



California Regional Water Quality Control Board

San Diego Region



Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

July 14, 2010

Certified Mail – Return Receipt Requested
Article Number: 7010 1060 0000 4952 5361

Mr. Mikhail Ogawa
City of Vista
600 Eucalyptus Avenue
Vista, CA 92084

In reply, refer to:

WDID	9000001655
Reg. Measure	326306
Place	651353
Party	49475
Person	381992

Dear Mr. Ogawa:

Subject: Amendment to Clean Water Act Section 401 Water Quality Certification No. 07C-050 for the Buena Vista Creekwalk Trail and Channel Stabilization Project

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Buena Vista Creekwalk Trail and Channel Stabilization project, Certification number 07C-050 issued on March 24, 2008. This amendment to the Water Quality Certification has been requested by the City of Vista. The original certification with requested changes is included as Attachment A.

The proposed changes include a temporary flow diversion (in Buena Vista Creek) to allow the installation of a 140 foot-long plantable rock gabion. The temporary flow diversion would provide a more stable, dry work surface for the contractor. The City of Vista would install a 40 foot long temporary by-pass pipe to divert flows away from the work area. The pipe would be anchored with gravelbags to ensure stability during gabion installation. The pipe is expected to remain in place for 5 days. No vegetation is located in the area of the by-pass pipe and no additional impacts are expected. Thus, no additional mitigation is proposed. The City of Vista has also reduced the number of in-stream gabions from three plantable rock structures, totaling 249 linear feet, to one plantable rock structure, totaling 140 linear feet.

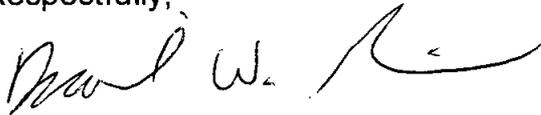
Any petition for reconsideration of this Certification amendment must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that the City of Vista has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification may result in enforcement actions against the City of Vista.

Amended language to the Water Quality Certification is shown as ~~strikeout~~ and **bold-underlined** font in the amended Water Quality Certification (Attachment A). Technical

information provided by the City of Vista in support of the amendment is included as Attachment B.

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 subject matter, please contact Mike Porter at (858) 467-2726 or mporter@waterboards.ca.gov.

Respectfully,



David W. Gibson
Executive Officer
San Diego Regional Water Quality Control Board

cc: Ms. Michelle Mattson
U.S. Army Corps of Engineers
San Diego Field Office
Michelle.L.Mattson@usace.army.mil

Ms. Marilyn Fluharty
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – North
mfluharty@dfg.ca.gov

Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

Ms. Tricia Wotipka
Dudek & Associates
twotipka@dudek.com

Attachments:

A – Amended Water Quality Certification 07C-050, dated July 8, 2010.

B – Amendment Request No. 1 with Supporting Documents, dated June 23, 2010.



Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

Action on Request
for
AMENDED
Clean Water Act Section 401 Water Quality Certification
and
Waste Discharge Requirements
for
Discharge of Dredged and/or Fill Materials

PROJECT: Buena Vista Creekwalk Trail and
Channel Stabilization Project Water Quality
Certification No. 07C-050

APPLICANT: Mr. Mikhail Ogawa
City of Vista
600 Eucalyptus Avenue
Vista, CA 92084

WDID	9000001655
Reg. Measure	326306
Place	651353
Party	49475
Person	381992

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Programmatic Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The project will provide a trail connection between Brengle Terrace Park to an existing trail system at Capri Drive by constructing an approximately 1,200 foot long by 10 foot-wide trail segment comprised of decomposed granite. The project will also stabilize the channel banks by installing one ~~four~~ plantable, rock gabion structures **totaling 140 linear feet** along the length of the channel. The creek is eroding and incising in response to increased flows caused by surrounding impervious areas.

