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## State Water Resources Control Board

# Public Notice of Application for Water Quality Certification for Orange County Public Works, Regional General Permit 46 for Orange County Ocean Outlets Maintenance Program

## 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 Water Quality Certification from the state with jurisdiction. Such Certification is based on a finding that the discharge would meet water quality standards and other applicable requirements. In California, the State Water Resources Control Board (State Water Board) has responsibility for issuing certifications for projects affecting waters within multiple Regional Water 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 State's Certification Program.

**Applicant:** Orange County Public Works  
**Agent:** Kim Garvey, Moffatt & Nichol  
**Agent Telephone:** (562) 426-9551  
**Agent Email:** [kgarvey@moffattnichol.com](mailto:kgarvey@moffattnichol.com)

**Project Name:** Regional General Permit 46 (RGP 46) for Orange County Ocean Outlets Maintenance Program  
**CIWQS Regulatory Measure ID:** 420807  
**File No.:** SB18019IN  
**Date of Application:** March 19, 2018

**Designated Staff Representative:**  
Mark Chin, Environmental Scientist  
Water Quality Certification Unit, Division of Water Quality  
State Water Resources Control Board  
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FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

On March 19, 2018, the State Water Resources Control Board (State Water Board) received an application requesting Federal Clean Water Act section 401 water quality certification for activities related to the proposed Orange County Ocean Outlets Maintenance Program (Project), from Orange County Public Works (OCPW or Applicant).

The Project lies within the jurisdictions of the Santa Ana and the San Diego Regional Water Quality Control Boards.

The Project is a continuation of maintenance program that has been in operation for over 20 years. Every five years since the Program’s inception, the Corps and the State Water Board re-evaluate the program. The Project is permitted under Regional General Permit 46 issued by the Los Angeles District of the U.S. Army Corps of Engineers (Corps). A new RGP 46 and associated water quality certification has been issued each time. The current RGP 46 is expiring on April 18, 2018.

The Project objectives are to maintain channel outlet capacity at five specified ocean outlets for purposes of flood control, water quality, beach access, and tidal wetland maintenance. The five outlet sites are: Talbert Channel, Santa Ana River, Salt Creek, Estrella outlet, and Segunda Deshecha<sup>1</sup>. Outlet locations are shown in Table 1. All sites are in or adjacent to the tidal zone. Three of the sites (Talbert, Santa Ana River, and Salt Creek) are also within the freshwater Ordinary High Water Mark.

<b>Table 1: Outlet Site locations</b>		
<b>Outlet</b>	<b>Latitude</b>	<b>Longitude</b>
Talbert Channel	33.631834	-117.961448
Santa Ana River	33.629505	-117.957988
Salt Creek	33.481586	-117.724475
Estrella	33.450334	-117.659659
Segunda Deshecha	33.431546	-117.632735

Maintenance activities generally consist of removing sand or cobble that is continually deposited into the openings through wave and tidal action from the ocean outlets and spreading the sand or cobble onto adjacent beaches. Maintenance activities may also include repairs or replacement of structural elements of the outlets such as flap gates. An Ocean Outlets Maintenance Manual

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<sup>1</sup> Note that maintenance of most ocean outlets in Orange County is conducted by various other agencies and regulated through various other federal permits under separate water quality certifications.

has been prepared that provides full details of maintenance activities and environmental protection measures for the Program. All but the Santa Ana River outlet are typically maintained semi-annually in late summer and early spring. The Santa Ana River outlet may require maintenance up to five times per year.

No permanent impacts to Waters of the U.S. will result from the Project. Expected temporary impacts to Waters of the U.S. and waters of the state are summarized in Table 2, below.

<b>Table 2: Total Project Fill/Excavation Quantity<sup>2</sup></b>									
<b>Aquatic Resource Type</b>	<b>Temporary Impact<sup>3</sup></b>			<b>Permanent Impact</b>					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY	LF	Acres	CY	LF	Acres	CY	LF
Ocean (beach and tidal channels)	10.100	86,000	NA						

**Status of CEQA and other Natural Resource Documents and Permits**

On May 22, 2012, the County of Orange, acting as lead agency under CEQA, filed a Notice of Determination with the Orange County Clerk (Official Proceedings Record no. 201285000517). Subsequent Notices of Determination from other agencies including the State Water Board were submitted to the State Clearinghouse (SCH), which assigned SCH No. 2012011009 to the Project.

**Public Notice**

As noted above, the Applicant is seeking authorization under the Corps’ RGP 46. 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 writing and received at this office by mail during a 21-day comment period that begins on April 23, 2018 and ends May 14, 2018 at 5:00 p.m. If you have any questions, please contact the designated staff representative listed above.

<sup>2</sup> Cubic Yards (CY); Linear Feet (LF)

<sup>3</sup> 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.

### **Submission of Written Comments**

The State Water Board will accept written public comments regarding this item. Please indicate in the subject line: "Comment Letter – RGP 46."

**Written comment letters must be received no later than 5:00 p.m. on April 23, 2018.**

Hard copy paper or other media (CD, DVD, etc.) must be addressed to the designated staff representative at the address listed above. Couriers delivering comment letters must check in with lobby security personnel, who can contact the staff representative.

Comment letters may be submitted electronically to the designated staff representative at the email address provided above. For electronic documents larger than 15 megabytes in total size, please contact the designated staff representative directly to arrange for delivery. Comments may also be submitted by fax to (916) 341-5620.

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

**Date Posted: April 23, 2018**

### ***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](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, subscribers will receive notices for all current 401 project applications, including the project announced in this notice. Subscribers will need a valid e-mail address to use this service. Subscribers can enroll or un-enroll at any time.