

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program

**Public Notice
of Application for Water Quality Certification**

State Water Resources Control Board file no. SB 11002IN
U.S. Army Corps of Engineers file no. 2002-00543-ESL

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification (Certification) from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Resources Control Board has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Certification Program.

Applicant: Orange County Public Works

Applicant Contact: Rory Paster
Orange County Public Works
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Project Name: Regional General Permit 46 for Orange County Ocean Outlets Maintenance Program.

Date of Application: March 15, 2011

Affected Counties: Orange

On March 15, 2011, the State Water Resources Control Board (Water Board) received an application from Orange County Public Works (OCPW, or applicant) requesting Federal Clean Water Act, section 401, Water Quality Certification for activities related to the Regional General Permit 46 (RGP 46) for the Orange County Ocean Outlets Maintenance Program. The program proposes opening six river and estuary outlets to the ocean that have been blocked with sand, and in some locations to reshape the outlet by replacing rocks or removing streambed meanders. Proposed activities would consist of removing sand at the end of the outlets, distributing sand on the beach above the high tide line, and re-establishing rock revetments where necessary. The outlets have been maintained as described in the current application since 2006. The activity would continue for a new five year period under the current application.

The outlets to be maintained would be treated semi-annually: once before the storm season (late summer) and once before the summer recreation season (early spring).

Six sites are proposed for treatment (See Map 1). The sites are:

1. Segunda Deshecha Canada Ocean Outlet, near Avenida Estacion and Calle Deshecha, in San Clemente.
2. Santa Ana River Outlet, near Pacific Coast Highway, south of Brookhurst Street in Huntington Beach.
3. Talbert Channel Outlet, near Pacific Coast Highway, south of Brookhurst Street in Huntington Beach.
4. Estrella Storm Channel, off Beach Road, in Dana Point.
5. North Doheny Creek at Doheny State Beach, near Dana Point Harbor off Puerto Place, in Dana Point.
6. Salt Creek, at Salt Creek Beach Park off Pacific Coast Highway, in Dana Point.

OCPW, acting as lead agency under CEQA, has issued a Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed project (SCH no. 2012011009) on Jan 10, 2012.

The proposed activities involve work within waters of the United States, including wetlands, and waters of the state. The proposed activities would result in no permanent impacts. Temporary impacts to 5.9 acres (1,160 linear feet) of estuaries are described in the application. All practical measures will be undertaken to avoid or minimize impacts to waters of the state during project activities. Existing OCPW manuals describe BMPs for the Project.

Three listed species have the potential to occur in the vicinity of the ocean outlets: Western snowy plover (listed as threatened under the federal Endangered Species Act, or ESA); California Least Tern (listed as endangered under ESA and California Endangered Species Act, or CESA); and Southern Steelhead (listed as endangered under ESA). Not all species are associated with all sites. Although not a listed species, protection of Grunion spawning areas in the vicinity at all of the ocean outlets is a concern.

In compliance with federal regulations, all project activity will occur under Regional General Permit 46, Corps file no. 2002-00543-ESL, issued by the Los Angeles District of the U.S. Army Corps of Engineers (Corps).

Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this notice and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact Cliff Harvey at (916) 558-1709 or by e-mail at: (charvey@waterboards.ca.gov).

Date Posted: February 29, 2012

State Water Resources

Control Board Staff Contact:

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Note: No regulatory decision on the application is implied or intended in this public notice.

