



Los Angeles Regional Water Quality Control Board

Ms. Joan Rupert
Los Angeles County Department of Parks and Recreation
510 South Vermont Avenue, Room 201
Los Angeles, CA 90020

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012 3460 0001 6366 0854

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED DON WALLACE CONNECTOR TRAIL PROJECT (Corps' Project No. SPL-2013-00283-BEM), LAS VIRGENES CREEK, CITY OF CALABASAS, LOS ANGELES COUNTY (File No. 14-030)

Dear Ms. Rupert:

Board staff has reviewed your request on behalf of Los Angeles County Department of Parks and Recreation (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 19, 2014.

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 Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

06/09/14
Date

DISTRIBUTION LIST

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ATTACHMENT A

Project Information

File No. 14-030

1. Applicant: Joan Rupert
Los Angeles County Department of Parks and Recreation
510 South Vermont Avenue, Room 201
Los Angeles, CA 90020

Phone: (213) 351-5126 Fax: (213) 639-3959

2. Applicant's Agent: Travis McGill
RBF Consulting
3300 East Guasti Road, Suite 100
Ontario, California 91761

Phone: (909) 974-4958

Ruth Villalobos
RBF Consulting
11829 Mt. Gunnison Ct.,
Alta Loma, CA 91737

Phone: (909) 685-5942

3. Project Name: Don Wallace Connector Trail Project

4. Project Location: Calabasas, Los Angeles County

Latitude

Longitude

34.14917

118.701572

34.145653

118.701303

34.144642

118.701472

34.144308

118.701044

34.143767

118.7005

34.143839

118.698353

34.147519

118.700969

34.14495

118.703411

5. Type of Project: Recreational trail development

6. Project Purpose: The proposed project is to build a trail crossing under the 101 freeway at Las Virgenes Creek to allow pedestrians, equestrians and

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bicyclists to avoid the on and off ramps at the Las Virgenes Interchange. The existing freeway overpasses on Las Virgenes Road to the east and other overhead roads to the west, are narrow and were not designed for equestrian use.

7. Project Description: The Don Wallace Multi-Use Trail Connector Project is a proposed 1,700-foot long and 8 to 10 foot wide multi-use trail segment that would provide vital connections to a larger planned regional trail system from the Santa Monica Mountains Conservancy (SMMC) property to Malibu Creek State Park. The proposed trail connector Project is a part of a larger planned trail system of the Los Angeles County and City of Calabasas as identified in their Trails Master Plan. The proposed trail connector Project is a critical component to provide a viable, safe and formal trail for recreational use.

The 1,700-foot long trail will begin along the channel upper-bank area located south of Agoura Road. The trail will proceed downward to the bottom of the channel, northward under the Agoura Road bridge. It will be built along the western edge of the earthen, soft bottom channel towards the US 101 underground culvert. The proposed trail will continue under the freeway, through the western culvert.

The trail will transition to the rectangular open concrete channel and will continue north along the western edge of the channel. The trail will transition again from the rectangular channel north through a trapezoidal channel area and towards an earthen soft bottom channel. The trail will ramp up along the western channel edge and onto the top of channel bank. The channel will continue along the upper channel area towards the west and the trail will then connect with the existing natural/informal trails within the conservancy land.

Existing sediment within the western culvert will be removed, and a 10-foot wide by approximately 440-foot long area will be cleared from existing vegetation and sediment. The trail area will run along the west channel wall in the cleared area towards the upstream rip-rap channel bottom. An eight-inch high curb is proposed north of the culvert to divert flows to the middle and eastern culverts during rain events. Near the rip-rap channel area and beyond the Caltrans right-of-way limit, an 8-foot wide soil-cement trail would run upward at an 8% grade along the earthen channel's west bank. At

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200-feet, the trail will reach the top of the channel bank and exit onto the Mountains Recreation and Conservation Authority (MRCA) land where it will connect to an existing trail.

The channel is heavily vegetated upstream (north) of the triple box culvert that passes under the US 101. Floodwalls have been constructed along both sides of the channel to direct flood flows under the freeway to protect infrastructure and adjacent residential structures during storm events. Sediment and debris have accumulated along the drainage course. In some areas the debris is 2 to 4 feet deep. Dense vegetation has grown in the open channel reaches upstream of the culverts.

This sediment will be removed to maximize channel hydraulics and provide sufficient clearance for safe operation of the trail. Clearing and grubbing will be performed along the trail alignment during construction.

