CALIFORNIA
Water Boards

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GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Ms. Tracey Brownfield
Land Veritas Corp
1001 Bridgeway #246
Sausalito, CA 94965

VIA CERTIFIED MAIL
RETURN RECEIPT REQESTED
No. 7008 1140 0002 8671 9363

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED PETERSON RANCH MITIGATION BANK PROJECT (Corps' Project NWP 27), UNNAMED TRIBUTARIES TO SANTA CLARA RIVER, CITY OF LEONA VALLEY, LOS ANGELES COUNTY (File No. 15-052)

Dear Ms. Brownfield:

Board staff has reviewed your request on behalf of Land Veritas Corp (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 22, 2015.

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.

Please read this entire document carefully. 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 CarrilloZara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger

Samuel Unger, P.E.
Executive Officer

Aug. 19, 2015
Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 15-052

1. Applicant:

Ms. Tracey Brownfield
Land Veritas Corp
1001 Bridgeway #246
Sausalito, CA 94965

Phone: (415) 729-3734 Fax: (415) 534-0950

2. Applicant's Agent:

Lennie Rae Cooke
VCS Environmental
30900 Rancho Viejo Road
San Juan Capistrano, CA 92675

Phone: (949) 489-2700 x205 Fax: (949) 489-0309

3. Project Name: Petersen Ranch Mitigation Bank

4. Project Location: Unincorporated Leona Valley, Los Angeles County

Latitude	Longitude
34.641521	118.297569
34.638005	118.297760
34.637778	118.306370
34.624743	118.306281
34.630713	118.323758
34.634027	118.324079
34.634050	118.328386
34.630515	118.328128

5. Type of Project: Mitigation bank development

6. Project Purpose: The project purpose is to restore two properties totaling 4,200 acres, leading to the reestablishment of wetland and non-wetland waters and alluvial fan habitat. Ultimately, the project will result in a mitigation bank that will generate credits for future impacts to wetlands, riparian, and sensitive habitats.

7. Project Description: The proposed project will develop the Petersen Ranch Mitigation Bank (Bank) through grading, planting, and invasive species removal to establish, restore, enhance, and preserve aquatic and upland habitats. The 4,229-acre Bank is comprised of two non-

contiguous properties, the Petersen Ranch property and the Elizabeth Lake property, located approximately 1.5 miles from each other in unincorporated Leona Valley and Lake Hughes, Los Angeles County. The Bank property is owned by LV-BP Investors Ranch, LLC and LV Lake Elizabeth, LLC. The Bank Sponsor is Land Veritas Corp.

The Interagency Review Team (IRT) was formed in 2010. The IRT is comprised of the U.S. Army Corps of Engineers, the Lahontan Regional Water Quality Control Board, the California Department of Fish and Wildlife (CDFW), and the U.S. Environmental Protection Agency. The Bank Enabling Instrument (BEI), which includes the Development Plan, Interim Management Plan, Grazing Plan, and Long Term Management Plan, is the blueprint for the development and operation of the Bank and has been developed with the IRT. The purpose of the BEI is to set forth the agreement of the parties regarding the establishment, use, operation, and maintenance of the Bank, which allows applicants to purchase credits to compensate for unavoidable impacts to Waters of the U.S., Waters of the State, Covered Species, and Covered Habitat.

The Petersen Ranch property is an approximate 3,912-acre property located between Elizabeth Lake Road to the south and the California Aqueduct to the north. The property supports approximately 8.05 acres of freshwater marsh, 7.0 acres of riparian wetland, 0.44 acre of seep wetland, 0.38 acre of seasonal wetland depression, 60.63 acres of seasonal wetland meadow, 0.31 acre of seasonal wetland swale, 0.88 acre (18,224 linear feet) of ephemeral streams, 2.55 acres of alluvial floodplain, and 1.58 acres of open water.

The Elizabeth Lake property is an approximate 317-acre property located at 16245 and 16208 Elizabeth Lake Road, approximately 0.75 mile southeast of the town of Lake Hughes. The property supports 3.84 acres of perennial emergent marsh, 10.32 acres of seasonal riparian wetlands, 5.05 acres of seasonal wetland seep, 0.11 acre of seasonal wetland depression, 0.29 acre (5,607 linear feet) ephemeral streams, 1.40 acres of (2,571 linear feet) dry wash, 5.25 acres of dry wash (active floodplain), and 10.45 acres of open water.

