

EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Santa Ana Regional Water Quality Control Board

November 20, 2015

Ms. Carrie Schindler  
Director of Rail and Transit Programs  
San Bernardino Associated Governments  
1170 West 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor  
San Bernardino, California 92401

cschindler@sanbag.ca.gov

### **NOTICE OF APPLICABILITY (NOA) FOR COVERAGE UNDER THE STATE WATER RESOURCES CONTROL BOARD GENERAL 401 WATER QUALITY CERTIFICATION ORDER NO. SB12002GN FOR US ARMY CORPS OF ENGINEERS 2012 CERTIFIED NATIONWIDE PERMITS**

**FILE: SAN BERNARDINO ASSOCIATED GOVERNMENTS REDLANDS PASSENGER RAIL GEOTECHNICAL INVESTIGATION PROJECT (SARWQCB PROJECT NO. 362015-29, CIWQS #: 818899)**

Dear Ms. Schindler:

On October 14, 2015, the Santa Ana Regional Water Quality Control Board (Regional Water Board) received a 2012 Certified Nationwide Permit Notice of Intent (NOI) form to comply with the terms of, and obtain coverage under, the State Water Resources Control Board (SWRCB) Clean Water Act Section 401 Water Quality Certification of the U.S. Army Corps of Engineers 2012 Nationwide Permits, Order No. SB12002GN (General 401 Order)<sup>1</sup>, for the San Bernardino Associated Governments Redlands Passenger Rail Geotechnical Investigation Project (Project).

The proposed Project site is located near the Atchison Topeka & Santa Fe Railroad crossing of the Santa Ana River in the city of San Bernardino, San Bernardino County, California. The proposed Project site is mapped on the San Bernardino South, California U.S. Geological Survey (USGS) 7.5-minute series topographic map, within Section 23 of Township 1 South, Range 4 West of the San Bernardino Meridian. Approximate coordinates of the Project location are latitude 34° 4' 29.794" N, and longitude -117° 16' 18.862" W.

<sup>1</sup> State Water Resources Control Board General 401 Water Quality Certification for 2012 Nationwide Permits, Order No. SB12002GN, is found at -  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/nwp\\_401.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nwp_401.pdf)

Santa Ana Regional Water Board staff has determined that the Project, as described in the NOI, is categorically exempt from CEQA review under CEQA Guidelines Section 15306, Class 6, which consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. Regional Board staff has also determined that the proposed Project meets the eligibility requirements for coverage under the General 401 Water Quality Certification Order for 2012 Certified Nationwide Permits.

**Project Purpose and Description:**

The proposed Project consists of the drilling of geotechnical borings for the proposed Redlands Passenger Rail Project. The geotechnical field investigation includes drilling five exploratory boreholes to investigate subsurface conditions and collect in-situ soils. The boreholes will be drilled into the Santa Ana River bed. Spoils generated from the borehole excavations will be used as backfill for the boreholes. The Project will result in a total of approximate 0.212 acre temporary impact to the stream channel, a water of the U.S. The Project shall be constructed and maintained using methods and avoidance and minimization measures described within the application materials.

Receiving Water:	Santa Ana River, Reach 5
Filled Excavated Area:	Permanent Area Impacted: None Temporary Area Impacted: 0.212 acres stream channel
Total Linear Impacts:	Length Permanently Impacted: None Length Temporarily Impacted: 346 linear feet
Fill Volume:	None
Latitude/Longitude:	34° 4' 29.794" N / -117° 16' 18.862" W

Regional Water Board staff has determined that the Project may proceed under the General 401 Order, if the following conditions specified in General 401 Water Quality Certification Order No. SB12002GN for 2012 Nationwide Permits that are applicable to your Project are adhered to during the proposed activities:

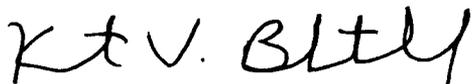
- 1) All activities shall comply with all requirements of the California Porter-Cologne Water Quality Control Act (Water Code, §13000, et seq.) and applicable State or Regional Water Quality Control Plans. (SB12002GN Condition #4).
- 2) Water may not be diverted for Project activities. (SB12002GN Condition #6).

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- 3) The proposed Project shall not result in the taking of any species listed as threatened or endangered or as a candidate for threatened or endangered listing under either the federal or California Endangered Species Act. (SB12002GN Condition #8).
- 4) Project activities may not take place in a Hazardous Waste site listed in Section 65962.5 of the Government Code (i.e., "Cortese List"). (SB12002GN Condition #10).
- 5) No drilling compounds, fluids, or "muds" may be discharged to waters of the State of California or United States. (SB12002GN Condition #13).
- 6) Any waiver of the U.S. Army Corps of Engineers conditions or regional conditions shall disqualify this project from enrollment under the General Certification. (SB12002GN Condition #16).

Should there be any questions, please contact Jason Bill at (951) 782-3295 or [Jason.Bill@waterboards.ca.gov](mailto:Jason.Bill@waterboards.ca.gov), or Wanda Cross at (951) 782-4468 or [wanda.cross@waterboards.ca.gov](mailto:wanda.cross@waterboards.ca.gov).

Sincerely,



Kurt V. Berchtold  
Executive Officer

cc (via electronic mail):

HDR, Inc. - Clint Meyer – [Clint.Meyer@hdcrrinc.com](mailto:Clint.Meyer@hdcrrinc.com)  
U. S. Army Corps of Engineers, Los Angeles District - Shannon Pankratz  
State Water Resources Control Board, OCC- David Rice  
State Water Resources Control Board, DWQ -Water Quality Certification Unit  
California Department of Fish and Wildlife – Kim Freeburn-Marquez  
U.S. Environmental Protection Agency, Supervisor of the Wetlands Regulatory  
Office – Jason Brush WTR-2-4