



California Regional Water Quality Control Board

San Diego Region



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Environmental Protection

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<http://www.waterboards.ca.gov/sandiego>

August 3, 2010

Certified Mail-Return Receipt Requested
Article Number: 7009 1410 0002 0200

Mr. Nelson Olivas
Public Works Manager
County of San Diego
Department of Public Works
5469 Kearny Villa Road, Suite 305
San Diego, CA, 92123-1152

In reply refer to:
725405:LPardy
WDID: 9 000001825

File No.	03C-116
C/WQS	
Reg. Measure:	351408
Place ID:	725405
Party ID:	244624
Case No:	18-2003116

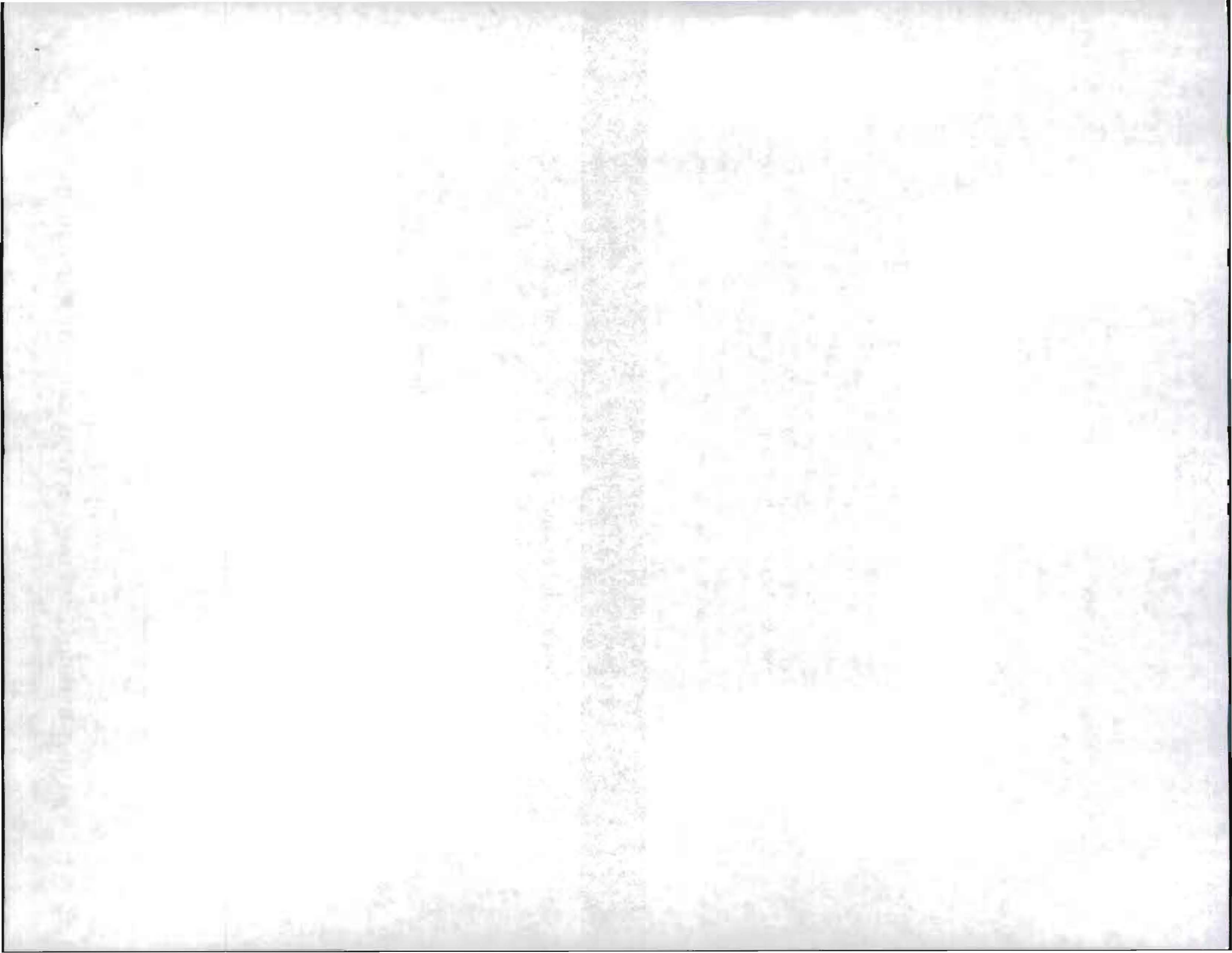
Dear Mr. Olivas:

**SUBJECT: Second Amendment of Valley Center North Road Improvement Project
(Certification No. 03C-116)**

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the 401 Water Quality Certification for the **Valley Center North Road Improvement Project (File No. 03C-116)** for the second time.

The first amendment (dated September 19, 2008) was issued to address an increase in permanent impacts (totaling 0.016-acre) and temporary impacts (totaling 0.083-acre) to waters of the U.S. and/or State as a result of the need for additional channel modifications to Moosa Creek to address flooding issues on Sunday Drive. The first amendment proposed 0.48 acre of permanent mitigation to be located at the Bonsall Road Station Mitigation Site. The Bonsall Road Station Mitigation Site, however, is already in use by the California Department of Transportation (Caltrans) for the State Route 76 – Melrose Drive to South Mission Road Highway Improvement Project (File No. 09C-015). Therefore, this amendment changes the permanent mitigation site for the additional impacts to the Valley Center North Road Improvement Project, to instead mitigate for the permanent loss of 0.016-acre of jurisdictional waters of the U.S./State (0.2-acres CDFG jurisdictional waters/riparian habitat) by deducting 1.0-acre of habitat credit from Caltrans' Pilgrim Creek Mitigation Bank.

