



California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Secretary for
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March 17, 2010

Mr. Jerry Backoff
Planning Division Director
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069-2918

In reply refer to:
372434:CMEANS

Dear Mr. Backoff:

RE: SAN ELIJO ROAD, COUNTY DIP SEGMENT (FILE NO. 03C-067) 401 WATER QUALITY CERTIFICATION AMENDMENT NO. 2

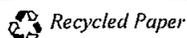
This letter amends mitigation requirement No. 14 contained within the Clean Water Act Section 401 Water Quality Certification for the San Elijo Road, County Dip Segment Project (Certification No. 03C-067). This action is based upon the City's request for amendment dated February 22, 2010.

Changes/additions to the 401 certification are shown in bold strikeout/underline below.

MITIGATION

14. Within ~~420~~**180** days of the issuance of Amendment No. 1, the City of San Marcos must provide the Regional Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and its associated transitional buffer zone (TBZ) in perpetuity. Within one year of the issuance of Amendment No. 1, the City of San Marcos must submit proof of a completed preservation mechanism that will protect all mitigation areas and the TBZ in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the U.S. that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in any permanent soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other

California Environmental Protection Agency



infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

Any temporary disturbance of the mitigation area or TBZ which occurs as a result of the necessary maintenance of existing structures (drainage structures, grouted riprap, utility lines or trails) within or adjacent to these areas will be immediately restored to pre-existing topographic and vegetative conditions upon completion of maintenance activities. Temporary impacts occurring during the mitigation monitoring period will be documented in annual mitigation reports.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this letter, please contact Christopher Means at 858-637-5581 or cmeans@waterboards.ca.gov.

Respectfully,



for James G. Smith
David W. Gibson
Executive Officer

CC (by email):

Ms Michelle Matson
U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
6010 Hidden Valley Rd, Suite 105
San Diego, CA 92011-4213
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Mr. Jerry Backoff

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State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
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CIWQS Place ID	255263
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