



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

September 26, 2012

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 5773

Mr. William Ramsey
San Juan Capistrano City
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

In reply refer to / attn:
777848:dbradford

Subject: Clean Water Act Section 401 Water Quality Certification No. 12C-013; Sun Ranch Drainage Easement Improvements Project

Mr. Ramsey:

Enclosed find Clean Water Act Section 401 Water Quality Certification 12C-013 (Certification) for discharges to waters of the United States/State and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the **Sun Ranch Drainage Easement Improvements Project** (Project). A description of the Project can be found in the project information sheet, location map, and site maps which are included as Attachments 1 through 4.

Any petition for reconsideration of this Certification 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 you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Mr. William Ramsey
City of San Juan Capistrano
Section 401 Water Quality Certification 12C-013

- 2 -

September 26, 2012

In the subject line of any response, please include the reference number 777848:dbradford. For questions or comments, please contact Darren Bradford by phone at (858) 637-7137 or by email at dbradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer
San Diego Water Board

DG:js: db:kd:dlb

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 12C-013 for Sun Ranch Drainage Easement Improvements Project, with 4 attachments.

E-copies: Refer to Attachment 2 of Certification 12C-013 for Distribution List.

Tech Staff Info & Use	
File No.	12C-013
WDID	9000002420
Reg. Measure ID	383491
Place ID	777848
Party ID	39740
Person ID	502375



EDMUND G. BROWN JR.
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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

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

PROJECT: Sun Ranch Drainage Easement Improvements Project
Water Quality Certification No. 12C-013

APPLICANT: Mr. William Ramsey (Agent)
City of San Juan Capistrano (Applicant)
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

WDID	9000002420
Reg. Meas.	383491
Place	777848
Party	39740
Person	502375

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 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 Sun Ranch Drainage Easement Improvements Project (Project) consists of the installation of approximately 1,569 linear feet of buried 48-inch diameter reinforced concrete pipe (RCP) storm drain pipeline beneath a natural drainage course. The drainage course, of approximately 30 to 40 feet in width, is generally within a City of San Juan Capistrano owned drainage. The project includes the extension of the City's existing 8-foot-wide by 3-foot-high reinforced concrete box (RCB) drainage facility located within Del Obispo Street. The proposed high-flow pipeline will accommodate peak storm water flows, while maintaining dry season flows (i.e., 2-year frequency) in the stream channel, in accordance with Orange County Public Works (OCPW) Hydrology Manual 85th percentile storm flows. An additional pipe connection will be provided to intercept existing storm drain improvements along the easement, and provide for future connection to Tract 16146 (Belladonna Estates).

GRANT DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER



Project implementation will require removal of the existing vegetation within and along the easement edges to allow excavation and fill operations to be performed in order to bury the proposed 48-inch diameter reinforced concrete pipe. The drainage channel supports limited stands of wetland/riparian vegetation intermixed with areas of dense invasive exotics such as giant reed (*Arundo donax*), Mexican fan palm (*Washingtonia robusta*), and ornamental upland vegetation. The improvements within the easement will also include construction of an all-weather access road along the south edge of the easement, establishment of an improved low-flow drainage waterway, landscaping, and fencing. Following installation of the storm drain, the drainage channel will be reconstructed to improve aquatic functionality through the restoration of wetland and riparian habitat.

The project will result in permanent discharges to 0.49 acre (1,538 linear feet) wetland waters of the United States and/or State and 0.02-acre (31 linear feet) of non-wetland waters of the United States and/or State.

Mitigation will include on-site restoration of a minimum of 0.70 acre (1,569 linear feet) of native wetland and riparian habitat within the reconstructed channel. All mitigation sites and their buffers will be conserved and maintained in perpetuity. This provides a ratio of 1.37:1 (area mitigated:area impacted) for permanent impacts.

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I. STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials.

- A. 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).
- B. 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.
- C. The validity of any non-denial Certification action 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.

II. ADDITIONAL CONDITIONS: GENERAL

- A. This Clean Water Act Section 401 Water Quality Certification No. 12C-013 (Certification) is only valid if the project begins no later than five (5) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, then this Certification expires.
- B. The Applicant must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf.
- C. The Applicant must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), to support this Certification and all subsequent submittals required as part of this Certification and as described herein. The conditions within this Certification must supersede conflicting provisions within such plans submitted as part of this Certification action. Any modifications thereto, would

require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

- D. During construction, the Applicant must maintain a copy of this Certification at the project site. This Certification must be available at all times to site personnel and agencies
- E. Upon presentation of credentials, the Applicant must permit the San Diego Water Board or its authorized representative(s) to:
 - 1. Enter onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - 2. Access and/or copy any records required to be kept under the terms and conditions of this Certification.
 - 3. Inspect of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 - 4. Sample any discharge or surface water covered by this Certification.
- F. 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 (CWA), 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.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may, pursuant to CWC sections 13267 and 13383, require the holder of any permit or license subject to this Certification to investigate, monitor and report information on the violation; provided that the burden, including costs of preparing the reports, bears a reasonable relationship to the need for and the benefits to be obtained from the reports.
- H. In response to any violation of the conditions of this Certification, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: BEST MANAGEMENT PRACTICES (BMPs)

CONSTRUCTION BMPs

- A. Prior to the start of the project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, including pollution prevention measures, spill response, and the implementation and maintenance of BMPs.
- B. The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site 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 United States and/or State.
- C. The Applicant, and/or all legally responsible parties in the development area, must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002, *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, and any subsequent revisions thereto.
- D. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the San Diego Water Board pursuant to CWC § 13260.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
- G. All surface waters, including ponded waters, must 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. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- H. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The Applicant is responsible for implementing and

maintaining BMPs to prevent erosion of rough graded areas. Hydroseed areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>. Follow-up seed applications shall be made as needed to cover bare spots and to maintain adequate soil protection.

