits shall be provided to this office prior to the discharge of fill to, or the dredging or excavation of material from, waters of the state.
3) 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.
4) 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.
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.

7) 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.

8) Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
9) Applicant shall ensure that all fees associated with this project shall be paid to each respective agency prior to conducting any on-site construction activities.
10) A copy of this Certification and any subsequent amendments must be maintained on site for the duration of work as a denoted element of any project SWPPP or WQMP.
11) Applicant shall ensure all procedures and policies specified within the project's WQMP, shall adequately address any hydraulic conditions of concern generated during and as a result of this project.
12) Prior to any grading for the project in areas slated to be impacted, functional assessments of these proposed areas of wetland and riparian habitats and riparian mitigation sites shall be conducted using the California Rapid Assessment Method, February 2012.
13) Assessments of mitigation sites shall be conducted from October through December, until success criteria are met for consecutive years. This information shall be reported to http://www.californiawetlands.net/tracker/

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 Marc Brown at (951) 321-4584, or Mark Adelson at (951) 782-3234.

Sincerely,

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

cc (via electronic mail):
ICF International – Kathleen Dale; Katheleen.Dale@icfi.com
U. S. Army Corps of Engineers, Los Angeles Office -Jason Lambert
CA Department of Fish and Wildlife - Joanna Gibson
State Water Resources Control Board, Office of Chief Counsel-David Rice
State Water Resources Control Board DWQ -Water Quality Certification Unit
U.S. EPA -Supervisor of the Wetlands Regulatory Office WTR-8