After a review of the Project's file, and the mitigation proposed for the permanent impacts to jurisdictional waters of the U.S./State, I concur that the proposed changes are reasonable modifications to the section 401 Water Quality Certification. As a result, the section 401 Water Quality Certification No. 03C-116 for the Valley Center North Road Improvement Project has been amended to reflect these changes. The amendments are included as Enclosure 1.

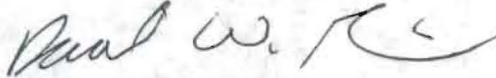


Mr. Nelson Olivas
File No. 03C-116 (Amendment 2)

August 3, 2010

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the amendment, please contact Ms. Linda Pardy at (858) 627-3932 or by email at LPardy@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

DWG:dtb:llp

Enclosure – Amendment No. 2 to the Clean Water Act section 401 Water Quality Certification No. 03C-116



ec:

County of San Diego
Department of Public Works
5555 Overland Drive, Suite 2188
San Diego, CA 92123-1295
Mr. Thomas Duffy: Thomas.Duffy@sdcounty.ca.gov
Ms. Julia Quinn: Julia.Quinn@sdcounty.ca.gov

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
915 Whlshire Blvd.
Los Angeles, CA 90017
Stephanie J. Hall: Stephanie.J.Hall@usace.army.mil

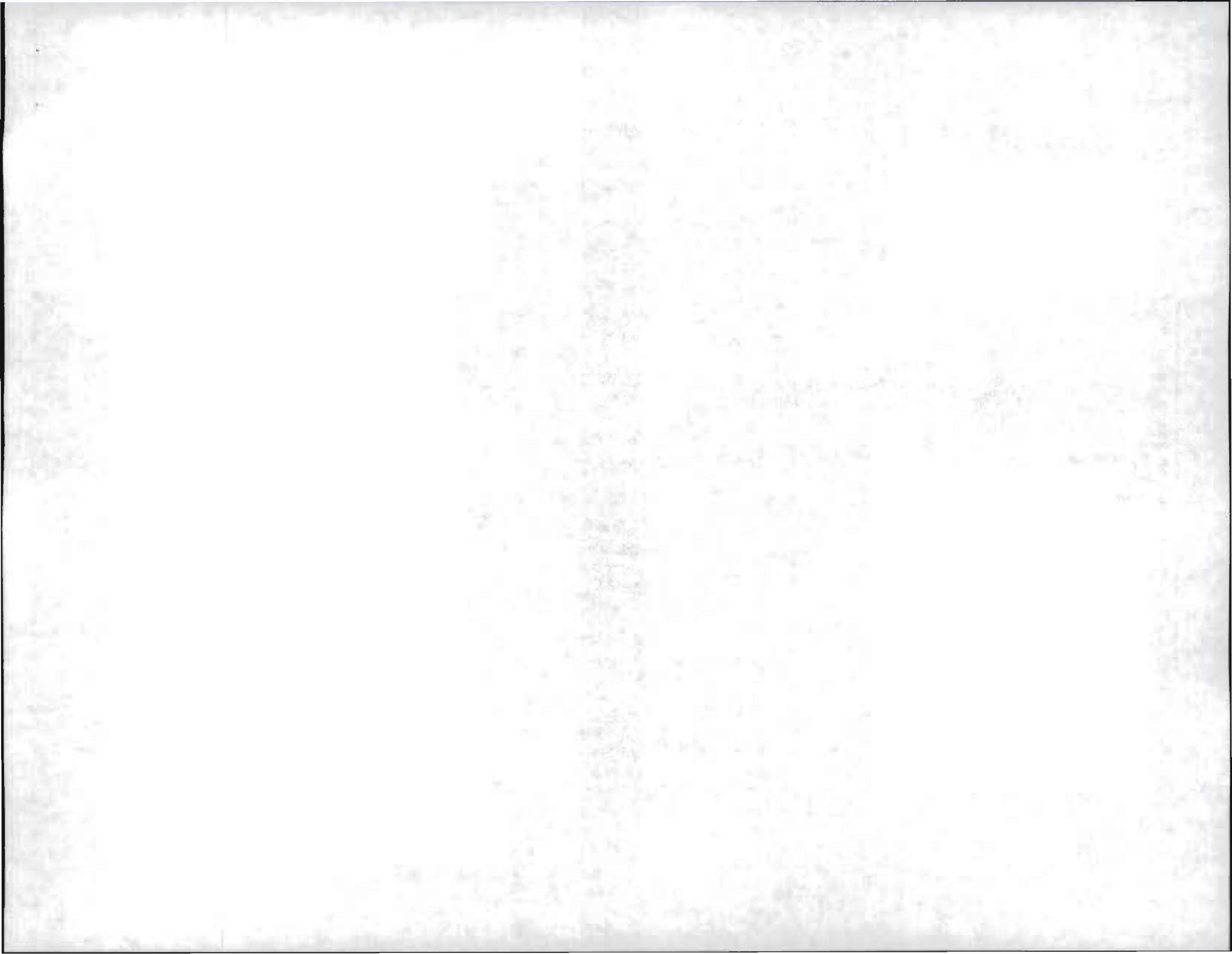
U.S. Department of the Interior,
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011
Michelle Moreno: michelle_moreno@r1.fws.gov

California Department of Fish and Game,
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
Darren Bradford: dbradford@dfg.ca.gov