- I. Except as authorized by this certification, substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- J. Removal of vegetation must occur by hand, mechanically, or using United States EPA approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State. Use of aquatic pesticides must be done in accordance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, and any subsequent reissuance as applicable.
- K. Drop structures shall be constructed to the dimensions and grades shown in the Project site plans (Attachment 4). Rock for rip rap shall consist of pre-washed river rock cobble stones with a minimum diameter of 6" and a maximum size of 8". The Project contractor shall salvage and utilize, where available, existing rock material found to meet the specified sizes from within the excavated area along the on-site stream channel. Prior to the placement of rock structures, the area will be compacted to 90% relative compaction, and lined with Mirafi N140 drainage fabric or an approved equivalent. No concrete/cement materials shall be used. Rock material shall be placed in the pool basins to allow interlocking (nesting) of rock material to the dimensions and layout specified in the plan details. The Project contractor shall lightly compact rocks in layers as construction progresses to secure rocks in place and prevent movement. The placement of rock material shall be coordinated with the Project biologist and landscape contractor. Sandbar willows (*Salix exigua*) shall be planted along the upper slopes and within 2 feet of the rock structures for added stability. Cattails and rush species shall be planted within the lower portions of the pools for natural habitat function. Plant material placed within the pools shall be protected and maintained by the Project contractor prior to the start of landscape maintenance.

POST-CONSTRUCTION BMPs

- L. The Applicant shall not allow post-construction discharges to cause onsite or offsite downstream erosion, and/or damage to properties or damage to stream habitats from the project site.

- M. The Applicant must eliminate illicit discharges and prevent all nuisance flows from the development area from entering the receiving waters.
- N. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.

IV. UNAVOIDABLE IMPACTS AND COMPENSATORY MITIGATION

- A. Unavoidable impacts to an unnamed tributary to San Juan Creek within the San Juan Watershed are limited to:
 - 1. Permanent Impacts - 0.49-acre (1,538-linear feet) of wetland waters of the United States and/or State and 0.02-acre (31 linear feet) of non-wetland waters of the United States and/or State.
 - 2. Temporary Impacts – None.
- B. Mitigation must include on-site restoration of a minimum of 0.70 acre (1,569 linear feet) of native wetland and riparian habitat within the reconstructed channel. All mitigation sites and their buffers will be conserved and maintained in perpetuity. This provides a ratio of 1.37:1 (area mitigated:area impacted) for permanent impacts.
- C. Compensatory mitigation for unavoidable impacts must be implemented as described in the Habitat Mitigation and Monitoring Plan for the Sun Ranch Drainage Easement Improvements Project (HMMP), dated March, 2012. Mitigation, maintenance, monitoring, and long-term management of the mitigation sites must be implemented as described in the HMMP. Any deviations from the HMMP must be approved by the San Diego Water Board.
- D. The Applicant must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in mitigation sites. In conjunction with the Project Habitat Restoration Specialist, select soil material from within the existing Sun Ranch Drainage Easement creek shall be removed and stock piled for future installation within the upper 12–inches of the reconstructed drainage channel. The select soil material shall be removed and stock piled on site in an upland area. The removed material shall be tilled and allowed to air dry to remove the excess moisture within the soil. The select re-salvaged soil shall be screened to remove all vegetation, rocks and debris in excess of 3-inches in size. The Project Contractor shall coordinate the select soil removal with the Project's Geotechnical Engineer, and Project Biologist to determine the specific locations within the drainage channel from which the select soil shall be obtained. The soil material shall be excavated from the upper 36 inches (3 feet) of the drainage channel. During

- the drying process, the Project Contractor will maintain the select soil material stock pile to prevent weed growth. Contractor shall utilize approved herbicide to control and remove weed growth until the select soil is installed within the graded channel. The Applicant must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
- E. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- F. The Applicant must restore areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
- G. The mitigation sites must be designed, constructed, and maintained in perpetuity to meet the following conditions:
1. Most of the channels through the mitigation sites must be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer must have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope must contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 3. The mitigation sites must have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.
- H. If at any time during the implementation and establishment of the mitigation sites, and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation sites, the Applicant is responsible for repair and replanting of the damaged areas.
- I. Mitigation shall be considered acceptable once it has met the predetermined success criteria for that site, and must be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.
- J. Mitigation sites must be maintained, in perpetuity, 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 mitigation sites.

- K. Any maintenance activities that do not contribute to the success of the mitigation sites and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species and remedial measures deemed necessary for the success of the restoration program.
- L. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States and/or State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States and/or State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States and/or State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States and/or State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States and/or State (e.g., conservation easement).

V. MONITORING REQUIREMENTS

A. California Rapid Assessment Method

The California Rapid Assessment Method (CRAM) must be utilized at the impact and mitigation site(s) prior to impacts to establish pre-project baseline conditions. In addition, CRAM must be utilized at the mitigation site(s) following completion of the mitigation site construction at years 3 and 5. The results of the CRAM assessment must be submitted **each year with the Annual Monitoring Reports** and data must be uploaded into eCRAM (<http://www.cramwetlands.org>).

VI. NOTIFICATION REQUIREMENTS:

- A. The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger 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 San Diego Water Board, 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.

- B. This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
- 1. Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board **within 10 days of the transfer of ownership.**
 - 2. Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
 - 3. Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the Executive Officer of the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant

will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

- C. **Within six months of the start of construction**, the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation sites and their buffers in perpetuity. **Within one year of the start of construction**, the Applicant must submit proof of a completed preservation mechanism that will protect all mitigation sites and their buffers 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 United States 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 soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.
- D. The Applicant must notify the San Diego Water Board in writing **at least 5 days prior** to the actual commencement of dredge, fill, and discharge activities.