California Environmental Protection Agency

The proposed changes as described in the amendment request will include a temporary flow diversion to install a 140 foot-long plantable rock gabion. The temporary flow diversion will provide a more stable, dry work surface for the contractor. The City of Vista will install a 40 foot long temporary by-pass pipe to divert flows away from the work area. The pipe will be covered with gravel bags to ensure stability during gabion installation. The pipe is expected to remain in place for 5 days. No vegetation is located in the area of the by-pass pipe and no additional impacts are expected.

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility 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. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the City of Vista must satisfy the following:

A. GENERAL CONDITIONS:

1. The City of Vista must, at all times, fully comply with the engineering plans, specifications and technical reports submitted with this application for 401 Water Quality Certification and all subsequent submittals required as part of this certification.

2. The City of Vista must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
3. The City of Vista must maintain a copy of this certification, the application, and supporting documentation at the project site at all times for review by site personnel and agencies.
4. Prior to the start of the project, and annually thereafter, the City of Vista must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and Best Management Practices implementation and maintenance.
5. The City of Vista must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
6. The City of Vista must notify the Regional Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
7. The City of Vista must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
8. This Certification is not transferable to any person(s) except after notice to the Executive Officer of the Regional Board. The applicant must submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new owner(s) containing a specific date for the transfer of this Certification's responsibility and coverage between the current discharger and the new discharger(s). This agreement must include an

acknowledgement that the existing owner is liable for compliance and violations up to the transfer date and that the new owner(s) is/are liable from the transfer date on.

9. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must 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.
10. In response to a suspected violation of any condition of this certification, the Regional Board 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 Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
11. In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

B. COMPENSATORY MITIGATION:

1. Compensatory mitigation for the proposed impact of 0.125-acre (458-linear feet) of vegetated Waters of the U.S. and State, must be achieved by the onsite:
 - a) Creation of 0.01-acre of Southern willow scrub.
 - b) Enhancement of 0.02-acre Southern willow scrub.
 - c) Creation of 0.10-acre Southern coast live oak riparian forest.
 - d) Enhancement of 0.20-acre of Southern coast live oak riparian forest
 - e) Creation of 0.015-acre wetlands.

The overall mitigation ratio will be 2.8:1.

2. The City of Vista must follow and implement the recommendations contained within the Conceptual Wetlands Mitigation & Monitoring Plan for the Buena Vista Creekwalk Trail & Stabilization Project, prepared by Dudek, and dated March 2008.

3. In addition to the maintenance and monitoring proposed in the mitigation plans, the City of Vista must develop and submit an addendum to the mitigation plans that implements monitoring criteria to measure the functional success of the mitigation areas. This addendum is due to the Regional Board by June 1, 2008.
4. If, after all other establishment criteria have been met, monitoring shows that the mitigation area(s) are not meeting the functional success' criteria proposed in the addendum, the Regional Board has the option to modify this certification to require changes to the mitigation plans, including but not limited to additional or different mitigation to compensate for the lack of or diminished functional mitigation.
5. Within 90 days of the issuance of this certification, the City of Vista must provide a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. The conservation easement 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 or 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 conservation easement or other appropriate 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 functions and values of the site. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, paved maintenance roads, and areas of maintained landscaping for recreation. The City of Vista must submit proof of a completed preservation mechanism within one year of issuance of this certification.
6. The City of Vista must submit a report (including topography maps and planting locations) to the Regional Board within 90 days of completion of mitigation preparation and planting, describing as-built status of the mitigation project. If the site grading and planting are not completed within six weeks of each other, separate reports will be submitted describing those specific as-built conditions.
7. The construction of proposed mitigation must be completed within the same calendar year as impacts occur, or at least no later than 9 months following the close of the calendar year in which impacts first occur (e.g., if impacts occur in June 2003, construction of mitigation for all impacts must be completed no later than September 2004). Delays in implementing mitigation must result in an increased mitigation ratio by 1.0 acre for each acre of impact for each year, or part thereof, of delay.

8. Mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the onsite or offsite mitigation areas.
9. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, The City of Vista, must be responsible for repair and replanting of the damaged area(s).
10. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Monitoring reports must be submitted no later than 30 days following the end of the monitoring period. Monitoring reports must include, but not be limited to, the following:
 - a) Names, qualifications, and affiliations of the persons contributing to the report;
 - b) Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 - c) Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - d) Photo documentation from established reference points;
 - e) Survey report documenting boundaries of mitigation area; and
 - f) Other items specified in the draft and final Wetland and Riparian Mitigation and Monitoring Plan.
11. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species must be quantified to comply with mitigation requirements.
12. For purposes of this certification, creation is defined as the creation of vegetated or unvegetated waters of the U.S. where they have never been documented or known to occur (e.g., conversion of nonnative grassland to freshwater marsh). Restoration is defined as the creation of waters of the U.S. where they previously occurred (e.g., removal of fill material to restore a drainage). Enhancement is defined as modifying existing waters of the U.S. to enhance functions and values (e.g., removal of exotic plant species from jurisdictional areas and replacing with native species).

C. STREAM PHOTO DOCUMENTATION PROCEDURE

The City of Vista must conduct photo documentation of the project site and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.14: Stream Photo Documentation Procedure, included as Attachment 6. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. The City of Vista must submit this information in a photo documentation report to the Regional Board with the Mitigation Maintenance and Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

D. GEOGRAPHIC INFORMATION SYSTEM REPORTING

The City of Vista must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within 30 days of project impacts and the mitigation areas within 30 days of mitigation installation. All impact and mitigation areas shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

E. REPORTING

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All applications, reports, or information must be submitted to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. 08C-078
9174 Sky Park Court, Suite 100
San Diego, California 92123

F. SIGNATORY REQUIREMENT

1. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

- a. For a corporation, by a responsible corporate officer of at least the level of vice president.
 - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in Items 1.a. through 1.c. above may sign documents if:
- a. The authorization is made in writing by a person described in Items 1.a. through 1.c. above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the Regional Board Executive Officer.
3. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On June 5, 2007 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

On June 25, 2010 the amendment request was posted on the Regional Board web site to serve as appropriate notification to the public.

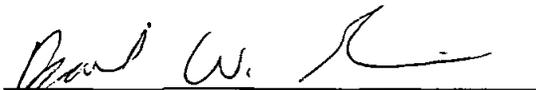
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Mike Porter
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2726
mporter@waterboards.ca.gov

AMENDED WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the City of Vista Buena Vista Creekwalk Trail Project Amended Project (Certification No. 07C-050) 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, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue individual 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, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

7/14/2010
Date

Buena Vista Creekwalk Trail and
Channel Stabilization Project

Amended Certification
No. 07C-050

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Maps
 5. Mitigation Map
 6. Stream Photodocumentation Procedure

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: City of Vista
Attention: Mikhail Ogawa
600 Eucalyptus Avenue
Vista, CA 92084
Telephone: 760-726-1340 x 1357
Facsimile: 760-639-6132
E-mail: Mikhail@mogawaeng.com

Applicant
Representatives: Dudek & Associates
Attention: Tricia Wotipka
605 Third Street
Encinitas, CA 92024
Telephone: 760-479-4295
Facsimile: 760-632-8710
E-mail: twotipka@dudek.com

Project Name: Buena Vista Creekwalk Trail and Channel Stabilization
Project

Project Location: The project site is located in the City of Vista, approximately 2
miles north of SR78, on the south side of Vale Terrace Drive
across from Williamson Street between Capri Drive and
Ponderosa Drive. The center of the project is located
approximately at latitude 33°12'32" north, longitude
117°13'47" west.

Type of Project: Recreational Trail and Creek Stabilization.

Project Description: The project will provide a trail connection between Brengle
Terrace Park to an existing trail system at Capri Drive by
constructing an approximately 1,200 foot long by 10 foot-wide
trail segment comprised of decomposed granite. The project
will also stabilize the channel bank by installing one ~~four~~
plantable, rock gabion structures totaling 140 linear feet
~~along the length of the channel~~. The creek is eroding and
incising in response to increased flows caused by surrounding
impervious areas.