The work proposed includes removing berms, restoring degraded

man-made stock ponds and re-establishing wetland habitats, and improving hydrologic connectivity consistent with the properties' historical hydrologic regimes. The primary activity to take place on the Bank sites will be planting of native vegetation. Swainson's hawk, tricolored blackbird, burrowing owl, and coast horned lizard habitats and sensitive natural communities will also be protected and restored. As mitigation Bank sales occur, approximately 4,000 acres will be placed into conservation in perpetuity.

Approximately 71,465 cubic yards of cut and fill material (including placed riprap) will be generated by work at both Bank sites for the restoration efforts. Approximately 22,252 cubic yards of export material will be stockpiled at the Elizabeth Lake Bank site.

All grading activities are temporary and will result in increased jurisdictional area and diversity as well as increased watershed functionality. The establishment, re-establishment, rehabilitation, and enhancement activities will result in 12.68 acres of temporary grading to waters of the State, 12.19 acres of which is located on the Petersen Ranch Property and 0.48 acre is located on the Elizabeth Lake Property. No native trees are expected to be removed. Woody, invasive species, such as *Tamarisk*, will be removed.

Activities on the Petersen Ranch Property include removal of man-made berms to expand aquatic resource area and improve hydrologic connectivity of existing resources. Stream rehabilitation by the removal of berms will be implemented along a single ephemeral stream along the western boundary. This stream conveys flows from off-site residential areas, beneath Elizabeth Lake Road and into a channelized ditch along the western Bank boundary. Removal of this berm would allow improvement of a small on-site stream, recreate historic hydrology, and provide additional water to the restored wetlands. The existing berm would be removed to allow the streambed to be widened to the east (completely within the Ranch property) by approximately 180 feet on average, and the existing streambed elevation remains unchanged. This on-site excavation extends the limits of active conveyance, allowing floodwaters from this stream to spill into the restored wetland complexes thereby attenuating downstream peak flows, improving water quality, and improving hydrologic connectivity with the floodplain. Long term management activities at this site include the

removal of accumulated sediment at the inlet and outlet of the restored/established creek along Elizabeth Lake Road.

A series of man-made ponds created by constructing berms within the stream course will not continue to provide open water habitat due to the cessation of pumping. These ponds, which are currently dominated by non-native species and large patches of open ground, will be restored to the wetland habitat that would naturally occur in place of the existing ponds. The restoration of these areas is a three-step process: (1) berms will be excavated, (2) soils from the excavated berms will be used to raise the base elevation of the pond bottoms and, (3) the restored area will be replanted with native, wetland/riparian vegetation.

The wetland in this area will be widened within the site through excavation of the soil at the margins of the existing wetlands. The excavation, grading, and replanting will increase the size of the wetland complex. Planted vegetation will be chosen based on representative vegetation observed in healthy wetlands in the Petersen Ranch Bank Property and surrounding areas. These include Mexican rush, western goldenrod (*Euthamia occidentalis*), red willow, and mulefat, among others.

In addition to the grading and planting required to restore the alluvial fan and wetland habitats, other activities include removal of invasive species, upland grazing and fence installation for ongoing weed abatement. Non-sensitive areas within the Petersen Ranch Property will be allowed to be grazed by cattle; grazing the Bank Properties will help maintain suitable foraging habitat for Swainson's hawk. A cattle Grazing Plan has been developed to reduce fuel loads within the Bank by reducing thatch, minimize the encroachment of shrubs into the open grassland habitats, and grazing scrub lands to create and maintain opening spaces.

Temporary Impacts to Riparian Features subject to CDFW Jurisdiction on Petersen Ranch Property

Type	Impact Area (acres)	Approximate Length (linear feet)
Open Water	1.445	1293
Ephemeral Drainage	0.011	273
Freshwater Marsh	7.300	2666

Riparian Wetland	0.383	1304
Seasonal Wetland Meadow	2.572	6066
Alluvial Floodplain and Dry Wash	0.211	238
Non-wetland Riparian	0.272	1237
TOTAL	**12.194**	**13,077**