VII. REPORTING REQUIREMENTS:

- A. The Applicant must submit Geographic Information System (GIS) shape files of the impact and mitigation sites within 30 days of project impacts and the mitigation sites within 30 days of mitigation installation. All impact and mitigation sites shape files 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.
- B. The Applicant must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **January 1** of each year following the issuance of this Certification until the project has reached completion. The Applicant must submit a **Final Project Annual Report** to the San Diego Water Board prior to **January 1** following completion of the project. The reports must include the following:
1. Date of construction initiation;
 2. Date of construction completion;

3. Status of BMPs for the project;
 4. Final Project Report: Photo documentation of implemented post-construction BMPs. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.
- C. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **January 1** of each year. Monitoring reports must include, but not be limited to, the following:
1. Names, qualifications, and affiliations of the persons contributing to the report;
 2. Date of initiation of mitigation installation and date mitigation installation was completed;
 3. Mitigation as-builts, including topography maps and planting locations;
 4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 5. Topographic complexity characteristics at each mitigation site;
 6. Upstream and downstream habitat and hydrologic connectivity;
 7. Source of hydrology;
 8. Width of native vegetation buffer around the entire mitigation site;
 9. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 10. Stream Photo documentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation sites, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.

- D. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
- E. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
- F. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described 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 San Diego Water Board Executive Officer.
- G. All applications, reports, or information submitted to the San Diego Water 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."

- H. The Applicant must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 12C-013
9174 Sky Park Court, Suite 100
San Diego, California 92123

VIII. CEQA FINDINGS:

- A. City of San Juan Capistrano is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination for the Mitigated Negative Declaration titled *Capital Improvement Project (CIP) 11503, Sun Ranch Drainage Improvements*, State Clearing House No. 2012021007, June 22, 2012.
- B. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and finds that the project as proposed will not have a significant effect on the environment if compensatory mitigation is accomplished as conditioned in this Certification.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

- A. On February 23, 2012, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

X. SAN DIEGO WATER BOARD CONTACT PERSON:

Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Telephone: 858-637-7137
Email: DBradford@waterboards.ca.gov

XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Sun Ranch Drainage Easement Improvements Project** (Certification Project No. 12C-013) 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 San Diego Water 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 to, 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 Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 11C-015 issued on September 26, 2012.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

9-26-2012
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Maps
 4. Project Site Plans

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Mr. William Ramsey (Agent)
City of San Juan Capistrano (Applicant)
32400 Paseo Adelanto
San Juan Capistrano, CA 92675
Telephone: 949-443-6334
Email: bramsey@sanjuancapistrano.org

**Applicant
Representatives:** Glenn Lukos Associates
Attention: Lesley Lokovic
29 Orchard
Lake Forest, CA 92630
Telephone: 949-837-0404 x44
Facsimile: 949-837-5834
Email: llokovic@wetlandpermitting.com

Project Name: Sun Ranch Drainage Easement Improvements Project

Project Location: The proposed project is located in the southwesterly portion of the City of San Juan Capistrano, Orange County, California, west of Del Obispo Street and extending approximately 1,700 feet in length from a location east of the Cook Reservoir to Del Obispo Street. The project center reading is located at latitude 33.495726 and longitude -117.678661.

Type of Project: Storm drain pipeline installation.

Project Description: The Sun Ranch Drainage Easement Improvements Project (Project) consists of the installation of approximately 1,569 linear feet of buried 48-inch diameter reinforced concrete pipe (RCP) storm drain pipeline beneath a natural drainage course. The drainage course, of approximately 30 to 40 feet in width, is generally within a City of San Juan Capistrano owned drainage. The project includes the extension of the City's existing 8-foot-wide by 3-foot-high reinforced concrete box (RCB) drainage facility located within Del Obispo Street. The proposed high-flow pipeline will accommodate peak storm

water flows, while maintaining dry season flows (i.e., 2-year frequency) in the stream channel, in accordance with Orange County Public Works (OCPW) Hydrology Manual 85th percentile storm flows. An additional pipe connection will be provided to intercept existing storm drain improvements along the easement, and provide for future connection to Tract 16146 (Belladonna Estates).

Project implementation will require removal of the existing vegetation within and along the easement edges to allow excavation and fill operations to be performed in order to bury the proposed 48-inch diameter reinforced concrete pipe. The drainage channel supports limited stands of wetland/riparian vegetation intermixed with areas of dense invasive exotics such as giant reed (*Arundo donax*), Mexican fan palm (*Washingtonia robusta*), and ornamental upland vegetation. The improvements within the easement will also include construction of an all-weather access road along the south edge of the easement, establishment of an improved low-flow drainage waterway, landscaping, and fencing. Following installation of the storm drain, the drainage channel will be reconstructed to improve aquatic functionality through the restoration of wetland and riparian habitat.

Federal
Agency/Permit:

U.S. Army Corps of Engineers §404, Individual Permit,
Mr. Jason Lambert.

Other Required
Regulatory Approvals:

California Department of Fish and Game (CDFG) § 1602
Streambed Alteration Agreement, Mr. Kevin Hupf.

California
Environmental Quality
Act (CEQA)
Compliance:

Mitigated Negative Declaration, Capital Improvement Project (CIP) 11503, Sun Ranch Drainage Easement Improvements,
County of Orange, Planning Department, State Clearing
House No. 2012021007, June 22, 2012.

Receiving Waters:

Unnamed tributary to San Juan Creek. San Juan hydrologic unit, Mission Viejo hydrologic area, Lower San Juan hydrologic sub area.