The proposed changes as described in the amendment request will include a temporary flow diversion to install a 140 foot-long plantable rock gabion. The temporary flow diversion will provide a more stable, dry work surface for the contractor. The City of Vista will install a 40 foot long temporary by-pass pipe to divert flows away from the work area. The pipe will be covered with gravel bags to ensure stability during gabion installation. The pipe is expected to remain in place for 5 days. No vegetation is located in the area of the by-pass pipe and no additional impacts are expected.

Federal Agency/Permit:	U.S. Army Corps of Engineers, Nationwide Permit 14 – Kari Coler
Other Required Regulatory Approvals:	California Department of Fish and Game, Streambed Alteration Agreement – Tamara Spear
California Environmental Quality Act (CEQA) Compliance:	Final Mitigated Negative Declaration CIP8015, Buena Vista Creek Trail Extension, May 25, 2005; State Clearing House No. 2005051154. The Notice of Determination was filed June 29, 2005.
Receiving Waters:	A tributary to Buena Vista Creek. Carlsbad hydrologic unit, 'Buena Vista Creek hydrologic area, Vista hydrologic subarea (904.22).
Impacted Waters of the United States	0.125-acre (458-linear feet) vegetated waters of the U.S. and State.
Dredge Volume:	None
Related Projects Implemented/to be	Last 5 years: Rancho Minerva Middle School; Kidney Dialysis Center

Buena Vista Creekwalk Trail and
Channel Stabilization Project

Amended Certification
No. 07C-050

Related Projects
Implemented/to be
Implemented by the
Applicant(s):

Last 5 years:
Rancho Minerva Middle School; Kidney Dialysis Center

Next 5 years:
Sycamore Creek Estates; Pedroza TPM; Durian Street
Condominium; Via Centre Office Park; Monte Vista 8-Lot TSM

Compensatory
Mitigation:

Compensatory mitigation for the proposed impact of 0.125-
acre (458-linear feet) of vegetated Waters of the U.S. and
State, will be achieved by the onsite:

- Creation of 0.01-acre of Southern willow scrub.
Enhancement of 0.02-acre Southern willow scrub.
- Creation of 0.10-acre Southern coast live oak riparian
forest.
- Enhancement of 0.2-acre Southern coast live oak
riparian forest
- Creation of 0.015-acre wetlands.

The overall mitigation ratio will be 2.8:1.

Best Management
Practices:

This project is subject to the General Storm Water Permit for
Construction Activity (SWRCB Order 99-08 DWQ). The
Storm Water Pollution Prevention Plan proposes standard
construction structural and non-structural Best Management
Practices (BMPs). Some of these BMPs include silt fences,
fiber rolls, street sweeping and vacuuming, storm drain inlet
protection, solid waste management, stabilized construction
ingress/egress, vehicle and equipment maintenance, erosion
control mats, spray-on erosion control, gravel bag barriers,
material delivery and storage, spill prevention and control,
concrete waste management, water conservation practices,
and permanent revegetation of all disturbed areas.

Public Notice:

June 5, 2007 – Regional Board website.

**On June 25, 2010 the amendment request was posted on
the Regional Board web site to serve as appropriate
notification to the public.**

Fees:

Total Due: \$2,790.00
Total Paid: \$2,790.00 (Check No. 31488)

Buena Vista Creekwalk Trail and
Channel Stabilization Project

Amended Certification
No. 07C-050

Amendment Fees: Total Due: \$640.00
Total Paid: \$640.00 (Check No. 00056102)

CIWQS: WDID 9000001655
 Reg. Measure 326306
 Place 651353
 Party 49475
 Person 381992

**ATTACHMENT 2
DISTRIBUTION LIST**

~~Ms. Kari Coler~~

Ms. Michelle Mattson

U.S. Army Corps of Engineers
San Diego Field Office
16885 West Bernardo Drive
Suite 300A
San Diego, CA 92127

~~Ms. Tamara Spear~~

Ms. Marilyn Fluharty

California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – North
4949 Viewridge Avenue
San Diego, CA 92123