Construction of the proposed trail connector Project will require the temporary diversion of water flows. Operations and maintenance of the trail will be conducted by Los Angeles County Department of Parks and Recreation on annual basis. It is anticipated that approximately 300 cubic yards of sediment will be removed annually for maintenance. Maintenance will also include removal of vegetation on the trail itself, repairs or painting of the safety access gates and signs, and removal of waste from equestrian and pet uses, as well as trash removal.

The proposed project start date is July 15, 2014 and is expected to be completed by November 11, 2014.

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| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 14 & 3 (Permit No. SPL-2013-00283-BEM) |
| 9. Other Required
Regulatory Approvals: | California Department of Fish and Wildlife
Streambed Alteration Agreement No. 1600-2014-0039-R5 |
| 10. California
Environmental Quality
Act Compliance: | On February 26, 2014 a Mitigation Negative Declaration was issued for this project. |
| 11. Receiving Water: | Las Virgenes Creek (Hydrologic Unit Code: 180701040103) |

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12. Designated Beneficial Uses: MUN*, POW, REC-1, REC-2, WARM, COLD, WILD, BIOL, RARE, MIGR, SPWN, WET
- *Conditional beneficial use
13. Impacted Waters of the United States: Non-wetland waters (streambed): 0.11 permanent acres (667 linear feet)
- Non-wetland waters (unvegetated streambed): 0.07 permanent acres (333 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last five years. The Applicant states that the beach trail connecting from the SMMC to Malibu Beach may be implemented within the next five years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and implemented to address all construction-related activities, equipment, and materials that have the potential to impact water quality. The SWPPP shall identify the sources of pollutants that may affect the quality of stormwater and include the construction site BMPs to control pollutants such as sediment.
 - Fiber rolls (coconut straw waddles) will be used to temporarily divert the flows. A detailed Diversion Plan will be developed during the design phase
 - All appropriate BMPs will be utilized during construction and maintenance to ensure that no indirect impacts occur to the downstream system
 - Pre-construction clearance surveys for nesting birds is required if ground disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat are scheduled within avian nesting season (nesting season generally extends from February 1-August 1)

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31). Pre-construction clearance surveys shall be conducted within 3 days prior to ground disturbing activities. As part of the nesting bird clearance survey, a pre-construction clearance survey shall be conducted to ensure bats are not roosting within the triple concrete box culvert under the freeway.

17. Proposed
Compensatory
Mitigation:

The Applicant has proposed provide restoration and enhancement within the project vicinity. The project proposes to remove non-native and/or invasive plant species within the upstream portion of Las Virgenes Creek to enhance the habitat within the drainage system, and plant native riparian vegetation.

18. Required
Compensatory
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation at a ratio of 2:1 for all permanent impacts associated with the proposed project.

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

ATTACHMENT B

Conditions of Certification

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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. 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 Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Wildlife's (CDFW) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this Certification, the CDFW's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. 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.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. 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.

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6. 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.
7. 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.
8. 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.
9. 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.
10. 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 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.
11. 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.
12. 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.
13. 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

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by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0002-DWQ and 2004-0009-DWQ.

14. The Applicant shall not conduct any construction 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.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. 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.
18. 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.
19. All project/ 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.
20. 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.

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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.

21. The Applicant shall restore **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. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years.
22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.18 acres** of vegetation within waters of the United States by creating, restoring or enhancing riparian habitat at a minimum **2:1** area replacement ratio (**0.36 acres**). The mitigation site shall be located within the project vicinity unless otherwise approved by this Regional Board. The Applicant shall submit a **Proposed Mitigation Report** which shall include:
 - (a) The boundary of the mitigation site shall be clearly identified on a map of suitable resolution and quality and shall also be defined by latitude and longitude.
 - (b) The type(s) of mitigation shall be described (e.g., removal of exotics and/or replanting with native species, etc.)
 - (c) Success criteria shall be established.

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This information shall be submitted to this Regional Board for approval prior to *any* project activities which take place within waters of the United States and shall include copies of all agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

23. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved and documented. The Annual Reports 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. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation 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 whether or not work has begun on the Project and a detailed schedule;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (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.
24. 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.
 - (b) For a partnership, by a general partner.

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- (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.

25. 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)"

- 26. All communications regarding this project and submitted to this Regional Board shall identify the Project **File Number: 14-030**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 27. 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.
- 28. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) 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. 2012-0011-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.
- 29. 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 Executive Officer at least 30 days before the proposed transfer date, and the notice includes

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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.

30. 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.
31. *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.
32. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.