Impacted Wetlands of the United States and State: Permanent –
Wetlands 0.49-acre, 1,538-linear feet
Streambed 0.02-acre, 31-linear feet

Temporary - None

Dredge Volume: None

Related Projects Implemented/to be Implemented by the Applicant(s): None

Compensatory Mitigation: Mitigation for unavoidable impacts is described in the Habitat Mitigation and Monitoring Plan for the Sun Ranch Drainage Easement Improvements Project, dated March, 2012.

Mitigation will include on-site restoration of a minimum of 0.70 acre (1,569 linear feet) of native wetland and riparian habitat within the reconstructed channel. All mitigation sites and their buffers will be conserved and maintained in perpetuity. This provides a ratio of 1.37:1 (area mitigated:area impacted) for permanent impacts.

Best Management Practices (BMPs): BMPs must include, but not be limited to:

- Catch basin and inlet protection.
- Headwall outlet protection.
- Silt fencing.
- Fiber rolls.
- Gravel bag berms.
- Erosion control stabilizing emulsion.
- Concrete washout area.
- Stabilized construction entrance/exit.
- Spill prevention and control.
- Street sweeping and vacuuming.

Public Notice: On February 23, 2012, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

Fees: Total Due: \$0.00
Paid: \$3,014.09 (Check No. 3011442)
Paid: \$12,740.31 (Check No. 3012578)

CIWQS: Regulatory Measure ID: 383491
Place ID: 777848
Party ID: 39740
Person ID: 502375
WDID 9000002420

**ATTACHMENT 2
DISTRIBUTION LIST**

Mr. Jason Lambert
U.S. Army Corps of Engineers
Regulatory Branch
Jason.p.lambert@usace.army.mil

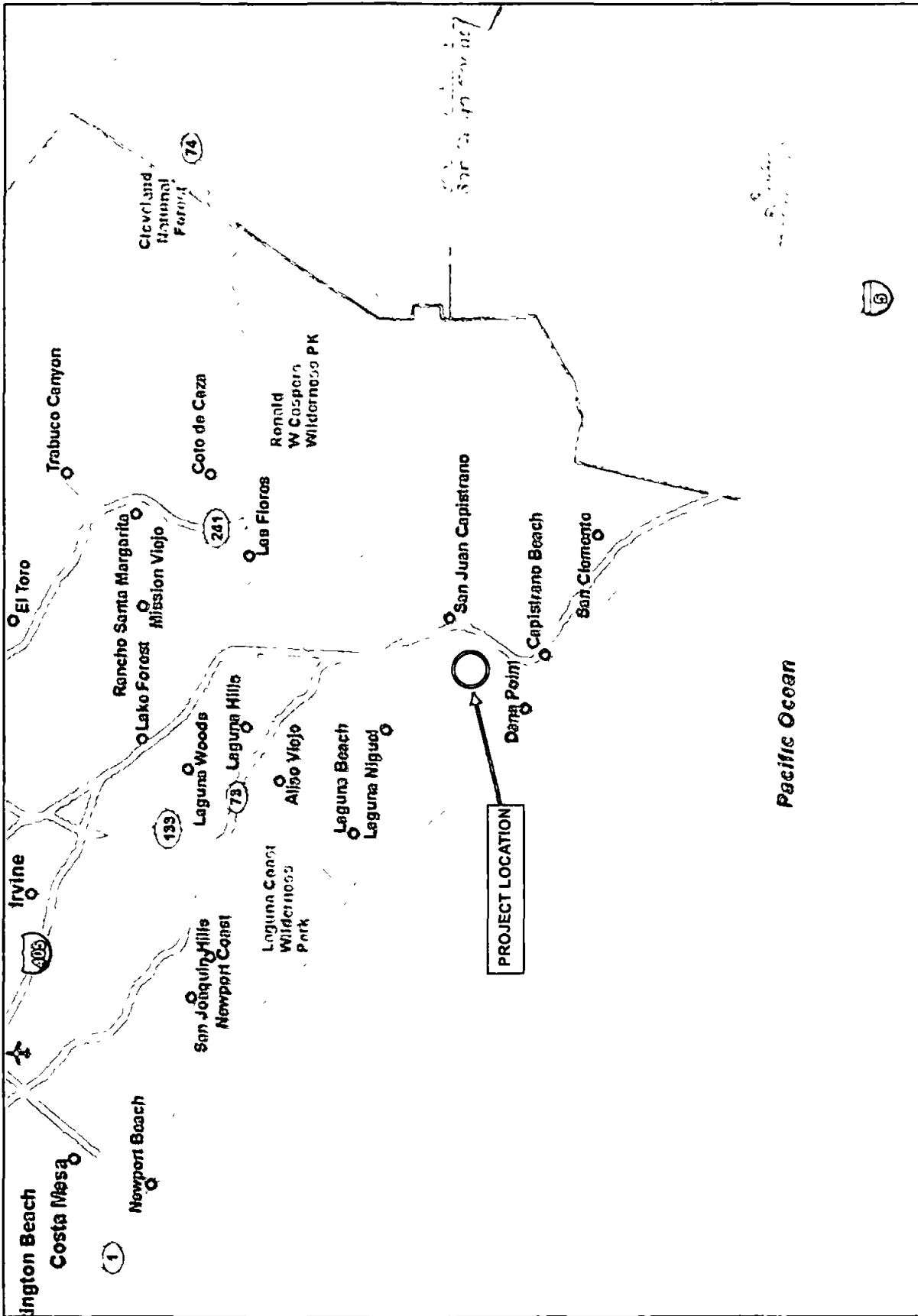
Mr. Kevin Hupf
California Department of Fish and Game
khupf@dfg.ca.gov

U.S. EPA, OWOW, Region 9
75 Hawthorne St.,
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