Ms. Elizabeth Goldmann

Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Ms. Tricia Wotipka

Dudek & Associates
605 Third Street
Encinitas, CA 92024

State Water Resources Control Board

Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

U.S. Department of the Interior

Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

Amended Certification No. 07C-050

ATTACHMENT B

AMENDMENT REQUEST No. 1

WITH

SUPPORTING DOCUMENTS, DATED JUNE 23, 2010

Porter

LETTER OF TRANSMITTAL

To:	Mr. Mike Porter Regional Water Quality Control Board 9174 Sky Park Court, Suite 100 San Diego, CA 92123	Date:	June 23, 2010	Job No.	6611-01
		Re:	Buena Vista Creekwalk Trail Project		
			RWQCB File No. 07C-050		
		From:	Tricia Wotipka		
Ph:					

Transmit Via: Courier (2 hr or 4 hr) Overnight Regular Mail

Include the Following: Prints () Sepias Specifications See Below

For: Your Approval Your Review Your Files Your Use Other

No.	Date	Copies	Description
1	6/23/2010		Amendment to Existing Section 401 Water Quality Certification (07C-050)
1	---		\$640 filing fee (to process minor amendment)

Remarks:

Hi Mike,

Please find enclosed a request to amend existing Section 401 Water Quality Certification #07C-050 for the temporary installation of a by-pass device to divert minimal creek flows away from the gabion work area.

Please let me know if you have any questions or need additional information to supplement your review. The City is hoping to keep the Contractor moving forward as quickly as possible so anything you can do to help expedite the processing of this amendment would of course be much appreciated.

Thanks,
Tricia

2010 JUN 23 P 3:2
 SAN DIEGO REGIONAL
 WATER QUALITY
 CONTROL BOARD

Doc Scanned On: 6/23/10
 J. Mojica Time: 8:57 AM

Copy To _____ Signed Tricia Wotipka

Corporate ENVIRONMENTAL FAX 760.632.8710		ORANGE	PALM DESERT	SANTA BARBARA
		529 W. Blueridge Avenue Orange, CA 92865 TEL 714.998.8330 FAX 714.998.9027	75-150 Sheryl Avenue, Suite C Palm Desert, CA 92211 TEL 760.341.6660 FAX 760.346.6118	621 Chapala Street Santa Barbara, CA 93101 TEL 805.963.0651 FAX 805.963.2074
Annex NORTH HYDRO/DISTRICT FAX 760.942.5206	Annex South ENGINEERING FAX 760.942.4508			

If enclosures are not as noted, kindly notify us at once.

DUDEK

MAIN OFFICE
605 THIRD STREET
ENCINITAS, CALIFORNIA 92024
T 760.942.5147 T 800.450.1818 F 760.632.0164

June 23, 2010

6611-01

Mr. Mike Porter
Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, California 92123

***Subject: Amendment to Section 401 Water Quality Certification Number 07C-050,
Buena Vista Creekwalk Trail Project, Vista, California***