U.S. Environmental Protection Agency,
Region 9, Wetlands Regulatory Office
E-mail: R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board,
Division of Water Quality,
401 Water Quality Certification and Wetlands Unit
E-mail: Stateboard401@waterboards.ca.gov

California Department of Transportation, District 11,
Environmental Stewardship Branch
Mr. Bruce April: bruce.april@dot.ca.gov
Mr. Michael Galloway: michael.galloway@dot.ca.gov



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**AMENDMENT No. 2 TO CLEAN WATER ACT
SECTION 401 WATER QUALITY CERTIFICATION FOR
VALLEY CENTER NORTH ROAD IMPROVEMENT PROJECT (FILE NO. 03C-116)**

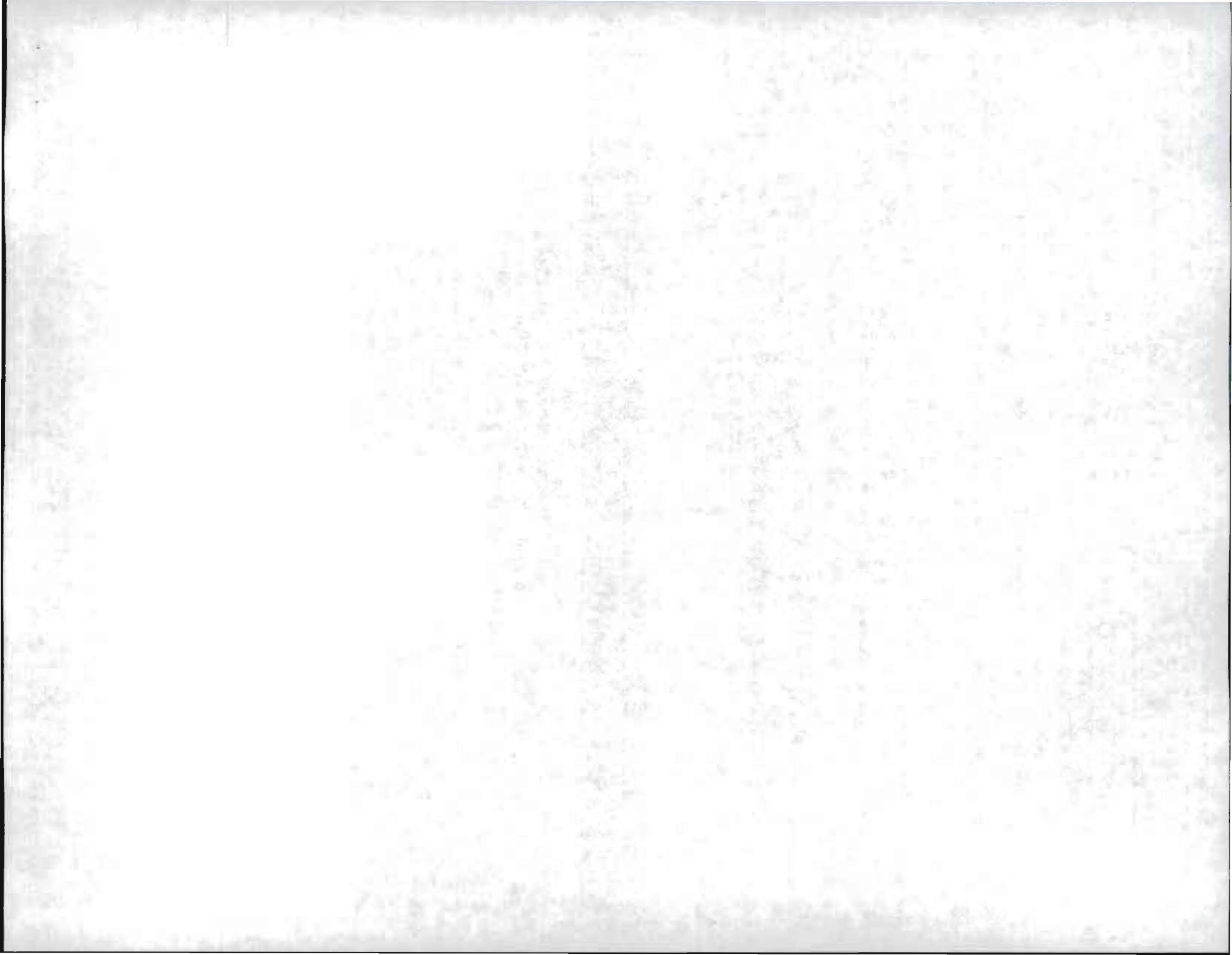
The San Diego Water Board is amending the 401 Water Quality Certification for the Valley Center North Road Improvement Project (File No. 03C-116). This decision is based on materials provided in the letter from Mr. Thomas F. Duffy, County of San Diego, Department of Public Works to Ms. Chiara Clemente dated June 24, 2010, as well as e-mail correspondence and personal communication between Mr. Thomas Duffy and Ms. Linda Pardy from July 14 thru July 21, 2010. The amendment is needed to address a change in the location of 0.48-acre of additional proposed mitigation at the Bonsall Road Station Mitigation Site to 1.0-acre of mitigation credit deducted from Caltrans' Pilgrim Creek Mitigation Bank.