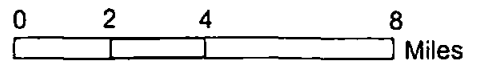
State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

Leslie Lokovic
Glenn Lukos Associates
llokovic@wetlandpermitting.com

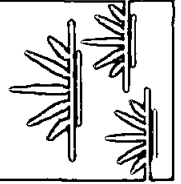
Attachment 3: Location Maps



Source: ESRI World Street Map



North Arrow

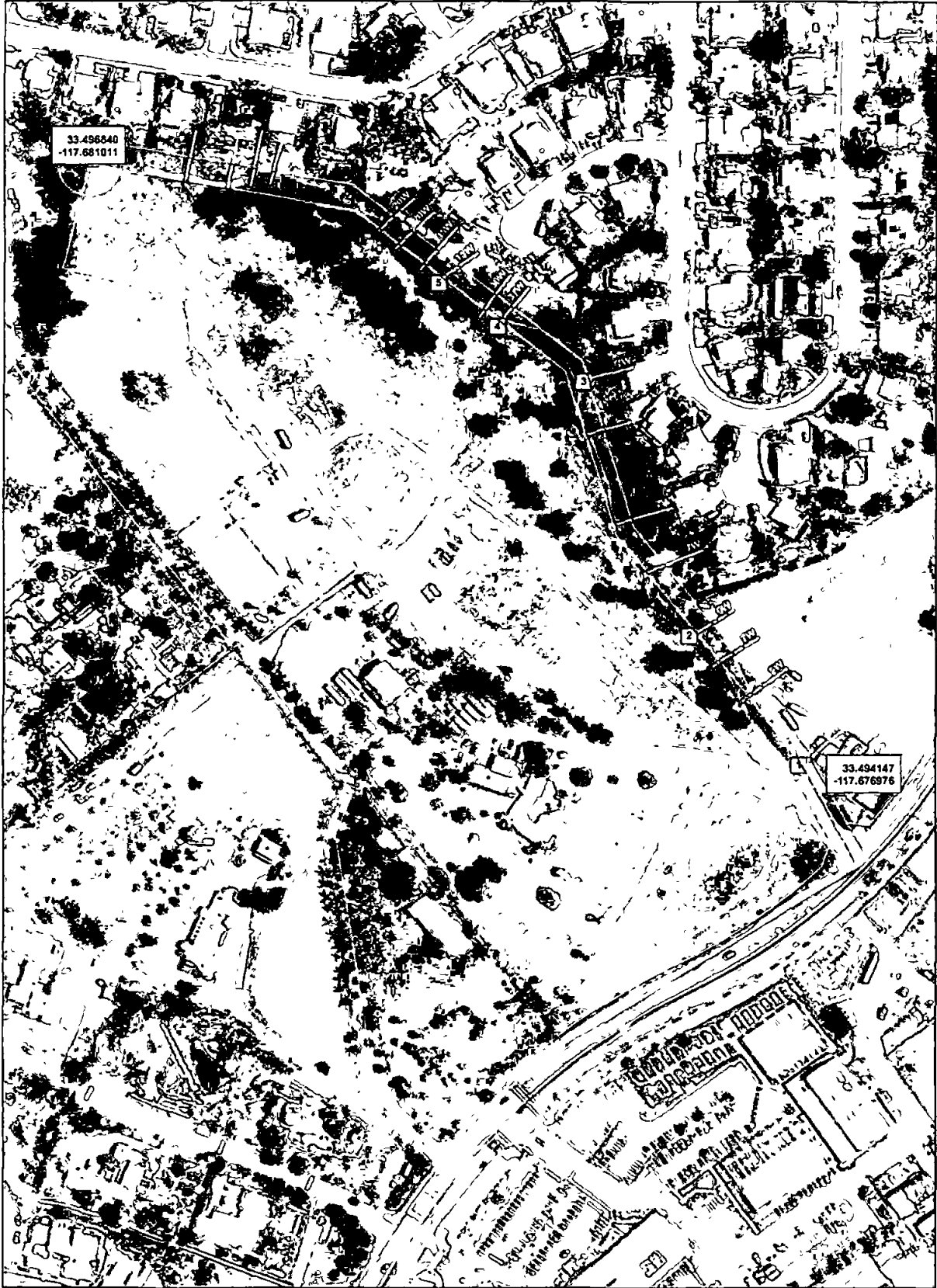


GLENN LUKOS ASSOCIATES

Exhibit 1

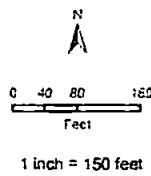
**SUN RANCH DRAINAGE
EASEMENT IMPROVEMENTS PROJECT**
Regional Map

Attachment 3: Location Maps



Legend

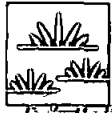
-  Project Area
-  Corps Non-Wetland Waters
-  Corps Wetlands
- 6W Width in Feet
-  Data Pit Location



