



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

Ms. Debbie Waldecker
CA Dept. of Parks and Recreation
8885 Rio San Diego Dr., Suite 270
San Diego, CA 92108

WATER QUALITY CERTIFICATION FOR PROPOSED NICHOLAS POND TRAIL ADA IMPROVEMENT PROJECT (Corps' Project No. 2009-00681-PHT), SAN NICHOLAS CREEK, CITY OF MALIBU, LOS ANGELES COUNTY (File No. 09-169)


Dear Ms. Waldecker:

Board staff has reviewed your request on behalf of California Department of Parks and Recreation (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 8, 2010.

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, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger
Executive Officer

Sept. 28, 2010
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Jamie Jackson (via electronic copy)
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Phuong Trinh (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Eric Raffini (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Bartel
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

ATTACHMENT A

Project Information

File No. 09-169

1. Applicant: California Department of Parks and Recreation
8885 Rio San Diego Drive, Suite 270
San Diego, CA 92108
Phone: (619) 688-3372 Fax: (619) 220-5400

2. Applicant's Agent: Debbie Waldecker

3. Project Name: Nicholas Pond Trail ADA Improvement Project

4. Project Location: Leo Carrillo State Park, Malibu, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
34.0707	118.9068
34.0707	118.9057
34.0683	118.9064
34.0657	118.9070
34.0640	118.9089
34.0640	118.9098
34.0666	118.9099
34.0666	118.9080

5. Type of Project: Trail improvement and stream crossing upgrade

6. Project Purpose: The California Department of Parks and Recreation (CDPR), in compliance with Americans with Disabilities Act (ADA) and a CDPR Accessibility Consent Decree, intend to increase public access along Nicholas Pond Trail. The project will include creation of an ADA parking space, road to trail conversion, road/trail removal, trail re-routes, trail reconstruction, bridge installations, and a pond overlook. The work will also allow for hydrologic improvements to San Nicholas Creek through the elimination of in-stream obstructions and roadway erosion and will re-establish more natural drainage patterns.

ATTACHMENT A

Project Information

File No. 09-169

7. Project Description:

The Nicholas Pond Trail, located within the Nicholas Flat Natural Preserve (Leo Carrillo State Park), will be improved by correcting trail deficiencies to achieve ADA compliance. The project will also restore portions of the creek channel and an adjoining slope to improve function of the corridor for water conveyance and wildlife habitat. The upgrades that will be completed by the California Department of Parks and Recreation (CDPR) include:

- Road to Trail Conversion - Approximately 1,430 feet of existing dirt road, extending from the trailhead south to Nicholas Pond, will be reduced in width from roughly 8 ft to 4 ft. This section of trail served as an old fire road that was periodically graded by the previous property owner to ensure vehicle passage. Due to grading, a berm of soil has accumulated on the west or downslope side of the road, and altered the natural water flows. This altered flow pattern has caused incising along the roadway and at certain locations into the creek. To correct the situation, a cut and fill method will be used to transfer the banked/mounded soils to the inside slope; gullies/ditches will be backfilled and the original road corridor will be narrowed. This will recreate a more natural, sloping hillside that will extend out to the creek, thereby improving sheet flow into the drainage and eliminating erosional problems.
- Road Removal - A portion of roadway, approximately 645 feet long, located slightly northeast of Nicholas Pond, will be abandoned. Soils underlying the road would be decompacted and regraded, and allowed to naturally revegetate over time.
- Trail Removal - Two trail sections approximately 300 feet bordering the western edge of Nicholas Pond (south of the second bridge and just north of the future overlook) will be removed due to difficulties concerning accessibility. The existing path will be subject to grading/recontouring and closed to the public to prevent potential disturbance.
- Trail Reroute - Approximately 1,050 feet of ADA-compliant trails will be created to replace those portions removed. The three re-routes will be constructed to the north and west of the pond and will be 4 feet wide.
- First Pedestrian Bridge Construction – A 65-foot free spanning bridge will be built over San Nicholas Creek to allow for a

ATTACHMENT A

Project Information File No. 09-169

continuous route to the pond. With completion of the new structure, an existing non-ADA crossing, consisting of a culvert and fill, will be eliminated, and the channel will be restored.

- Second Pedestrian Bridge Construction - A second bridge, extending roughly 45 ft in length, will be installed over a side channel of San Nicholas Creek to replace an earthen crossing which currently encroaches into the channel.
- Overlook - A single overlook covering roughly 354 square feet will be constructed along the southwestern edge of Nicholas Pond.
- Stream Improvements - Work associated with the two bridges will include measures to restore and stabilize the creek. Upstream of the first crossing, an existing culvert and accompanying fill will be removed eliminating an in-stream obstruction, re-establishing more natural flows, and preventing headcutting below the pipe. A series of rock steps will also be placed upstream of the culvert to control the grade, reduce the intensity of flows, and minimize overall erosion. Additionally, in the area of the second bridge, the channel will be graded and rock step pools will be installed to stabilize the stream profile and correct head-cutting.