Revisions to the section C. Mitigation, 1, 2, 11, and Attachment 1 – Project Information [Revised] of the 401 certification are shown below; with deletions in bold double strikeout, and additions in bold double underline:

C. MITIGATION

1. Permanent impacts to jurisdictional Waters of the U.S. shall not exceed 0.778 acre, as follows:
 - a. Riparian Woodland – 0.166 acre
 - b. Wet Meadow – 0.072 acre
 - c. Herbaceous Wetland – 0.115 acre
 - d. Freshwater Marsh – 0.007 acre + 0.007 acre (Additional Drainage Improvements) = 0.014 acre
 - e. Non-wetland waters of the U.S. – 0.402 acre + 0.009 acre (Additional Drainage Improvements) = 0.411 acre

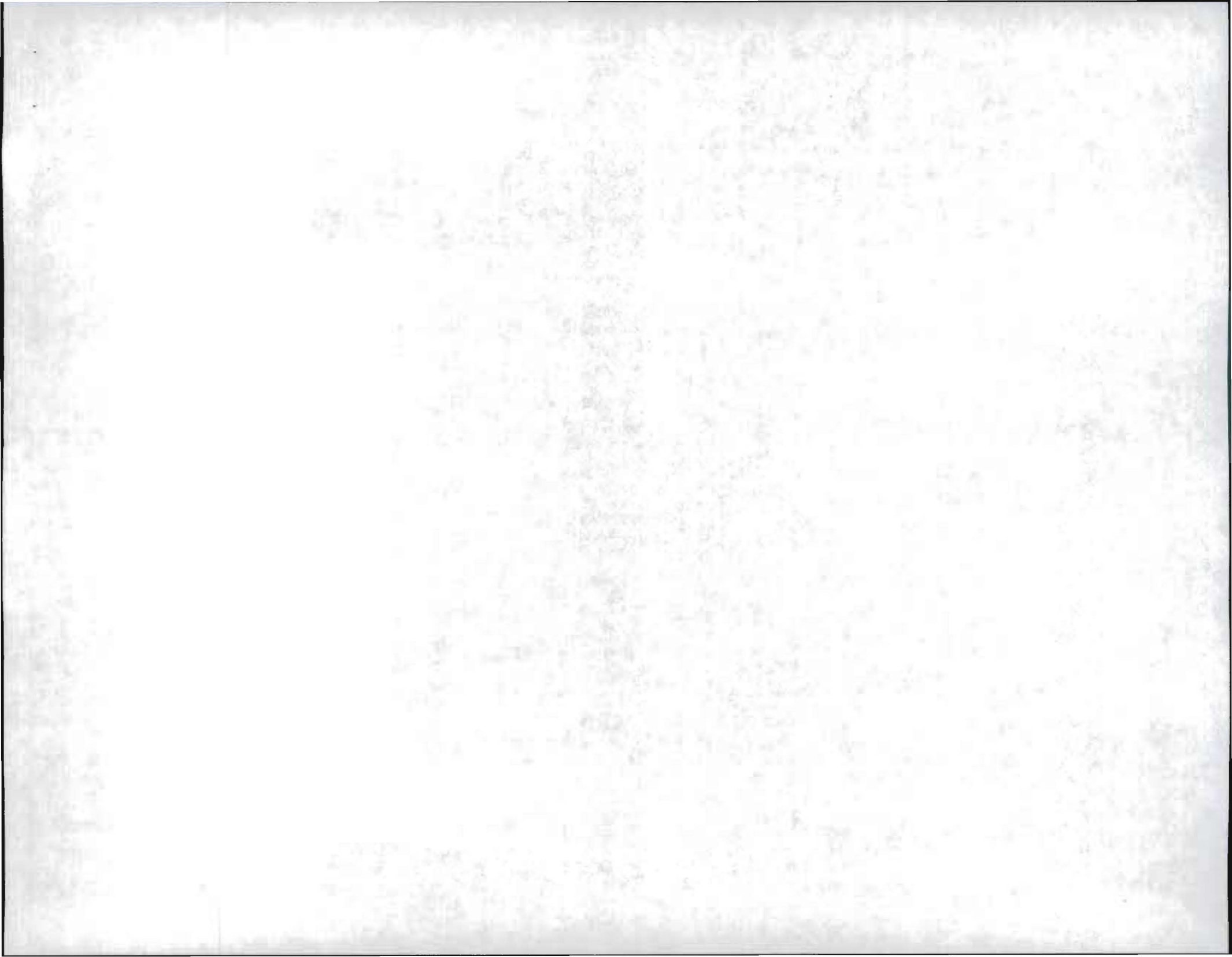
2. The County of San Diego shall mitigate for permanent impacts to 0.762 acres of jurisdictional Waters of the U.S. at the following ratios, in accordance with the April 2004 *Conceptual Wetland Mitigation and Monitoring Plan for the Valley Center Road Widening Project Phase II Northern Alignment* (prepared by Wildlands Inc.). ~~Permanent impacts to 0.016 acre of jurisdictional Waters of the U.S. associated with the proposed additional drainage improvement portion of the project will be mitigated at the following ratios, in accordance with the July 2008 *Bonsall Road Station Conceptual Wetland Mitigation Plan for the Valley Center Road Widening Project – Additional Drainage Improvements at Moosa Creek Valley Center, California* (prepared by EDAW, Inc.).~~ Permanent impacts to 0.016-acre of jurisdictional waters of the U.S. (consisting of 0.007-acre of freshwater marsh and 0.009-acre of non-wetland waters) associated with additional drainage improvements are included within permanent impacts to 0.2-acre



of California Department of Fish and Game (CDFG) jurisdictional waters/riparian habitat, and are mitigated at a ratio of 5:1 with 1.0-acre of mitigation credit deducted from the Pilgrim Creek Mitigation Bank.