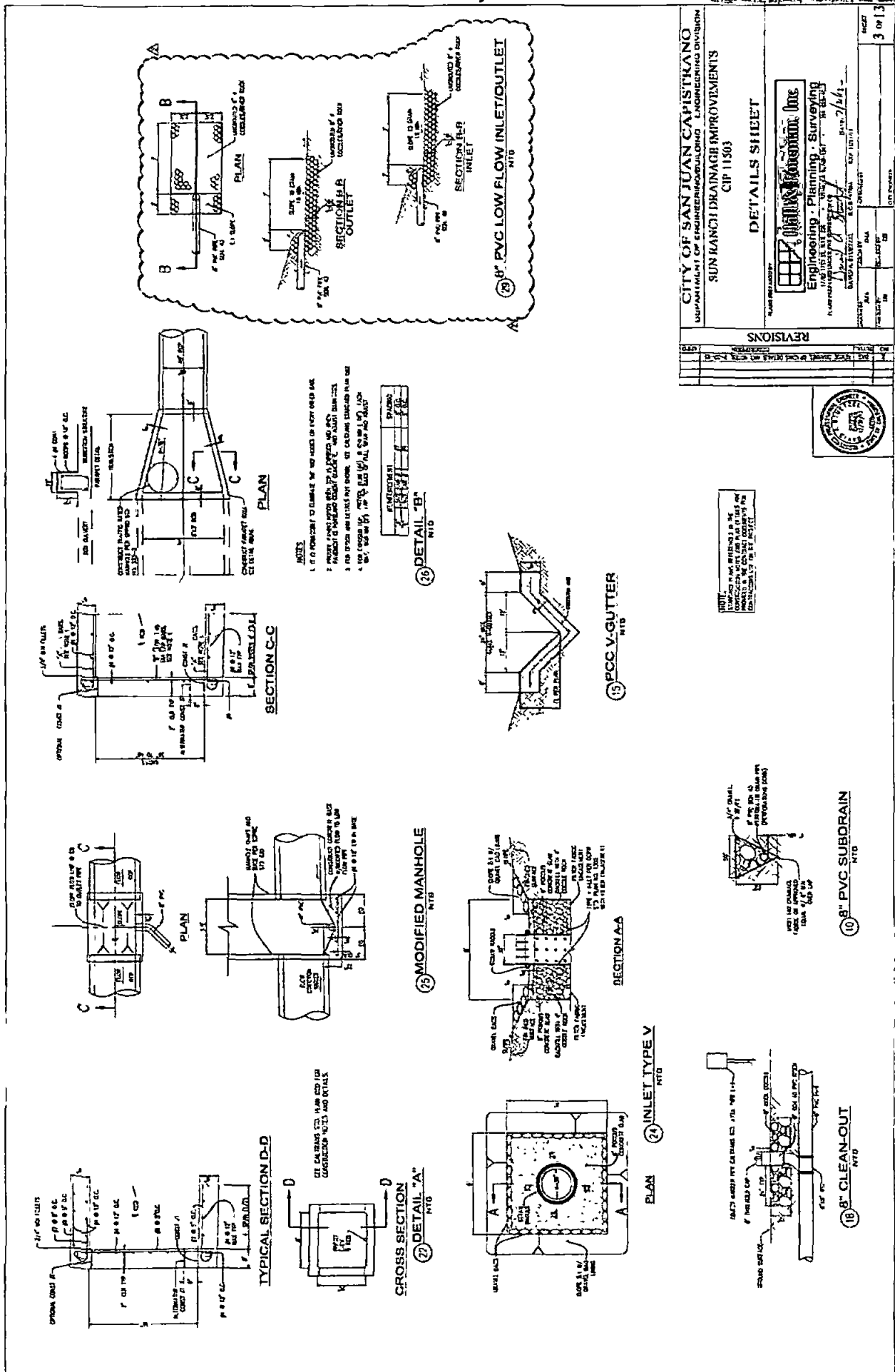
SUN RANCH DRAINAGE
EASEMENT IMPROVEMENTS PROJECT
Corps Jurisdictional Delineation Map