Munz Canyon is currently impounded by a dam. This dam is damaged, resulting in an eroded area that has created a deeply incised channel that follows the path of an old road cut. To re-establish the natural hydrology and geomorphology, the existing dam crest will be lowered to be at-grade with the upstream fan surface. The downslope of the dam will be protected with subgrade riprap that will be buried and planted, thereby preventing incision/erosion and reducing the water velocity. This will encourage dispersed water and sediment transport across the dam face and onto the floodplain consistent with alluvial floodplain geomorphology. Additionally, the deeply incised outflow channel will be repaired by restoring a 55–foot-long section of the dam to prevent deeper incision, while redirecting water flow back onto the alluvial floodplain surface. The drainage downstream of the dam repair will continue to be fed by surrounding hillsides. After earthwork is completed, alluvial floodplain vegetation will be seeded and the area will be monitored and managed for weed infestation. After re-establishment, the active alluvial floodplain surfaces will be exposed to periodic flooding and sediment transport associated with flood events. Active channels will form naturally on the floodplain and will migrate across the surface with subsequent flood events. This regular pattern of hydrologic influence and disturbance will create suitable habitat for alluvial floodplain species and will deter the establishment of non-alluvial floodplain species such as grasses and mature scrub species. In addition to these actions, the main access road on the dam will be decommissioned and returned to native habitats and a degraded stock pond will be removed from the landscape. This will involve tilling, placement of fill, grading, and reseeding/planting with native species.

The road downslope of the alluvial floodplain appears to be redirecting flows to the west. Currently, there is a sudden change

from riparian vegetation above the road to non-riparian vegetation below the road, demonstrating that the road is acting as a hydrologic impoundment to the downstream features of the alluvial floodplain. Grading will occur within a small area, focusing on eliminating the dirt road and reconnecting flows to the downstream fan, in an effort to minimize impacts to other features within the alluvial floodplain system. Grading will create a consistent slope with the alluvial floodplain to encourage natural sediment transport and hydrology typical of alluvial floodplains. After grading, xeric alluvial floodplain species, including Parish's sagebrush, will be seeded and weeds will be managed.

A road and associated storm-drain exist on the eastern side of the Elizabeth Lake Bank Property. This road intercepts and redirects watershed runoff into a storm-drain, which is currently causing severe erosion and incision at the outflow, which is on the Bank Property. To reduce flow velocity and the erosional capability of this water, work will occur in two areas along this road. This site ties into the existing road, upstream of the storm drain, and the work is intended to capture some of the water flowing down the road to reintroduce hydrology to the historic channels on the Bank Property in this area and to lessen the amount and impact of water received in the storm drain. To accomplish this, an enhanced gutter and speed bump will be placed in the road. The speed bump will direct water into the gutter which will then funnel flows into a concrete-lined collector channel. This channel will release the water over a spreading zone that feeds into two historic channels. This spreading zone will be protected with buried riprap.

After re-directing the flow from the adjacent roadway into the historic channels, the water velocity and hydric input received by the site, located downstream of the fallout channel below the inroad storm drain, will be drastically reduced. Currently, this area is highly eroded and contains a deeply incised channel. The incised channel will be graded to create a more natural floodplain, continuous with the surrounding uplands. Additionally, rip-rap and boulders will be buried in the soil directly beneath the storm drain outfall to reduce the water velocity and erosional potential of hydric inputs from this storm drain.

The Powerhouse Fire in June 2013 negatively impacted the native vegetation at the Elizabeth Lake Bank Property. However, the fire

beneficially removed the non-native, invasive species. In response to the effects of the fire, recovering sensitive habitats will be monitored and managed for weeds and other degradations to these habitats. These actions include monitoring for post-fire conditions, replanting of native species by seed or container plants, and weed management. The plants utilized in post-fire planting will vary from habitat to habitat to reflect pre-fire conditions of the community (i.e., sagebrush scrub, thick leaf yerba santa scrub, etc.).

Temporary Impacts to Riparian Features subject to CDFW Jurisdiction on Elizabeth Lake Property

Type	Impact Area (acres)	Approximate Length (linear feet)
Ephemeral Drainage (OHWM)	0.092	566
Dry Wash	0.373	74
Riparian Woodland	0.017	583
TOTAL	**0.482**	**1,223**

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 27

9. Other Required Regulatory Approvals: California Department of Fish and Wildlife
Streambed Alteration Agreement

10. California Environmental Quality Act Compliance: On April 29, 2015, a Mitigation Negative Declaration was issued for this project.

11. Receiving Water: Tributaries to the Santa Clara River (Hydrologic Unit Code: 180701020303)

12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE

*Conditional beneficial use

13. Impacted Waters of the United States: Federal jurisdictional wetlands: 11.75 temporary acres (12,167 linear feet)

ATTACHMENT A

Project Information
File No. 15-052

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:

SEDIMENT CONTROL AND SOIL STABILIZATION:

- Avoidance of grading during periods of rain.
- Limiting the size of the disturbance.
- Sediment barriers (e.g., fiber rolls).
- Immediate revegetation of the disturbed areas.
- Compliance with the issued National Pollutant Discharge Elimination System (NPDES) permit required for this work. The developer will comply with all of the applicable requirements of the NPDES permit and will conform to NPDES Best Management Practices (BMPs) outlined in the Storm Water Pollution Prevention Plans (SWPPP) during the life of this permit.
- Construction vehicle access will utilize existing paved roads and service roads to the maximum extent possible.
- Construction staging areas will be located in an upland location
- The biological monitor will be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint.
- If nesting birds are present during construction and the biological monitor believes that a narrower buffer is warranted, the biological monitor will coordinate with CDFW to determine a revised protocol.