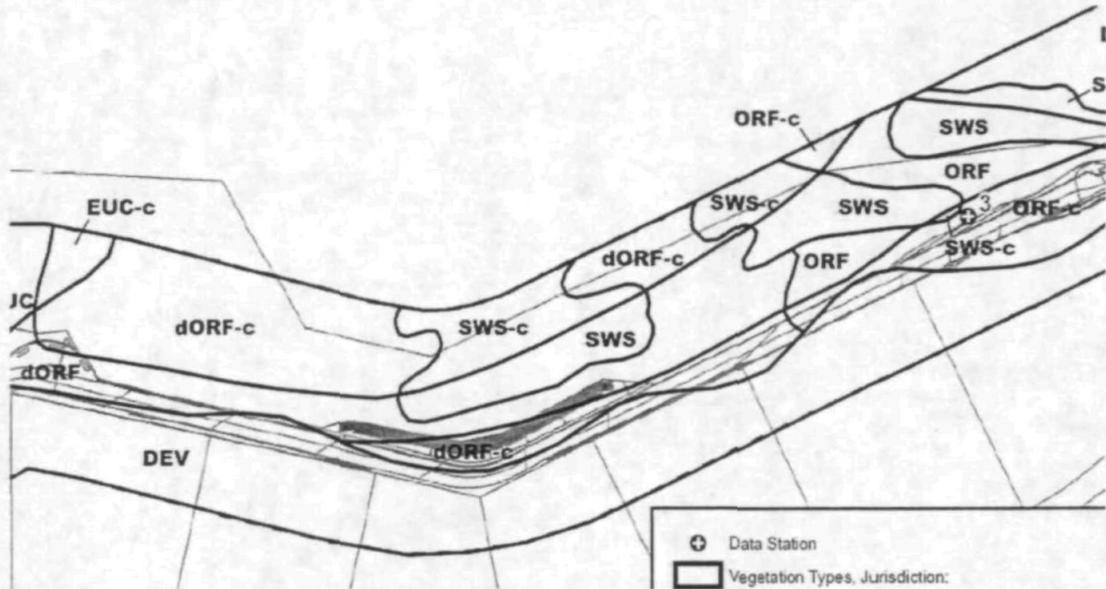
Dear Mike:

Dudek is submitting this request to amend Section 401 Water Quality Certification Number 07C-050 on behalf of the City of Vista (City) to allow for the temporary installation of a flow by-pass pipe in a perennial tributary to Buena Vista Creek to support the construction of a proposed 140 foot-long plantable rock gabion. The proposed gabion was previously permitted by the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Game (CDFG) as part of the Buena Vista Creekwalk Trail project (RWQCB File No. 07C-050) in December 2008. The proposed project entailed the construction of an approximately 1,200-foot-long by 10-foot-wide decomposed granite trail adjacent to Buena Vista Creek along with three plantable rock gabion structures for creek stabilization and a culvert extension at Ponderosa Drive to accommodate trail construction. However, since the issuance of resource agency permits in 2008, the City has reduced the number of in-stream gabions from three plantable rock structures, totaling 249 linear feet, to one plantable rock structure, totaling 140 linear feet (Exhibit 1). The 140 foot-long plantable rock gabion is proposed in an area where fallen trees and vegetation caused by heavy 2010 storms redirected creek flows into the southern channel bank, causing severe erosion and undercutting (see photos below). The single plantable rock gabion is expected to adequately address creek stabilization in the project area.

To install the gabion structure in-stream, a temporary flow diversion is needed to provide a more stable, dry work surface for the contractor. Creek flows are minimal due to the onset of summer. To address temporary flow diversion, the City is proposing to install a 40 foot long temporary by-pass pipe to divert flows away from the work area. The pipe would be reinforced with several sandbags to ensure it remains in place during gabion installation. The pipe is expected to remain in place for a period of five days. Crews will likely access the work area to install the by-pass device on foot from the north. The creek is unvegetated at this location. Thus, no vegetation will be removed during installation of the by-pass device.

Mr. Mike Porter

Subject: Amendment to Section 401 Water Quality Certification Number 07C-050, Buena Vista Creekwalk Trail Project, Vista, California



Magnified view of Exhibit 1 showing the proposed plantable rock gabion structure just downstream (west) of Ponderosa Drive.

The photos below were taken by Dudek biologist Tricia Wotipka on June 15, 2010. The white line seen in both photos is meant to indicate the location of the proposed gabion. The by-pass device would be installed just upstream of the gabion to divert flows away from the work site to allow wet soils (seen in the photo to the left) to dry.



Following construction of the gabion, the temporary pipe and sandbags will be removed and all areas temporarily impacted by the work will be restored to pre-construction contours and conditions. No vegetation is expected to be removed through installation of the by-pass pipe. No additional mitigation is proposed.

