

Los Angeles Regional Water Quality Control Board

Ms. Sonya Webb
Ventura County Resource Conservation District
P.O. Box 147
Somis, CA 93066

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1140 0002 8671 8366

**WATER QUALITY CERTIFICATION FOR PROPOSED SANTA CLARA RIVER
ARUNDO AND TAMARISK REMOVAL PLAN PROJECT (Corps' Project No. 2004-
01540-AOA), UPPER SANTA CLARA RIVER, SANTA CLARITA, LOS ANGELES
COUNTY (File No. 12-089)**


Dear Ms. Webb:

Board staff has reviewed your request on behalf of City of Ventura (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 11, 2012.

I hereby issue an order certifying that any discharge from the referenced project 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, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Please read this entire document carefully. The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer

Oct. 3, 2012
Date

DISTRIBUTION LIST

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State Water Resources Control Board
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P.O. Box 944213
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Sarah Rains (via electronic copy)
California Department of Fish and Game
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4949 View Ridge Avenue
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Aaron Allen (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
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75 Hawthorne Street
San Francisco, CA 94105

Diane Noda (via electronic copy)
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

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Project Information

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1. Applicant: Ventura County Resource Conservation District
P.O. Box 147
Somis, CA 93066

Phone: (805) 386-4685 Fax: (805) 386-4890
2. Applicant's Agent: Sonya Webb
3. Project Name: Santa Clara River Arundo/Tamarisk Removal Plan
4. Project Location: Upper Santa Clara River (Various Locations), Los Angeles County

From the headwaters of the Santa Clara River (San Gabriel Mountains) downstream to the Los Angeles and Ventura County borderline.

Latitude: Longitude:
34.3649000 118.6631500
34.3520333 118.4838972
34.4098111 118.2842778
34.4078306 118.0829417
34.4866861 118.0926833
34.5822944 118.3235583
34.6876833 118.5688722
34.7910500 118.8702083
5. Type of Project: Arundo and Tamarisk Removal (River Restoration/Enhancement)
6. Project Purpose: The goal of this proposed project is to allow agencies, organizations, or individual land owners to perform invasive plant species removal projects within the upper Santa Clara River under the review and management of the Ventura County Resource Conservation District (VCRCO). A previous 401 Water Quality Certification (File No. 06-230) was issued for the same project on October 19, 2007. This Certification shall serve to supersede the original Certification.

Under the previous Certification, the following projects have been completed and have proven to be successful in terms of restoration efforts:

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October 2008 – Santa Clarita

25 acres of Arundo, tamarisk and other non-native plants were removed. The areas were broadcast seeded with a native seed mix.

October 2009 – Santa Clarita

1.5 acres of Arundo, tamarisk and other non-native plants were removed. The areas were broadcast seeded with a native seed mix.

December 2010 – Santa Clarita

2 acres of Arundo, tamarisk and other non-native plants were removed. The areas were broadcast seeded with a native seed mix.

7. Project Description:

The Ventura County Resource Conservation District (VCRCD) proposes to continue the implementation the Upper Santa Clara Arundo/Tamarisk Removal Program. Implementation of the Project will coordinate invasive plant removal efforts (Primarily *Arundo donax* and *Tamarix* spp.), regulatory review, and permitting for the upper Santa Clara River watershed, including its primary, secondary, and tertiary tributaries. Removal methods, herbicide application, and disposal methods for the project are described in the Upper Santa Clara River Watershed Arundo/Tamarisk Removal Plan (SCARP). Removal of these invasive, non-native plants is expected to result in enhanced riparian vegetation and wildlife habitat, improved water quality, increased water quality, and reduced flooding and wildfire hazards, among other benefits.

Project proponents will be required to obtain approval from the VCRCD in order to implement any of the following removal methods within the SCARP. VCRCD will thoroughly review each project proposal and work with the Applicant to ensure that alternatives are considered and that the projects will be implemented with the least impact possible. The least environmentally-damaging methods are given priority. Once projects are approved, the VCRCD will provide notification to the Regional Board for Regional Board staff approval. VCRCD will be responsible for ensuring that the project proponents follow the conditions set forth in this Certification, implement Best Management Practices (BMPs) and provide monitoring/mitigation information.

Removal of these invasive, non-native plants will temporarily impact waters of the U.S. in the Santa Clara River and its tributaries. The activities will include temporary discharges of fill

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material for the construction of dirt access ramps, dirt access roads, substrate disturbance associated with the removal of plant root masses, and the removal of ramps/roads, followed with revegetation with native species and restoration of the stream morphology and contours upon the conclusion of the vegetation removal activities.

Application process:

Applicants will submit applications to VCRCO along with an initial deposit or application processing fee. The application will include, but is not limited to, a detailed site plan, a description of the methods to be used for plant removal, a long-term plan to maintain eradication. Technical assistance will be provided for project design and planning.