<u>Original Project Impacts</u>	Riparian Woodland	Wet Meadow	Herbaceous Wetland	Freshwater Marsh	Non-wetland Waters	Totals
Permanent impacts (Acres)	0.166	0.072	0.115	0.007	0.360 <u>0.402</u>	0.762
Mitigation Ratio	3:1	2:1	1:1	2:1	1:1	1.54:1
Proposed Mitigation (Acres)	0.498	0.144	0.115	0.014	0.360 <u>0.402</u>	1.173
<u>[Note: The above 1.173-acres of proposed mitigation is provided at Cedar Trails Mitigation Site.]</u>						
<u>Additional Drainage Improvement Impacts</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.007</u>	<u>0.009</u>	<u>0.016</u>
<u>Mitigation Ratio</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>10:1</u>	<u>10:1</u>	<u>10:1</u>
<u>Proposed Mitigation (Acres)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.21</u>	<u>0.27</u>	<u>0.48</u>
<u>Permanent Impacts to CDFG Jurisdictional waters/riparian habitat (Acres)</u>	<u>0.200</u> <u>[Note: The permanent impacts to CDFG jurisdictional waters/ riparian habitat includes the additional drainage improvement impacts.]</u>					<u>0.20</u>
<u>Mitigation Ratio for CDFG Jurisdictional waters/ riparian habitat</u>	<u>5:1</u>					<u>5:1</u>
<u>Mitigation acreage for permanent impacts to CDFG Jurisdictional waters/riparian habitat (includes mitigation for additional drainage improvement impacts)</u>	<u>1.0-acre of credit deducted from the Pilgrim Creek Mitigation Bank.</u>					<u>1.0</u>

real total
.778



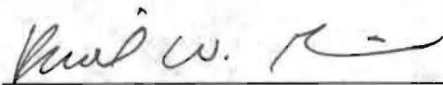
Attachment 1, Project information:

This amendment also revises Attachment 1, Project Information as shown in "Attachment 1, Project Information (revised August 3, 2010)", below.

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Valley Center North Road Improvement Project** (Certification No. 03C-116), as amended for the second time, 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. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under this Order is conditional and, should new information come to attention that indicates a water quality problem, the San Diego Water Board may issue waste discharge requirements at that time.

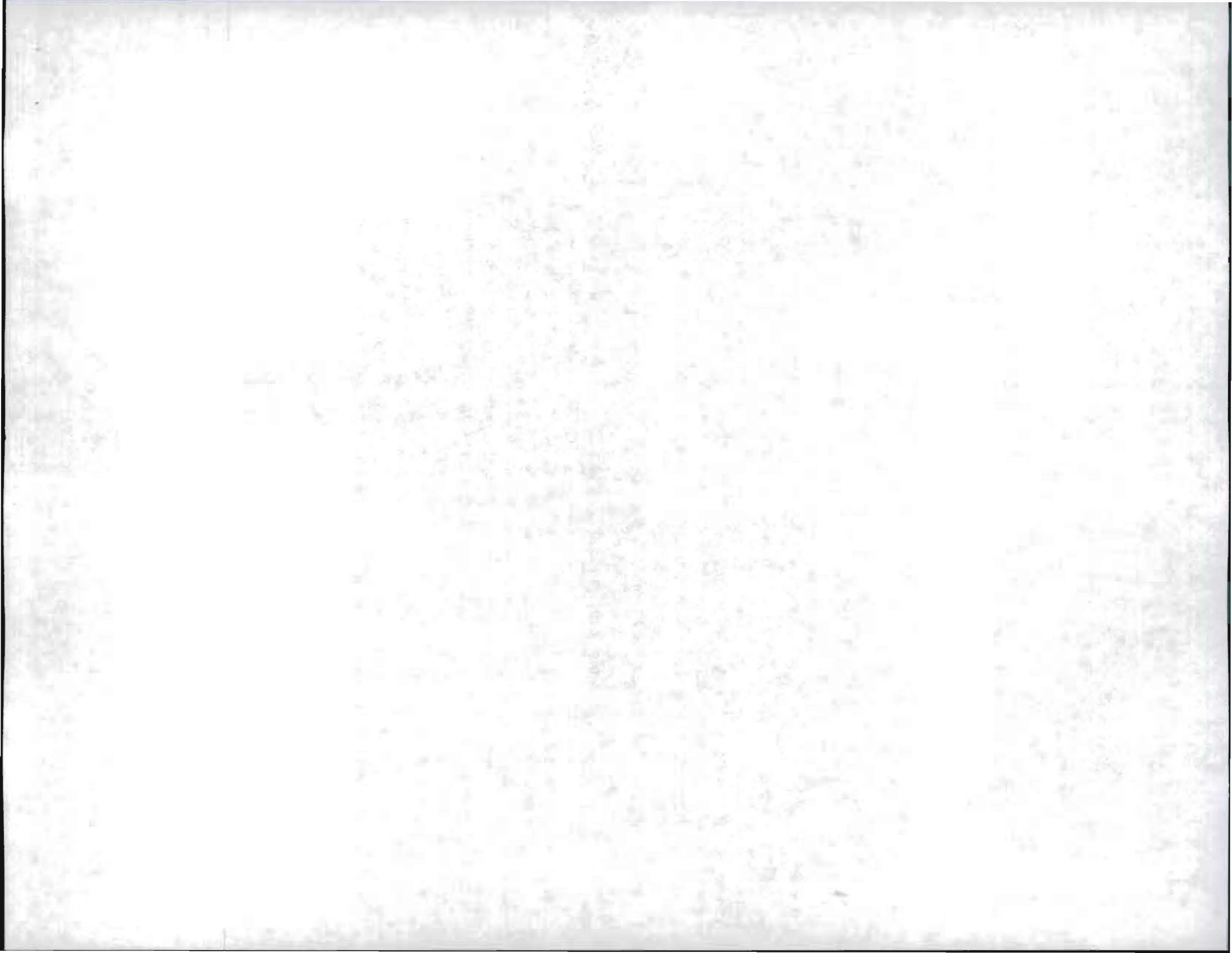
Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet [revised], and (b) on compliance with all applicable requirements of the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).