Mr. Mike Porter

Subject: Amendment to Section 401 Water Quality Certification Number 07C-050, Buena Vista
Creekwalk Trail Project, Vista, California

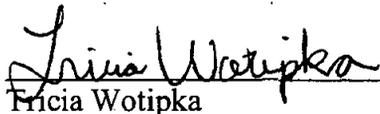
STATUS OF RESOURCE AGENCY PERMITS

ACOE. A notification to use Nationwide Permit 33 (Temporary Construction, Access, and Dewatering) has been submitted to Ms. Michelle Mattson and is currently being processed by ACOE staff.

CDFG. Condition #38 of the Streambed Alteration Agreement, issued by the CDFG in July 2008, allows for temporary flow diversion. After discussions with Darren Bradford of the CDFG on May 27, 2010, it was determined that no notification to the CDFG is necessary as the proposed flow diversion device is compliant with the existing permit requirements.

The City is eager to begin gabion installation as expediently as possible to allow for a seamless work schedule with minimal delay. We look forward to working with you on the processing of this application. Please feel free to contact me at 760.479.4295 with any questions you may have.

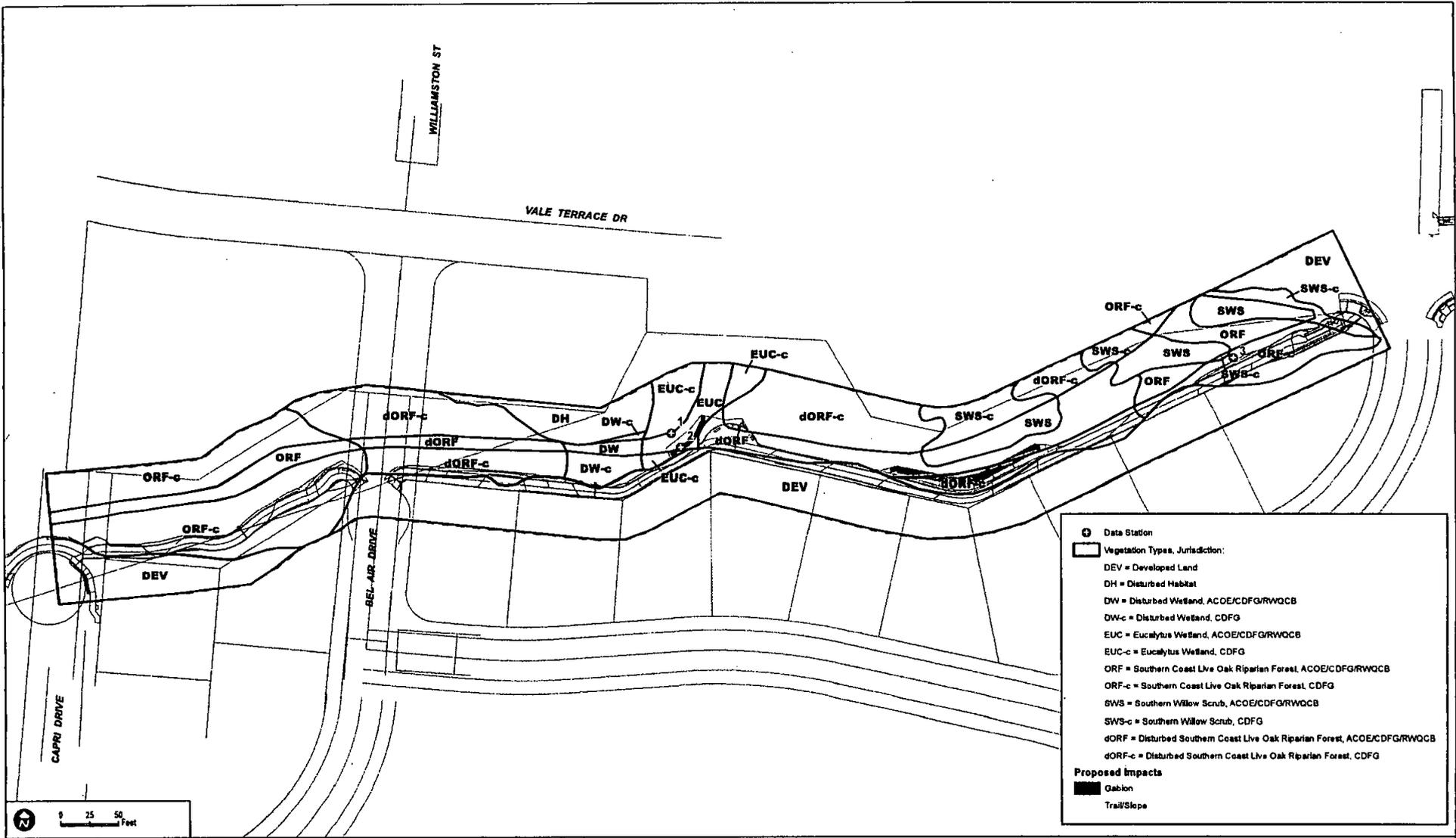
Sincerely,



Tricia Wotipka
Project Manager/Biologist

Att: Exhibit 1

cc: Mikhail Ogawa, Ogawa Engineering
Jeff Priest, Dudek
Sudi Shoja, City of Vista



(G) Data Station
 [] Vegetation Types, Jurisdiction:
 DEV = Developed Land
 DH = Disturbed Habitat
 DW = Disturbed Wetland, ACOE/CDFG/RWQCB
 DW-c = Disturbed Wetland, CDFG
 EUC = Eucalytus Wetland, ACOE/CDFG/RWQCB
 EUC-c = Eucalytus Wetland, CDFG
 ORF = Southern Coast Live Oak Riparian Forest, ACOE/CDFG/RWQCB
 ORF-c = Southern Coast Live Oak Riparian Forest, CDFG
 SWS = Southern Willow Scrub, ACOE/CDFG/RWQCB
 SWS-c = Southern Willow Scrub, CDFG
 dORF = Disturbed Southern Coast Live Oak Riparian Forest, ACOE/CDFG/RWQCB
