
State Water Resources Control Board

**Public Notice of Application for
Water Quality Certification for
Orange County Transportation Authority
San Diego Freeway I-405 Improvement Project
Affected Counties: Orange**

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program

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 that may discharge to waters of the United States must seek a section 401 water quality certification (certification) from the state with jurisdiction. Certification is based on a finding that the discharge would meet state water quality standards and other applicable requirements. In California, the State Water Resources Control Board (State Water Board) and the nine Regional Water Quality Boards (together, the California Water Boards) have responsibility for issuing certifications. The State Water Board issues certifications for projects affecting waters within multiple Regional Water Quality Board jurisdictions.

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 California Water Boards' Water Quality Certification Program.

Applicant: Orange County Transportation Authority
Agent: Brian Calvert
Agent Telephone: (949) 333-6633
Agent Email: Brian.Calvert@icf.com

Project Name: San Diego Freeway I-405 Improvement Project
CIWQS Regulatory Measure ID: 418574
File No.: SB18001IN
Date of Application: December 13, 2017

On December 13, 2017, the State Water Board received an application requesting section 401 water quality certification for activities related to the San Diego Freeway I-405 Improvement Project(Project), from Orange County Transportation Authority (OCTA, or Applicant).

The proposed project is also known as "Project K" of the Orange County Measure 2 (M2) Freeway Program. The proposed project lies within the jurisdiction of the Santa Ana Regional Water Quality Control Board. However, the M2 Program includes twelve freeway improvement projects throughout Orange County, which lies in the jurisdictions of the Santa Ana and San Diego Water Quality Control Boards.

The M2 Program is to be regulated under a single Clean Water Act section 404 permit through Letters of Permission 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. For these reasons, the M2 Program has been deemed to be a multi-regional project, even though some individual freeway projects may fall within the boundaries of only one Regional Water Quality Board..

The Project objectives are to improve the mainline freeway and interchanges on I-405 for the purpose of relieving congestion and improving operational efficiency between State Route (SR) 73 and the Orange County/Los Angeles County line.

The Project would add one general purpose lane in each direction of I-405 from Euclid Street to the County line and add a tolled express lane in each direction of I-405 from SR-73 to SR-22 East. The proposed improvements affect approximately 14.25 miles of highway between a point 0.20 miles south of Bristol Street and the County line. Although predominantly in Orange County, the easternmost termini of the Project extend into Los Angeles County.

Projected temporary and permanent impacts to Waters of the U.S. and waters of the state are summarized in Table 1, below. The applicant proposed to mitigate for all temporary and permanent impacts to waters of the state.

Table 1: Total Project Fill/Excavation Quantity ¹									
Aquatic Resource Type	Temporary Impact ²			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Riparian Zone									
Stream Channel	21.490		2115260				0.170		255
Wetland	0.130			0.020					

Status of CEQA and other Natural Resource Documents and Permits

On June 17, 2015, the California Department of Transportation (Caltrans), acting as lead agency under CEQA filed a Notice of Determination for I-405 Improvement Project under the Final Environmental Impact Report (FEIR) for OCTA (State Clearinghouse No. 2009091001).

As noted above, the Applicant is seeking authorization under the Letter of Permission (LOP) Procedures U.S. Army Corps of Engineers (Corps) Corps South Pacific Division – Los Angeles District. Notice for the Corps LOP Procedures is accessible at:

http://www.spl.usace.army.mil/Portals/17/Users/029/21/1821/SPL2012-00830-VCL_OCTA_LOP_SPN.pdf?ver=2017-12-28-124818-487

The State Water Board is proposing to regulate the Project pursuant to section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. In addition, the Board will consider all comments submitted in accordance with the instructions below.

Submission of Written Comments

The State Water Board will accept written public comments during a 21-day public comment period regarding this item, which begins on the date of this posting. **Written comment letters must be received no later than 5:00 p.m. on February 12, 2018.** Please indicate in the subject line: “Comment Letter – OCTA I-405.”

Comment letters may be submitted electronically as an e-mail message (if less than 15 megabytes in total size). For files greater than 15 megabytes in total size, contact the designated

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.

staff person to arrange for alternate means of delivery.

Comments may also be submitted by fax to (916) 341-5620.

Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact the designated staff.

Date Posted: January 22, 2018

State Water Resources Control Board Designated Staff Contact:

Cliff Harvey, Environmental Scientist
Water Quality Certification Unit, Division of Water Quality
State Water Resources Control Board
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Email: clifford.harvey@waterboards.ca.gov

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

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. To enroll, go the State Water Board webpage:

https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html and enter contact information. Open the "Water Quality" drop-down menu, and check the box next to "CWA401 – Certification and Wetlands Program" then click 'Subscribe'. By enrolling in the CWA401 – Certification and Wetlands Program 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. You can enroll or un-enroll at any time.