David W. Gibson
Executive Officer

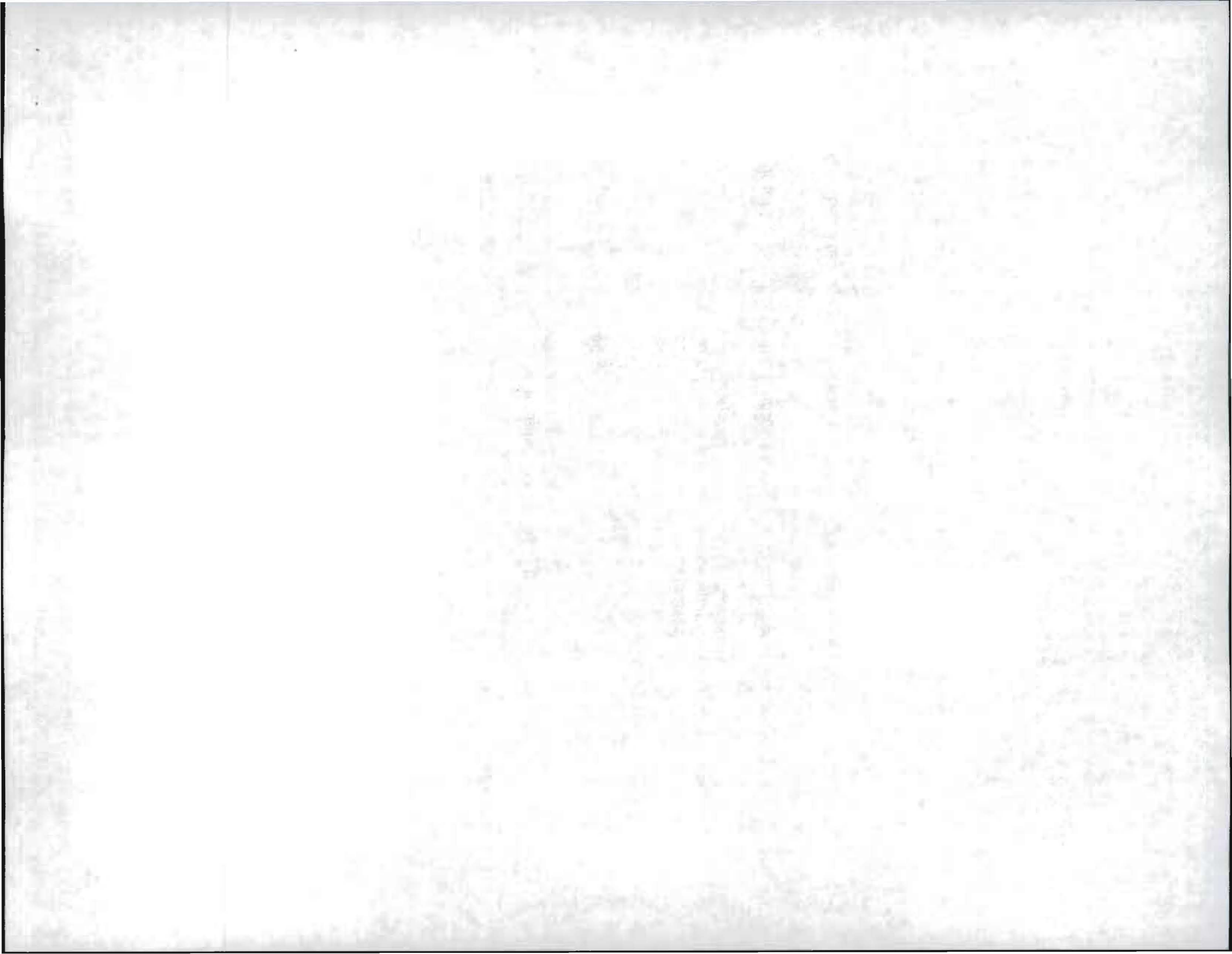
3 August 2010

Date

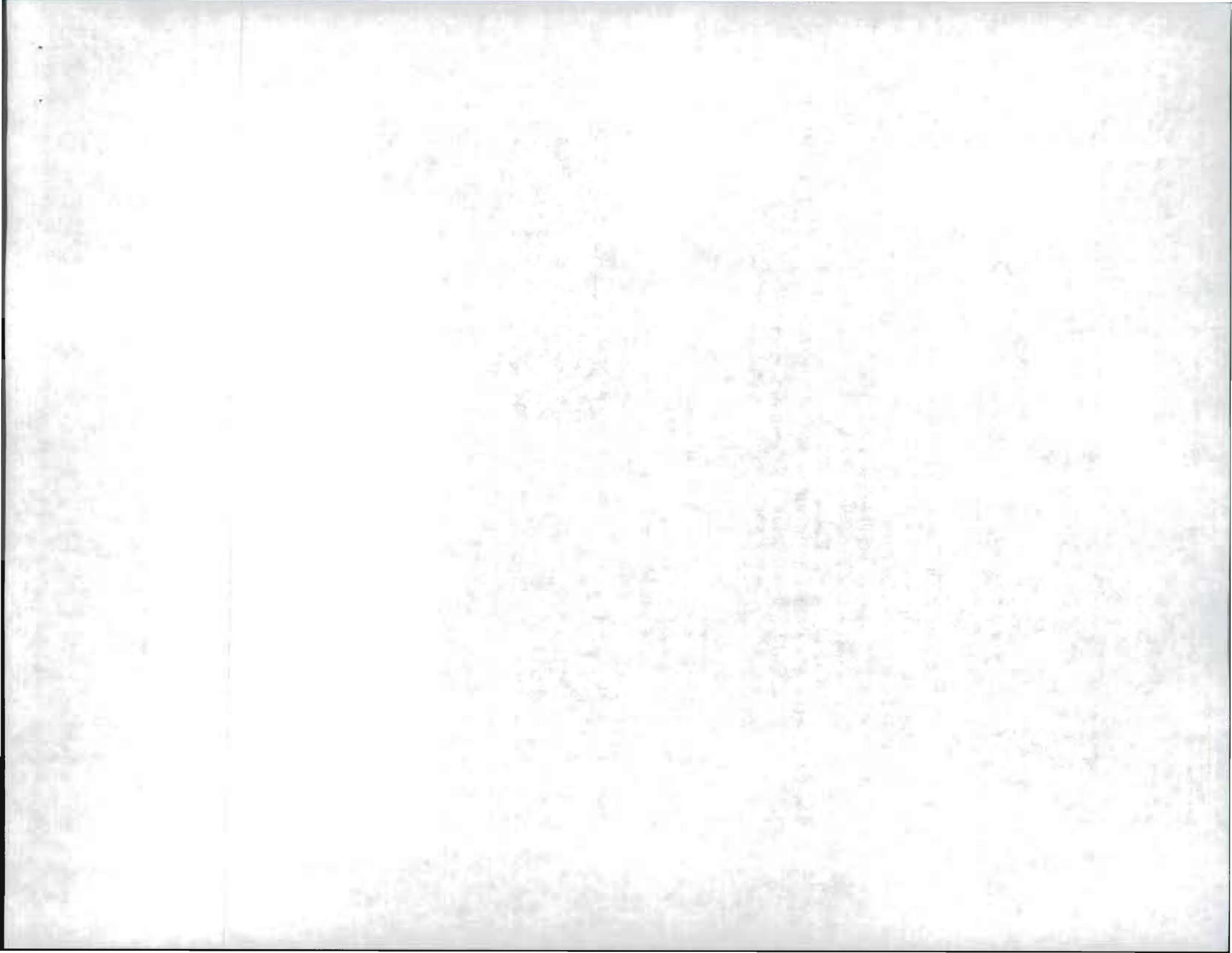


ATTACHMENT 1
PROJECT INFORMATION [Revised August 3, 2010]

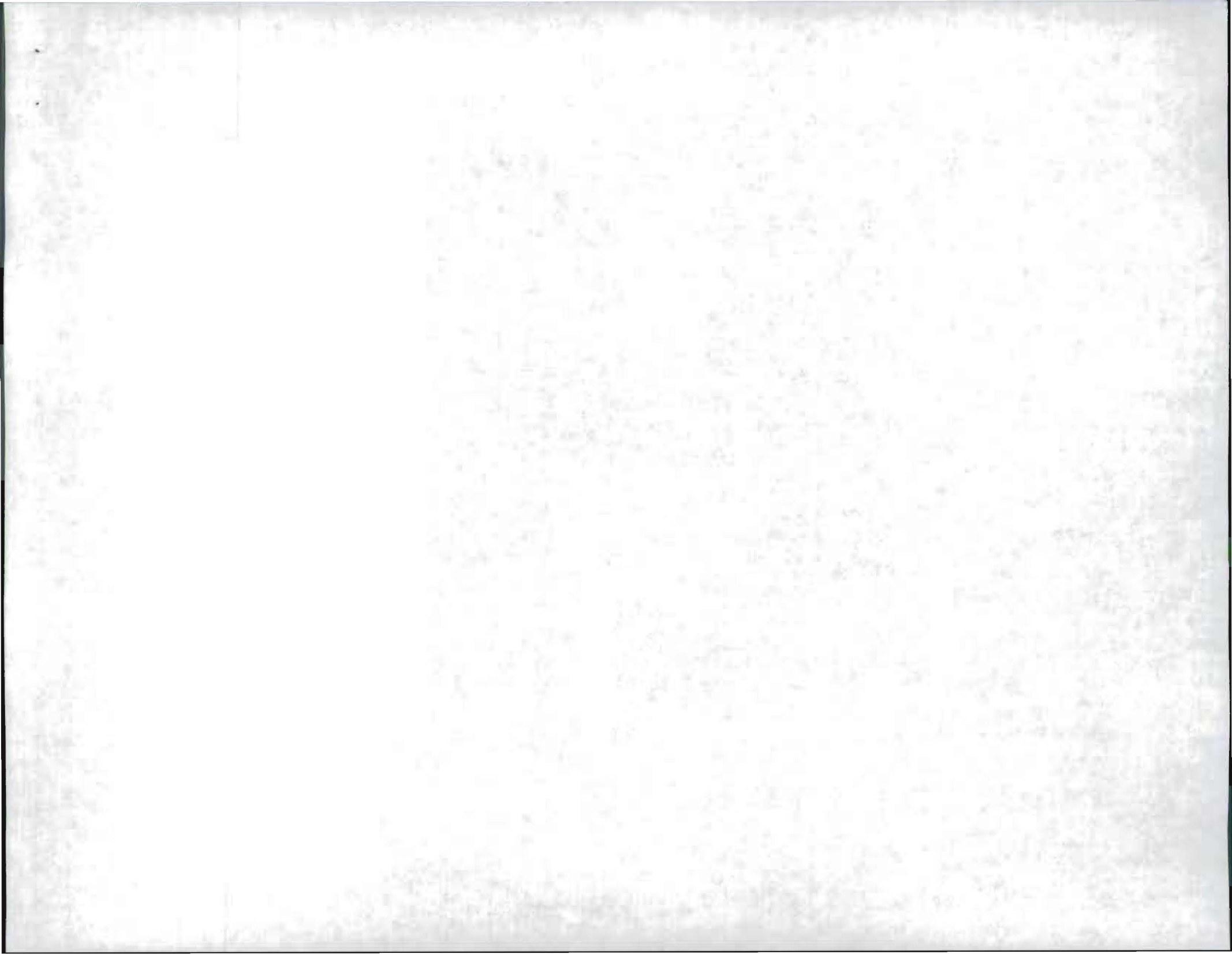
Applicant:	Nelson Olivas Department of Public Works County of San Diego 5469 Kearny Villa Road, Suite 305 San Diego, CA 92123-1152
Applicant Representatives:	Same as above
Project Name:	Valley Center North Road Improvement Project (File No. 03C-116)
Project Location:	The proposed project is within the Valley Center Community Planning Area, North County Sub-regional Planning Area, in an incorporated portion of San Diego County (see attachment No. 3)
Type of Project:	Linear Transportation
Project Description:	The project involves widening a 2.88-mile segment of Valley Center Road from just north of Banbury Drive to 0.12 miles east of the intersection with Cole Grade Road. The existing two and three-lane road will be upgraded to modified major roads standards, with a total of four lanes.
Federal Agency/Permit:	United States Army Corps of Engineers Nationwide Permit No. 14
Other Required Regulatory Approvals:	California Department of Fish and Game Streambed Alteration Agreement
California Environmental Quality Act (CEQA) Compliance:	The County of San Diego certified the Final EIR for the complete road-widening project on June 14, 2000.
Receiving Water:	Keys Creek, Moosa Canyon Creek, and unnamed intermittent streams within the San Luis Rey River watershed.