GLENN LUKOS ASSOCIATES

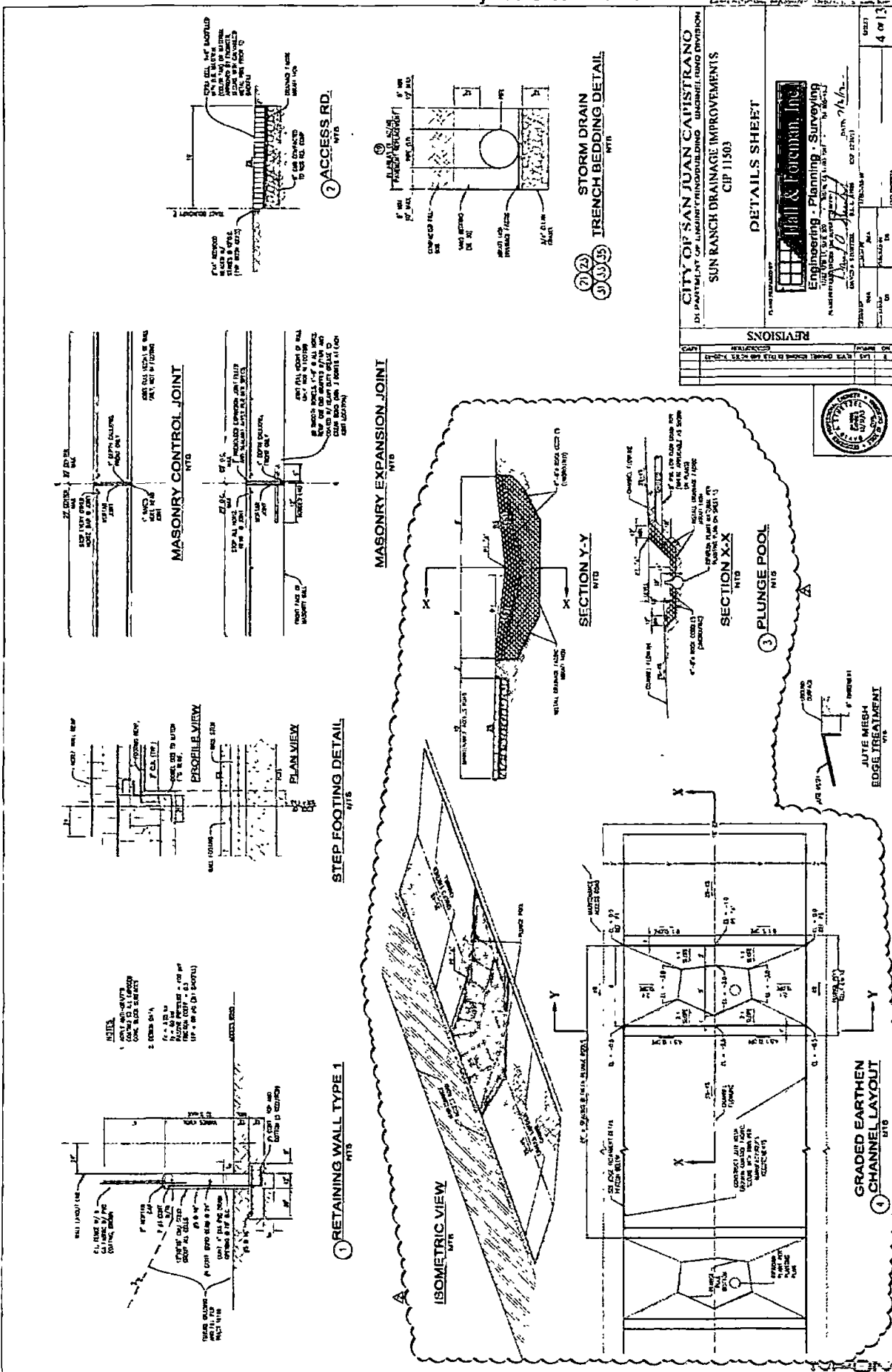
Exhibit 3A



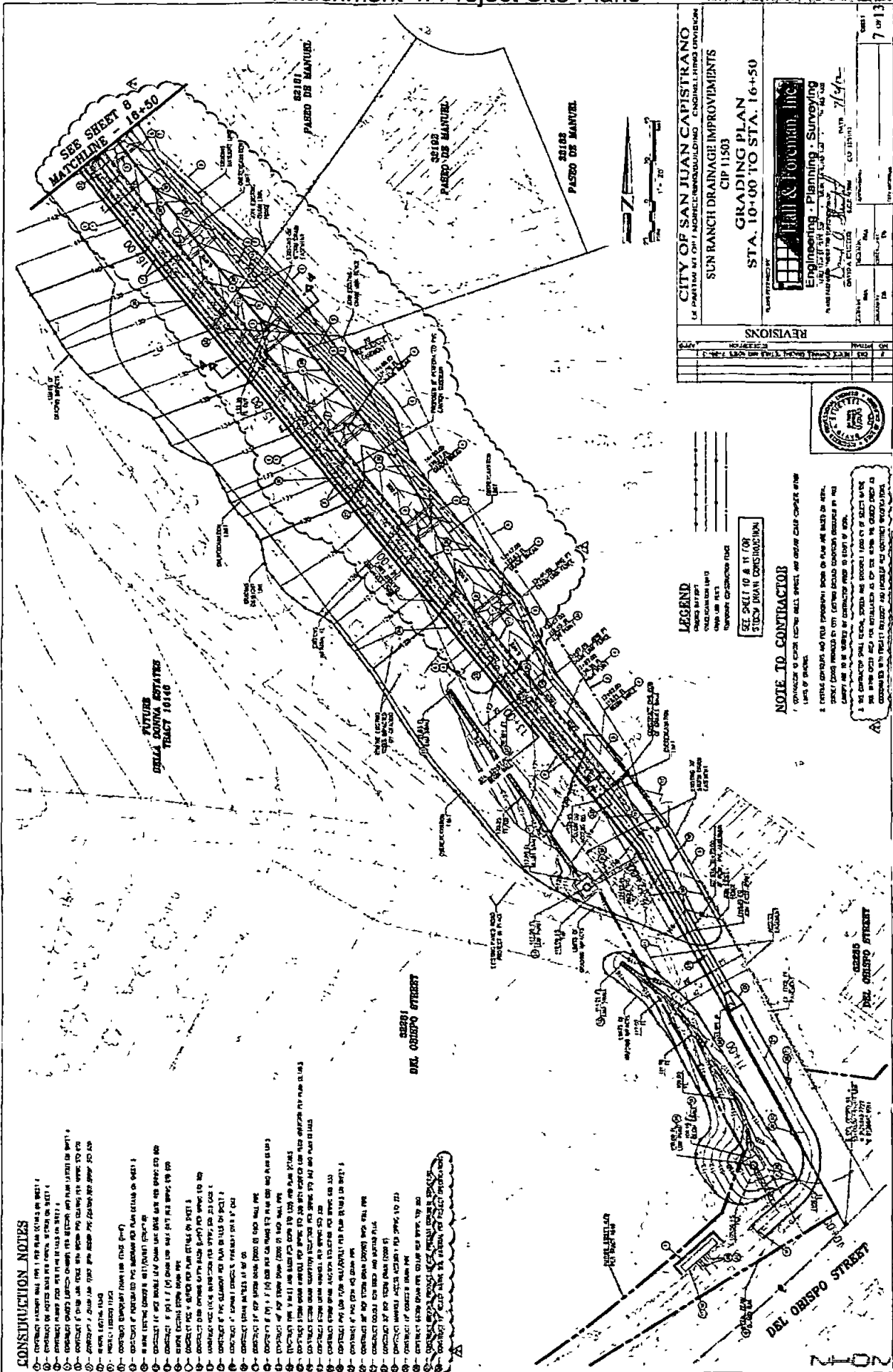
Attachment 4: Project Site Plans



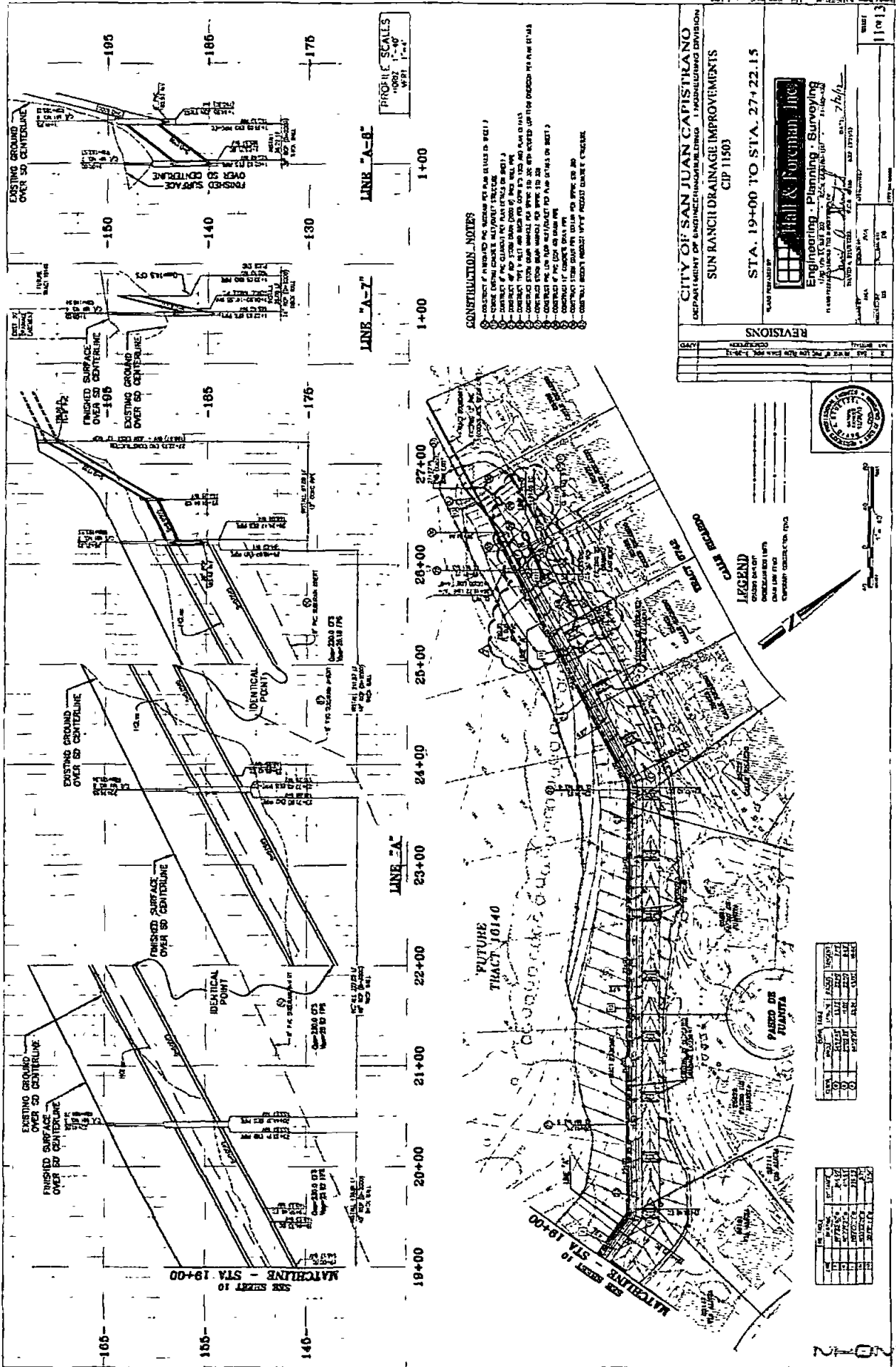
Attachment 4: Project Site Plans



Attachment 4: Project Site Plans



Attachment 4: Project Site Plans



- CONSTRUCTION NOTES**
- 1. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.
 - 2. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.
 - 3. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.
 - 4. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.
 - 5. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.
 - 6. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.
 - 7. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.
 - 8. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.
 - 9. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.
 - 10. CONTRACTOR TO VERIFY ALL ELEVATIONS AND STATIONS AS SHOWN ON THIS PLAN.

CITY OF SAN JUAN CAPISPIANO
 DEPARTMENT OF ENGINEERING AND PUBLIC WORKS
 SUN RANCH DRAINAGE IMPROVEMENTS
 CIP 11503

STA. 19+00 TO STA. 27+22.15

Hall & Foreman, Inc.
 Engineering - Planning - Surveying
 11500 N. 10th Street, Suite 100, Phoenix, AZ 85020
 Phone: (602) 998-1150
 Fax: (602) 998-1151
 Email: info@hallandforeman.com
 Date: 7/26/11
 Project No: 11503

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		



LEGEND

- EXISTING SURFACE
- FINISHED SURFACE
- CENTERLINE
- PROPERTY BOUNDARY
- EASEMENT
- UTILITY
- MANHOLE
- CATCH BASIN
- STRUCTURE
- TREE
- SHrub
- GRASS
- SAND
- ROCK
- FUTURE TRACT 10140
- PASO DE PUERTA

SCALE: 1" = 40'

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
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7		
8		
9		
10		

NO.	DATE	DESCRIPTION
1		
2		
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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>City of San Juan Capistrano William Ramsey 32400 Paseo Adelanto San Juan Capistrano, CA 92675</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7011 0470 0002 8961 5773</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



7011 0470 0002 8961 5773

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
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 \$ _____	Postmark Here
Sent To William Ramsey, City of San Juan Capistrano Street, Apt. No., or PO Box No. 32400 Paseo Adelanto City, State, ZIP+4 San Juan Capistrano, CA 92675	
PS Form 3800, August 2006 See Reverse for Instructions	
PS Form 3800, August 2006 See Reverse for Instructions	

NHONONW