Review:

Design review by engineering personnel will be conducted by the VCRCO. Review considerations include: effects on downstream flows; short-term and construction-related effects on downstream related effects on water and/or water quality impacts; effects on aquatic and wildlife communities; and effects on turbidity of downstream reaches.

Methods:

Hand Removal (Above-Ground Only)

Stems, canes, and trunks will be cut as close to the ground as possible. Cut biomass will be removed from the project site and chipped, burned, or disposed of at a landfill to prevent reestablishment of cuttings. Roots and rhizomes will be left in the ground.

The removal shall take place at any time, but the preference for removal shall be to cut during the growing season (spring through fall). Hand removal shall not take place during any rain events or when standing or flowing water is present. The hand removal will occur within areas of small infestations where there is concern regarding herbicide use.

Equipment to be used includes: loppers, machete, chainsaw, bladed weed whipper, or similar equipment.

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Hand Removal (Above and Below-Ground)

Above-ground trunks, stems, or canes will be first cut near the base. After clearing the material, roots and rhizomes will be dug out using hand tools.

The removal shall take place at any time, but the preference for removal shall be to cut during the growing season (spring through fall). Removal shall not take place during any rain events or when standing or flowing water is present. The hand removal will occur within areas of small stands or where the plants are young, and where there is concern regarding herbicide use.

Equipment to be used includes: Pick-ax, mattock, shovel, loppers, machete, chainsaw, picks, or similar equipment.

Mechanical Removal (Above-Ground Only)

The stalks, stems, and canes will be cut using the mower, disc or plow as close to the ground as possible. Cut biomass will then be removed from the project site immediately following cutting to prevent reestablishment of the cut material. The roots and rhizomes will remain in the ground.

This method will be effective for biomass removal where the stands are extensive. The removal shall take place at any time, but the preference for removal shall be to cut during the growing season (spring through fall). Removal shall not take place during any rain events or when standing or flowing water is present. This type of removal will occur within areas with easy access for heavy equipment and where stands are not intermixed with native plants.

Mechanical Removal (Above and Below-Ground)

With this method, a backhoe or tractor will be used to simultaneously remove the plants and their associated root systems. If roots/rhizomes remain, the equipment will be used to excavate these larger segments. Hand crews using shovels will dig out smaller fragments.

This method will be most effective if rhizomes and root masses are thoroughly cleared from the site. Also, this method will be effective in removing very large establishments in open and accessible terrain.

The removal shall take place at any time, with the exception of any rain events or when standing or flowing water is present. This type of removal will occur within areas with easy access for heavy

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equipment and where stands are not intermixed with native plants.

Equipment to be used includes: backhoe, excavators or other heavy machinery.

Tarping

Stalks and branches will be cut within inches of the ground. Chipped biomass will be placed over cut stalks. An opaque tarp or pond liner will be laid over the cut material and secured with stakes or weights. The tarp will remain on the target area for a period of five months and then will be removed. Dead biomass will then be removed from the project area and roots and rhizomes are left in the ground.

Tarps will be applied in late spring/early summer and remain for up to 5 months, generally from June to November. This method is most effective where stands are small (<0.25 acres) and are not intermixed with native plants.

Equipment to be used includes: chainsaws, machetes, loppers, or similar equipment to cut plants, opaque thick tarps or pond liners.

Foliar Spray or Basal Bark Treatment

Crews will apply herbicide using sprayers or wicking on leaves and stems of arundo and foliage or basal bark of tamarisk. The herbicide labels will be followed for instruction on specific applications. Personnel using this method must be trained in the use and handling of herbicides. The timing of application will be dependent upon type of herbicide used. The most efficient timing will be in early fall through winter when plant energy is transferred to the roots. Herbicide will only be applied on dry days and during low winds.

This method is preferred due to the short duration of labor and low concentrations of herbicide use. The method is effective on any size stand and minimizes soil disturbance. This method will be utilized only where the stands are not intermixed with native plants or where herbicide applicators can avoid native plants.

Equipment to be used includes: herbicide, applicators such as backpack sprayer, ATV-mounted boom sprayer, spray rig, helicopter, or similar equipment.

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Cut and Paint/Daub

Trunks, stems, and canes of arundo and/or tamarisk will be cut within one-foot of the ground and removed. The herbicide labels will be followed for instruction on specific applications. Personnel utilizing this method must be trained in the use and handling of herbicides. The timing of application will be dependent upon type of herbicide used.

This method can be performed on any size stand and allows for controlled application of herbicide on stands heavily intermixed with native plant species. This method will have little soil disturbance and will be highly selective with little risk of drift of herbicide onto non-target plants or sensitive wildlife species.

Equipment to be used includes: chainsaws, loppers, or similar equipment can be used for cutting, herbicide, paint brushes, sponge daubers, or similar equipment for herbicide application.