 dORF-c = Disturbed Southern Coast Live Oak Riparian Forest, CDFG
Proposed impacts
 [■] Gabion
 [---] Trail/Slope

0 25 50 Feet
 N

DUDEK
 SOURCE: Digital Globe 2006
 6611-01
 MAY 2010
 Buena Vista Creekwalk Trail Project

EXHIBIT 1
Biological Resources Map with Site Plan

11-10-10



City of Vista
 Accounts Payable
 200 Civic Center Drive
 Vista, CA 92084
 (760) 726-1340

Bank of America
 So. Calif. Government Services Division 1431
 525 S. Flower Street
 Los Angeles, CA 90071

Vendor Number	Check Date	Check Number	16-86 1220
4064	06/22/2010	00056102	

VOID 180 DAYS FROM DATE OF WARRANT

\$640.00

Pay Six Hundred Forty dollars and 00 cents *****

00056102

To The
Order Of

SWRCB FEES
 P O BOX 1888
 SACRAMENTO, CA 95812-1888

Mary B. Vance
 _____ MP
 Mayor

Paul R. M...
 _____ MP
 Treasurer

⑈00056102⑈ ⑆122000661⑆ 14505⑈51128⑈

RUB OR BREATHE ON THE PINK LOCK & KEY ICONS—COLOR WILL FADE AND THEN REAPPEAR ON AN AUTHENTIC CHECK—IF COLOR DOES NOT FADE DO NOT ACCEPT

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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.

Article Addressed to:

Nikhail Ogawa
City of Vista
60 Eucalyptus Ave
Vista, CA 92084

COMPLETE THIS SECTION ON DELIVERY

A. Signature X 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 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number
(Transfer from service label)

7010 1060 0000 4952 5361

Form 3811, February 2004 7-14

Domestic Return Receipt

102595-02-M-1540

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CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.49

Postmark Here

Sent to
Mikhail Ogawa, City of Vista
Street, Apt. No.
or PO Box No. 600 Eucalyptus Ave
City, State, ZIP+4
Vista CA 92084

PS Form 3800, August 2006

See Reverse for Instructions

PS Form 3800, August 2006