- While the Bank property provides no typical foraging habitat for bats, the abandoned mine in the northern portion of the Petersen Ranch property as well as abandoned buildings (limited in quantity and size) may provide roosting habitat. No trees, buildings, or other habitat for bats is expected to be removed as part of this project; therefore, there is no potential to adversely impact bat maternity roosts. Should any potentially suitable bat roosting habitat be considered for removal, bat surveys will be conducted and a report will be provided to CDFW prior to removal of the structure or tree.

- No work is expected to occur within the tricolored blackbird habitat; therefore the project will implement full avoidance of impacts to this species and no take authorization is necessary. The installation of fencing to exclude cattle from the potential tricolored blackbird habitat will take place outside the nesting season.

- Several California Endangered Species Act (CESA)-listed species have the potential to occur on the Project site including Swainson's hawk *(Buteo swainsoni),* western yellowbilled cuckoo *(Coccyzus americanus),* southwestern willow flycatcher *(Empidonax traillii extimus),* and least Bell's vireo *(Vireo be/Ili pusillus).* None of these species are currently nesting onsite according to the biological surveys conducted for the bank. In addition, no suitable nest sites/substrate for the fully protected species mentioned above would be impacted by the proposed restoration activities. Therefore, no take of these species is expected to occur. Preconstruction surveys will ensure that no impacts to these species occur.

PROTECTION OF FISH, WILDLIFE, AND PLANT RESOURCES:

- Grading activities will preserve existing, mature riparian habitat. Topographic alterations beneath the drip line of riparian trees will be minimized to the extent feasible to avoid potential damage to the existing riparian species. Deep ponding areas within the drip line of riparian species will be largely unaltered to encourage small amounts of ponding near the riparian vegetation. This ponding will sustain the plants through dry

periods.

- Vegetation will not be removed or otherwise disturbed on the project site from March 1 to September 1 to avoid impacts to breeding/nesting birds. If work during the breeding/nesting season cannot be avoided, then prior to construction or site preparation activities, a qualified biologist will survey all breeding/nesting habitat within and adjacent to the project site for breeding/nesting birds.

- To avoid impacts to existing habitat, a temporary fence (e.g., snow fencing) will be installed around existing habitat to be preserved prior to construction; the installation and maintenance of this avoidance measure will be independently monitored during construction by the project biologist. No construction access, parking, or storage of equipment or materials will be permitted within the marked areas.

- No material (e.g., litter, debris, trash, etc.) will be deposited within sensitive habitat areas designated by the project biologist, temporary fencing, or other appropriate markers.

- Concrete will not be placed in Waters of the State when water is flowing.

- All vehicle maintenance, staging, storage and dispensing of fuel will occur in designated upland areas and that these upland areas are located in such a manner as to prevent any runoff entering jurisdictional waters.

17. Proposed Compensatory Mitigation:

All impacts are temporary and these areas will be restored to historic hydrologic and vegetative conditions, and will expand the acreage and functionality of the existing aquatic resources.

18. Required Compensatory Mitigation:

Since this project is solely for restoration purposes and creation of a mitigation bank, the Regional Board will not require any 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. 15-052

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 Wildlife's (CDFW) 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 CDFW'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.

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 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.

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 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. 2011-0003-DWQ, for Aquatic Animal Invasive Species Control; 2011-0004-DWQ, for Spray Applications; 2011-0002-DWQ, for Vector Control; and 2013-0002-DWQ, for Weed Control.

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. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.

16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.

17. 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.

18. 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** (ROWD) to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. .

19. 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.

20. 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:

- 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.

21. 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.

22. 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 or until mitigation success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:

    (a) Color photo documentation of the pre- and post-project and mitigation site conditions;

    (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;

(c) The overall status of project including a detailed schedule;

(d) Copies of all permits revised as required in Additional Condition 1;

(e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet 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.

23. 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.

24. 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.

Executed on the _____ day of _____ at _____.

_____ (Signature)
_____ (Title)"

25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-052**. Submittals shall be sent to the attention of the 401 Certification Unit.

26. 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.

27. 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. R4-2012-0175. 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. 2012-0011-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.

28. 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.

29. 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.

30. *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.

31. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.