The proposed project will impact a total of 0.16 acres of waters of the U.S. Of this, 0.11 acres will be impacted temporarily.

Construction is scheduled over approximately 11 months. Standard equipment, such as bulldozers, small excavators, small dump trucks, power and manual wheelbarrows will be used to conduct the proposed work. Minor tasks will generally be performed by crews using hand tools, such as shovels, Pulaskis, McLeods, picks, hammers, drills, rock bars, and a grip hoist. Any excess soil from the project will be used as fill within or along the trail or restore nearby slopes.

- | | |
|--|--|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 27 (Permit No. 2009-00681-PHT) |
| 9. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |

ATTACHMENT A

Project Information File No. 09-169

10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 Replacement or Reconstruction.
11. Receiving Water: San Nicholas Creek (Hydrologic Unit No. 404.43)
12. Designated Beneficial Uses: AGR, GWR, FRSH, NAV, REC-1, REC-2, COMM, AQUA, SAL, MAR, WILD, SPWN, SHELL
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.11 temporary and 0.05 permanent acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Prior to the start of construction, temporary fencing shall be installed around the project limits. In areas adjoining or requiring access into San Nicholas Creek (e.g., road to trail conversion, bridge construction, overlook site), silt fencing, or other barrier, shall be placed in a manner that prevents sediments from entering/collecting in the drainage or being transported downstream. For the road to trail conversion, the fencing shall be limited to the bermed shoulder of the road and will not be allowed to extend into the side bank of the creek.
 - San Nicholas Creek and other sensitive habitat, lying outside the project boundaries, are designated Environmentally Sensitive Areas

ATTACHMENT A

Project Information

File No. 09-169

(ESAs) and shall be strictly avoided. All ESAs shall be depicted on the project plans and no encroachment (i.e., workers, equipment, materials) will be allowed in these locations at any time. Sensitive vegetation or resources will be marked and protected by temporary fencing (e.g., orange plastic fencing, silt fencing) or other acceptable method. Work areas will be clearly marked in the field and confirmed by the State Environmental Scientist prior to habitat removal. All staked/fenced boundaries will be maintained throughout the construction period.

- Best Management Practices (BMPs), to address both the stabilization of soils throughout construction and provide contingencies during rainfall events, shall be incorporated into the project. Measures that could be used include, temporary fencing, hay bales, fiber rolls, organic erosion control blankets, gravel bags, and any other items deemed appropriate by the State's Representative. Where applicable, weed-free products shall be used to minimize the spread of exotics. At all times, sufficient amounts of erosion control materials shall be available on-site to respond to potential emergencies and any rains forecasted within 24 hours.
- Any work required along the banks or within the channel of San Nicholas Creek shall be conducted during no/low flow conditions (between April 16 and October 14) to reduce the potential for water pollution. Some BMPs that will be employed to control potential erosion and sedimentation include, but are not limited, to:

A) Construction areas encroaching into a flowing San Nicholas Creek shall be equipped with barriers that prevent muddy waters from entering the channel and carried downstream. Installation of the barriers shall be conducted in a manner that minimizes the release of soils/sediments into the watercourse. Barriers shall be maintained until work in the drainage has been concluded or soils along the bed/bank have undergone final recontouring and stabilization.

B) Silt fencing, fine mesh netting, or fiber rolls will be placed immediately downslope of abutment excavations, and downstream of bridge crossings and instream earthwork, to restrict excess silt, woody debris, and construction waste from entering the drainage.

ATTACHMENT A

Project Information

File No. 09-169

C) Any removal of material from beneath/within the flows of San Nicholas Creek will not commence until a diversion system, capable of conveying unpolluted waters, is established around the areas of excavation. Diversions systems may consist of a small upstream dam, with flows piped around the work site and discharged into the channel below the disturbance. Alternatively, a berm may be constructed adjacent to the work area that redirects/carries waters away from the in-stream activities.

D) All fill, removed during excavations within the drainage, shall be stored on stable trail sections or similar nearby locations (approved by the State's Representative in coordination with the State Environmental Scientist) in a manner that prevents accidental discharge/entry into San Nicholas Creek.

- BMPs shall also comply with water quality standards outlined in the Stormwater Best Management Practice Handbook (California Stormwater Quality Association, 2003) and guidelines/specifications described in the California State Parks Trails Handbook, Best Management Practices for Road Rehabilitation "Road to Trail Conversion", and Best Management Practices for Road Rehabilitation "Stream Crossing Removal", as appropriate. The State Environmental Scientist will have the ability to make changes to the BMPs, based on existing site conditions and the potential for excess erosion/siltation, or hazardous spills.
- The changing of oil, refueling, and other actions that could result in the release of a hazardous substance shall be restricted to designated areas that are a minimum of 50 feet from any sensitive habitat (e.g., coast live oak woodland) or drainage. These sites shall be surrounded with berms, sandbags, or other barriers to further prevent the accidental spill of fuel, oil, or chemicals. Any discharges shall be immediately contained, cleaned up, and properly disposed, in accordance with the toxic material control and spill-response plan.
- All vegetation within the project footprint will be cleared marked between September 15 and February 14 to avoid potential impacts to breeding birds. If habitat removal can not occur during this timeframe, then a pre-construction survey (one week prior) shall be

ATTACHMENT A

Project Information File No. 09-169

conducted by a State Environmental Scientist to ensure that no breeding/nesting birds are present in the work area. Should a nest site be located, then appropriate measures, as determined by the State Environmental Scientist, will be used to minimize disturbance to the species.