Cut, Resprout, and Spray or Paint/Daub

Trunks, stems, and canes of arundo and/or tamarisk will be cut within one foot of the ground and removed. Herbicide will be applied after a sufficient period has elapsed (approximately one to two months) to allow for re-sprouting. The herbicide labels will be followed for instruction on specific applications. Personnel utilizing this method must be trained in the use and handling of herbicides. There will be very little soil disturbance associated with this method if hand tools are used. This method will provide less risk of herbicide drift than when spraying full-grown canes.

Equipment to be used includes: Loppers, chainsaws, flail mower, or similar equipment for cutting. Herbicide, paint brushes, sponge daubers, applicators such as backpack sprayers, ATV-mounted boom sprayers, spray rigs, helicopter, or similar equipment for herbicide application.

Cut and Spray

Crews will cut plants to four or five feet high and then apply herbicide using hand held sprayers on leaves and stems of arundo and foliage or basal bark of tamarisk. Personnel must be trained in the use and handling of herbicides.

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The herbicide method can be utilized at any time, but will be most efficient in early fall through winter when plant energy is transferred to roots. Herbicide should be applied on dry days and during low winds. This method will be most effective on any size stand not intermixed with native plants or where herbicide applicators can avoid native plants.

Equipment to be used includes: Loppers, chainsaws, flail mower, or similar equipment for cutting. Herbicide, paint brushes, sponge daubers, applicators such as backpack sprayers, ATV-mounted boom sprayers, spray rigs, helicopter, or similar equipment for herbicide application.

Controlled Burning

Crews will either broadcast burn large stands or employ flamethrowers or weed-burners to spot treat small clusters, or heat-girdle stems at the base of individual plants. For larger controlled burns, fire crews will be required to monitor fires to prevent unintentional spread. Fires applied during the rain season may help prevent spread of wildfires.

Removal can be performed anytime. Burning will be most effective during growing season. This method will be effective on large stands of pure arundo and tamarisk or for girdling of individual tamarisk trees.

Equipment to be used includes: flamethrowers, weed burners, or similar equipment, and fuel.

Controlled Burning with Herbicide Treatment

Crews will either broadcast burn large stands or employ flamethrowers or weed-burners to spot treat small clusters, or heat-girdle stems at the base of individual plants. For larger controlled burns, fire crews would likely be required to monitor fires to prevent unintentional spread. Fires applied during the rain season may help prevent spread of wildfires. Herbicide will then be applied to cut canes or stumps, or applied to resprouts after a sufficient period of time has elapsed (approximately one to two months). Personnel must be trained in the use and handling of herbicides. This method is highly effective in removing biomass.

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This method will be used on large stands of pure tamarisk. Although removal can take place at any time, burning is most effective during the growing season. The herbicide application will be most effective from fall through winter.

Equipment to be used includes: Flamethrowers or weed burners, or similar equipment, herbicide, sponge daubers, paint brushes, and backpack sprayers.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Programmatic Individual Permit
(Permit No. 2004-01540-AOA)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement
10. California Environmental Quality Act Compliance: An EIR was prepared for the proposed project by the Ventura Resource Conservation District. The EIR was certified on February 14, 2006.
11. Receiving Water: Upper Santa Clara River (Hydrologic Unit No. 403.51)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET
*Conditional beneficial use
13. Impacted Waters of the United States: Actual impact areas will be reported for each individual project, through project notification prior to any work taking place. Proposed impacts from any arundo or tamarisk removal will be temporary and the areas will be restored following removal. Removal of these invasive species will allow for native species to re-establish and provide a better habitat within waters of the U.S.
14. Dredge Volume: None

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15. Related Projects
Implemented/to be
Implemented by the
Applicant:

The Applicant has identified the following related project as planned for implementation in the next 5 years:

Santa Clara River Invasive Plant Removal Plan

This project will integrate the lower Santa Clara River with the existing upper Santa Clara River Arundo and Tamarisk Removal Plan, to create a watershed-wide strategy for the removal of these invasive non-native species. The specific adverse impacts are unknown, but are expected to be similar to those of the upper watershed.

16. Avoidance/
Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Work area will be limited to smallest area possible.
- Vehicle use will be limited to the maximum extent possible. If vehicles are to be used, rubber tied vehicles are preferred over tracked equipment.
- Soil disturbance will be limited to the maximum extent possible.
- Native vegetation and tree damage or removal will be limited to the maximum extent possible.
- No project activities will occur in flowing or ponded water.
- If water needs to be crossed, an appropriate spanning method such as a temporary bridge consisting of planks or a steel grate/plate will be used.
- If work needs to occur in areas of flowing or ponded water, then prior to project activities, water will be diverted using approved techniques and a Surface Water Diversion Plan will be submitted with the notification package to the Regional Board as specified in Additional Condition Nos. 1 and 19 (Attachment B).
- Staging areas will be located outside the active channel on the upper terrace, levee, or bank of the river or tributary.

