



California Regional Water Quality Control Board

Santa Ana Region



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Secretary for
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Arnold Schwarzenegger
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June 27, 2008

David Stevenson
Yucaipa-Calimesa Joint Unified School
District
12797 Third Street
Yucaipa, CA 92399

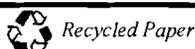
CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE MESA VIEW HIGH SCHOOL ACCESS ROAD, CITY OF CALIMESA, RIVERSIDE COUNTY (ACOE REFERENCE NO. SPL-2008-00050-YVC)

Dear Mr. Stevenson:

On November 7, 2007, the Regional Water Quality Control Board, Santa Ana Region (Regional Board) received an application for a Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), submitted on your behalf by Michael Brandman Associates, Inc., for the proposed Mesa View High School access road in the City of Calimesa. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State of California 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: Partial construction of a portion of the Mesa Verde Specific Plan roadway system to provide access to the existing Mesa View High School. The roadway consists of an extension of Sandalwood Drive near Interstate 10, to its intersection with "F" Street and construction of "F" Street and "G" Street. Although grading will be completed to accommodate the ultimate planned 4-lane roadway for Sandalwood Drive, only 2 lanes will be fully constructed to serve the needs of the School District. "F" and "G" Streets will be fully constructed. The grading work will include the installation of two culvert crossings over drainages and related storm drain infrastructure. The project is located within Sections 14 and 15 of Township 2 South, Range 2 West, of the U.S. Geological Survey *El Casco, California*, 7.5-minute

California Environmental Protection Agency



topographic quadrangle map (34 deg. 59 min. 32.64 sec. N/
-117 deg. 04 min. 04.63 sec. W).

Receiving water: Two un-named ephemeral drainages tributary to San Timoteo Creek.

Fill area: 0.14 acres of permanent impact (2,347 linear feet).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 14.

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

Onsite Water Quality Standards Mitigation Proposed:

- Nuisance flow and 'first-flush' discharges from the roadway will be treated in hydrodynamic separators and the roadway and separators will be operated and maintained by the City of Calimesa.
- The City of Calimesa will maintain best management practices ("BMPs") to prevent erosion from the unfinished road surfaces, including adjacent cut or fill slopes.
- Additional site-specific BMPs will be specified in the site's Storm Water Pollution Prevention Plan ("SWPPP").

Offsite Water Quality Standards Mitigation Proposed:

- An in-lieu fee payment will be made to the Santa Ana Watershed Association ("SAWA") towards the eradication of 0.4 acre of invasive plant species.

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. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State. Since the project is more than one acre, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, (General Stormwater Permit) is required, which requires as a condition development and implementation of a SWPPP, to control the discharge of pollutants from the project site.

The proposed project includes partial construction of a portion of the Mesa Verde Specific Plan roadway system to provide access to the existing Mesa View High School.

As part of the Mesa Verde Specific Plan, soft-bottom culverts were proposed for many of the drainage crossings for the roadways. The proposed Mesa View High School access road deviates from the Mesa Verde Specific Plan application by altering the sub-drainage boundaries and by proposing box culverts. The revised sub-drainage boundaries and their subsequent impact on the type and location of storm water structural treatment controls in the Specific Plan will be resolved as technical information becomes available at a later time.

Regional Board staff has raised concerns regarding the cumulative impact of the new access road culverts and the implementation of the Mesa Verde Specific Plan on habitat connectivity and the biological integrity of the drainages proposed for preservation in open space areas. After consultation with the Department of Fish and Game staff, you have agreed to mitigate the biological impacts of the proposed fill by incorporating landscaping that facilitates movement of terrestrial species across the road, rather than through the culverts.

You have applied for a Nationwide Permit 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 the California Environmental Quality Act ("CEQA"), the Yucaipa-Calimesa Joint Unified School District ("School District"), as lead agency, certified a Final Environmental Impact Report ("EIR") for the project on September 5, 2006. Following objections raised regarding the proposed access road to the project site, the School District, as lead agency, prepared and certified a Supplemental Environmental Impact Report ("SEIR") for the Mesa View High School on January 22, 2008.

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 and SEIR prepared by the lead agency in determining whether to approve a Section 401 Certification. 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 both the EIR and SEIR prepared for the proposed project in approving this Certification. Based on the mitigation proposed in the EIR and SEIR, and the conditions set forth in this Certification, impacts to water quality shall be reduced to a less than significant level and beneficial uses shall be protected. Thus, the Regional Board finds that changes or alterations have been required in, or incorporated into the project, which avoid or mitigate impacts to water quality to a less than significant level.

Additionally, the SEIR concluded that project-specific short-term and cumulative air quality impacts will not be mitigated to a less than significant level. Pursuant to Section 15093, the School District has adopted a statement of overriding considerations which finds that the benefits of opening Mesa View High School outweigh the significant air quality impacts. As a responsible agency, the Regional Board does not have the authority or jurisdiction to require or implement mitigation measures which may reduce air quality impacts. Thus, consistent with the School District, and pursuant to Section 15093, the Regional Board hereby adopts a statement of overriding considerations and finds that the benefits of opening Mesa View High School, including, but not limited to, reduction of crowding in other high schools, the opportunity for students to learn in a modern facility, avoidance of other potentially significant impacts associated with project alternatives, and indirect benefits to regional traffic and air quality, outweigh the significant impacts to air quality caused by this project.

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

1. Yucaipa-Calimesa Joint Unified School District must pay an in-lieu fee to the Santa Ana Watershed Association towards the eradication of a minimum of 0.40 acre of invasive plant species in the San Timoteo Watershed. The fee payment must include a minimum of 6-years of follow-on maintenance. Evidence of the payment must be provided to the Executive Officer by August 27, 2008.
2. This Certification and any subsequent amendments must be maintained on site as a denoted element of the project SWPPP.
3. The District must provide notice to the Executive Officer if the property is transferred to another entity. This Certification is transferable only upon written notice to the Executive Officer. The notice must include written acknowledgement of this Certification by the transferee's authorized representative.
4. The City of Calimesa must treat nuisance flow and 'first-flush' discharges from the roadway in hydrodynamic separators and must operate and maintain the roadway and separators.
5. The City of Calimesa will maintain BMPs to prevent erosion from the unfinished road surfaces, including adjacent cut or fill slopes.
6. The City of Calimesa must implement and maintain additional site-specific BMPs that will be specified in the site's SWPPP and comply with the State Water Board's General Stormwater Permit.
7. The District must promptly notify the Regional Board if any state- or federally-listed endangered species or their habitat are found at the site,
8. Any discharge from the project must 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, the Basin Plan water quality objectives and with other applicable requirements of State law.

9. The applicant must comply with the requirements of the Clean Water Act section 404 permit.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following are 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. 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 mail):

U. S. Army Corps of Engineers, Los Angeles Office – Yvette Cardenas
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 – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini
and David Smith
City of Calimesa – Gustavo Romo
City of Calimesa – Ann Schneider

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