
State Water Resources Control Board

Public Notice of Application for Water Quality Certification for California Department of Transportation Interstate Highway 5 Widening Project

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program
Date Posted: September 17, 2018

Affected County: Orange

The following information is provided in satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Water Quality Certification Program.

State Water Resources Control Board (State Water Board) staff are proposing to regulate this Project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. **Staff will consider all comments submitted in writing and received at this office during a 21-day comment period that begins on the first date of issuance of this letter (September 17, 2018) and ends at 5:00 p.m. on the last day of the comment period (October 8, 2018).** To submit comments, or if you have any questions, please contact the State Water Board staff person listed below.

State Water Resources Control Board Contact:

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Note: No regulatory decision on the application is implied or intended in this public notice.

Project Name: Measure 2 Project C – Interstate Highway 5 (I-5) Widening Project (I-5 Project, or Project) (Reg. Meas. ID: 425023 and SWRCB ID: SB18054IN)

Background: On September 5, 2018, the California Department of Transportation (Caltrans), District 12 submitted an application for Clean Water Act section 401 water quality certification for the I-5 Project.

Project Description: The proposed Project is also known as “Project C” of the Orange County Measure 2 (M2) Freeway Program. The proposed Project lies within the jurisdiction of the San Diego Regional Water Quality Control Board. However, the overall M2 Freeway Program includes thirteen freeway improvement projects throughout Orange County which also lie in the jurisdictions of the Santa Ana and San Diego Water Quality Control Boards. The Project is to be managed by Caltrans in collaboration with the Orange County Transportation Authority (OCTA) which administers the overall M2 Freeway Program.

The M2 Freeway Program’s projects are to be regulated under a single Clean Water Act section 404 permit through Letters of Permission (LOP) Procedures administered by the Los Angeles District of the U.S. Army Corps of Engineers (Corps). Compensatory mitigation for the projects will be provided under a single program: the M2 Environmental Mitigation Program as administered by OCTA. For these reasons, the M2 Freeway Program has been deemed to be a multi-regional project, even though some individual projects may fall within the boundaries of only one water quality control region. Because the proposed Project is deemed to be multi-regional, the State Water Board has jurisdiction over the Project.

The 353.17-acre Project area encompasses the existing I-5 right-of-way from 0.5 mi south of the State Route 73 interchange to 0.2 mi north of the El Toro Road undercrossing. The proposed project will add general purpose lanes in each direction between Avery Parkway and Alicia Parkway, extend a second High Occupancy Vehicle (HOV) lane from Alicia Parkway to El Toro Road, reestablish existing auxiliary lanes, construct new auxiliary lanes, and improve several existing on- and off-ramps.

The Project application reports that impacts to waters of the state, including waters of the U.S., as shown in Table 1 below. Temporary impacts to stream channels and drainage channels include 0.158 acres of in-channel wetlands. Permanent impacts to stream channels include 0.050 acres of in-channel wetlands. Minor temporary impacts to access to water based recreation beneficial uses (REC-2) would occur at one site. All permanent impacts would be compensated in advance through the M2 Environmental Mitigation Program.

On August 27, 2014, Caltrans, acting as lead agency under CEQA, filed a Notice of Determination (NOD) for the I-5 Widening Project from State Route 73 to El Toro Road Mitigated Negative Declaration (MND) (State Clearinghouse No. 2013091026).

Table 1: Total Project Fill/Excavation Quantity¹									
Aquatic Resource Type	Temporary Impact²			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Riparian Zone	0.452						0.112		
Stream Channel ³	0.811						0.112		

A Certification or Denial will be prepared by the State Water Board for the Project in response to this application.

Applicant: Caltrans District 12

Applicant Contact: Blake Selna, LSA Consulting

Telephone: (949) 553-0666

Email: Blake.Selna@lsa.net

Date of Application: 09/05/2018

¹ Cubic Yards (CY); Linear Feet (LF)

² Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

³ Stream Channel Impacts reported include impacts to natural and anthropogenic lined and earthen channels; channel impacts include some wetland areas within the channels.

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Board has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service.

Click the SUBSCRIBE button under the "Quick Links" section of the 401 Program Webpage at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

Select "CWA401 Certification and Wetlands Program." By enrolling in this list, you will receive notices for all current 401 project applications, including the project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the Lyris list, contact the staff person named in the notice to express your interest in receiving notices by other means.

You can enroll or un-enroll at any time. The State Water Board will not disclose your name or e-mail information to any outside parties, and will not use this information for any other purpose.