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- Staging areas will be located in compacted and degraded areas, preferably near access points when site conditions allow.
- Movement of personnel and equipment will be limited to designated work zones, staging areas, and access roads.
- Cut biomass will be transported off-site to a landfill for permanent disposal.
- Drying of biomass will occur outside of the active channel at designated staging areas.
- Target species' canes/trunks will be cut to less than twelve inches in height and straight across to prevent sharp points from injuring project personnel or the public.
- Access points will be located at pre-existing ramps/roads, areas infested with non-native or invasive plant species, or in areas that are already degraded. Areas with compacted soil will be used preferentially over areas with loose soils. Access points infested with noxious species will be compacted and mulched to avoid distribution of seeds.
- If listed species or species of concern have potential to occur in the area, the project manager shall coordinate with the appropriate resource agencies and a qualified biologist to conduct surveys and implement measures to avoid impacts.
- If listed species or species of concern are known to occur in the area, a qualified biologist will be retained to recommend measures to protect these species such as the project scheduling, delineation of the work area, staging area, and access points.
- If listed species are present, a qualified biologist will monitor project activities as directed by regulatory agencies.
- Impacts to nesting birds per Migratory Bird Treaty Act (MBTA) will be avoided by: the cessation of work during bird breeding season (March 15 – September 15); the performance of surveys by a qualified biologist to determine presence/absence of nesting birds prior to undertaking work; and the establishment

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of appropriate exclusionary buffers around nests, if present.

- All other applicable Mitigation Measures specified in the Mitigation Monitoring and Reporting Plan (dated February 2006) shall be implemented.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed to restore and stabilize all temporarily impacted areas. The goal of the proposed project is to remove arundo and tamarisk, which will provide a benefit within waters of the U.S.

The Applicant has developed a Mitigation Monitoring and Reporting Plan (dated February 2006). This plan includes many mitigation measures for impacts, in order to ensure stabilization, minimize erosion and allow for revegetation with native species.

18. Required
Compensatory
Mitigation:

The proposed project is restorative in nature and the Regional Board will not require any additional compensatory mitigation. The applicant will restore and stabilize impacted areas and monitor in accordance with the February 2006 Mitigation Monitoring and Reporting Plan.

The Regional Board will receive a project notification for each project to be covered under this Water Quality Certification. The notification package shall include the exact location with 8 points specified for latitude/longitude and the exact acreage and linear feet within the impact area. The notifications will require a standard twenty-one (21) day review time period by the Regional Board. See Attachment B, Additional Condition No. 1.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 12-089

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and 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. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. For each project proposed to be implemented, the Applicant shall submit a detailed **NOTIFICATION PACKAGE** including but not limited to: a project description, detailed plans, payment of the applicable notification fee (23 CCR, §3833 (b)(3)) and any other pertinent documentation. **The project notification information shall be submitted to the attention of Shirley Birosik, Watershed Coordinator and to the 401 Certification Unit. The Regional Board staff will have 21 days in order to review and comment on the proposed project activities. The goal of this General WQC is to remove invasive species and to allow for reestablishment of native vegetation as much as possible in order to create a more natural setting and to alleviate further stream degradation. Following Regional Board review, a project proposed under the notification package will either be approved or denied (and may be subject to modification). Upon Regional Board approval of the notification for the proposed project, the Applicant can begin project implementation. The Applicant may begin the proposed project upon receipt of Regional Board comments and approval or 22 days after notification of Regional Board staff, whichever occurs first. The Applicant shall incorporate and/or implement Regional Board comments, if any.**
2. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of

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Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**

3. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
4. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
5. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
6. The Applicant and all contractors employed by the Applicant shall have copies of this Certification and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
7. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
8. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
9. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
10. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit at the Regional Board for further information regarding the disposal of solid wastes.
11. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established

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to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.

12. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
13. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
14. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
15. The Applicant shall not conduct any maintenance activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
16. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
17. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall

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cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

18. All project/construction/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
19. All surface waters, including ponded waters, shall 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. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

20. The Applicant shall restore the proposed **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. The Applicant shall implement all

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necessary Best Management Practices to control erosion and runoff from areas associated with this project.

21. The Ventura County Resource Conservation District (RCD) shall submit to this Regional Board **Annual Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
22. Prior to any subsequent maintenance activities within the subject drainage, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the drainage's existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
23. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.

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- (b) For a partnership, by a general partner.
- (c) For a sole proprietorship, by the proprietor.
- (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

24. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

- 25. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **12-089**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 26. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
- 27. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. R4-2010-0108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2009-009-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
- 28. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the

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Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.

29. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant 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 Executive Officer, 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.
30. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall 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.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) 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 SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
31. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.