- No parking, driving of equipment or storage of vehicles/materials, or debris shall be allowed underneath an oak's canopy.
- Access routes, staging areas, and the total footprint of disturbance shall be limited to the minimum number/size necessary to complete the project. Routes of travel and project boundaries will be configured to avoid unnecessary intrusions into coast live oak woodland, Venturan coastal sage scrub, southern willow scrub, nonnative grassland, or San Nicholas Creek.
- A State Environmental Scientist will be made available for both the pre-construction and construction phases to review grading plans, address resource issues, and monitor ongoing work. The State Environmental Scientist shall maintain communications with the State's Representative to ensure that concerns related to sensitive species/habitats are appropriately and lawfully managed.
- To minimize the spread of exotic/invasive plants, all heavy equipment used for the project shall be pressure washed, prior to entering the project areas.
- Any areas requiring hydroseeding for temporary erosion control shall use only local, native plant species, approved by the State's Representative, in coordination with the State Environmental Scientist. No invasive, exotics shall be included in any proposed seed palette. Species identified on Lists A & B of the California Invasive Plant Council's List of Exotic Pest Plants of Greatest Ecological Concern in California, as of October 1999, will be prohibited.
- Erosion control measures shall be inspected daily during rainfall events and at least weekly throughout construction. Prior to the onset of any precipitation, both active (disturbed) soil areas and stockpiled soils shall be stabilized to prevent sediments from escaping off-site or into San Nicholas Creek. Should inspection determine that any BMPs are in disrepair or ineffectual, action shall

ATTACHMENT A

Project Information

File No. 09-169

be immediately taken to fix the deficiency.

- A toxic material control and spill-response plan shall be prepared and submitted to the State's Representative before the onset of construction. The plan shall outline techniques that will be used to promptly and effectively respond to any accidental spill. All construction workers will receive instruction regarding spill prevention and methods of containment.
- Debris or runoff, generated by the project, shall be directed away from any drainage to prevent deposition into waterways. The disposal of materials must be performed in a manner that will minimize unnecessary effects to the environment.
- Any plants used for re-vegetation work will comply with Federal, State, and County laws requiring inspection for infestations. If requested, a certificate of inspection from the appropriate, overseeing agency shall be provided to CDPR. Plants will be examined by the State's Representative, in coordination with the State Environmental Scientist, before accepting delivery.
- Any weedy vegetation removed during the clearing and grading activities shall be collected and transported to a disposal site within the park. No weedy materials shall be used as mulch on areas temporarily disturbed by construction.
- The project footprint shall be kept clear of trash to avoid attracting predators. All food and garbage shall be placed in sealed containers and regularly transported from the property. Following construction, any trash, debris, or rubbish remaining within the work limits shall be collected and hauled off to an appropriate facility.
- At the conclusion of activities, any erosion control measures that are no longer needed, as deemed by the State's Representative, shall be removed and properly disposed off-site. BMPs may remain if the measures are necessary to provide continued stabilization or minimize pollution.
- All work related to the Nicholas Pond Trail ADA Improvement Project shall be performed during daylight hours. No nighttime operations (including lighting) shall be allowed.

ATTACHMENT A

Project Information

File No. 09-169

17. Proposed
Compensatory
Mitigation:

The proposed project will eliminate foot traffic through the creek with the construction of a free-span bridge and to remove structural obstructions within the creek. Because the project is expected to improve the creek functions with respect to water quality and also as a wildlife corridor, no additional compensatory mitigation is proposed.

18. Required
Compensatory
Mitigation:

Due to the restorative nature of the proposed project, the Regional Board will not require any additional compensatory mitigation.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 09-169

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

ATTACHMENT B

Conditions of Certification

File No. 09-169

6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit, at the Regional Board for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the

ATTACHMENT B

Conditions of Certification File No. 09-169

target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
16. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
17. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
18. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan (plan)** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

ATTACHMENT B

Conditions of Certification File No. 09-169

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

19. The Applicant shall restore **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
20. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration efforts. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;

ATTACHMENT B

Conditions of Certification File No. 09-169

- (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
21. Prior to any subsequent maintenance activities within the project area, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing conditions; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
22. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
23. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:
- “I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

ATTACHMENT B

Conditions of Certification
File No. 09-169

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

24. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **09-169**. Submittals shall be sent to the attention of the 401 Certification Unit.
25. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
26. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
27. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
28. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

ATTACHMENT B

Conditions of Certification File No. 09-169

29. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation 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.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
30. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.