Impacted Waters of the United States:	The proposed project will permanently impact 0.762 <u>0.778</u> acres of jurisdictional waters of the State, and temporarily impact 0.277 <u>0.36</u> acres of waters of the State. (see table in condition C.1 & C.2 for breakdown)
Dredge Volume	N/A
Related Projects Implemented/to be Implemented by the Applicant(s)	The southern phase I of the widening project was certified by the SDRWQCB on May 20, 2004 (File NO. 02C-035).
Compensatory Mitigation:	<p>Mitigation <u>required</u> for <u>0.762-acres of permanent impacts to jurisdictional streambed wetlands and other waters (0.166-acre of riparian woodland, 0.072-acre of wet meadow, 0.115-acre of herbaceous wetland, 0.007-acre of freshwater marsh, and 0.402-acre of nonwetland waters)</u> resulting from the project will be <u>is</u> mitigated at a 1.81-acre mitigation site <u>known as Cedar Trails Mitigation Site</u>, located on the eastern reach of Moosa Creek. The site is subdivided into two mitigation areas: a 0.80-acre enhancement area on the southern bank of the creek, and a 1.01-acre restoration and enhancement on the northern side.</p> <p><u>Permanent impacts to 0.016-acre of jurisdictional waters of the U.S. (consisting of 0.007-acre of freshwater marsh and 0.009-acre of non-wetland waters) associated with additional drainage improvements are included within permanent impacts to 0.2-acre of California Department of Fish and Game (CDFG) jurisdictional waters/riparian habitat, and is mitigated at a ratio of 5:1 with 1.0-acre of mitigation credit deducted from the Pilgrim Creek Mitigation Bank.</u></p> <p>Temporary impacts will be <u>are</u> mitigated at a 1:1 ratio by restoring the impacts to their original topography and vegetation.</p>



Best Management Practices:	<p>During construction, this project will comply with the BMP requirements stipulated in the State Water Resources Control Board Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.</p> <p>Post-construction structural BMPs will be implemented to treat urban runoff generated from the project. Specific BMPs will include vegetated swales and storm drain inlet filters.</p>
Public Notice:	<p>On September 30, 2003, receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.</p>
Fees:	<p>Total Due: \$4,500.00 Total Paid (check No. 4805887 & 4960868): \$4,500.00</p>



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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nelson Olivas
 County of SD, DPW
 5469 Kearny Villa Rd.
 Suite 305
 San Diego CA 92123-1152

2. Article Number

(Transfer from service label)

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PS Form 3811, February 2004 S-3

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L. Parry

102595-02-M-154

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Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

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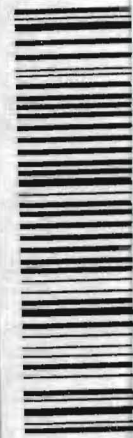
Registered Return Receipt for Merchandise

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Total Postage & Fees	\$5.71

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 Street, Apt. No. or PO Box No. 5469 Kearny Villa Rd, Sr 305
 City, State, ZIP+4 San Diego CA 92123-1152

PS Form 3800, August 2006

See Reverse for Instructions

