

EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Los Angeles Regional Water Quality Control Board**

Mr. Tully Clifford  
Ventura County Watershed Protection Dist.  
800 S. Victoria Ave.  
Ventura, CA 93009

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7012 3460 0001 6366 0878

**TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED ROUTINE MAINTENANCE PROGRAM NO. 80030 PROJECT (Corps' Project No. 2008-00052-AJS), VARIOUS LOCATIONS THROUGHOUT VENTURA COUNTY (File No. 14-038)**

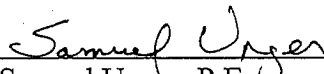
Dear Mr. Clifford:

Board staff has reviewed your request on behalf of Ventura County Watershed Protection District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 30, 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, Lead, Section 401 Program, at (213) 576-6759.

  
\_\_\_\_\_  
Samuel Unger, P.E.  
Executive Officer

Aug. 27, 2014  
Date

## DISTRIBUTION LIST

Pam Lindsey (via electronic copy)  
Ventura County Watershed Protection District  
800 S. Victoria Ave,  
Ventura, CA 93009

Bill Orme (via electronic copy)  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Jeff Humble ( via electronic copy)  
California Department of Fish and Wildlife  
Streambed Alteration Team  
3883 Ruffin Rd. Suite A  
San Diego, CA. 92123-4813

Jenny Marek (via electronic copy)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Peter Brand (via electronic copy)  
Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Brian Trautwein  
(via electronic copy)  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, CA 93101

Jessie Altstatt (via electronic copy)  
Santa Barbara Channel Keeper  
714 Bond Street  
Santa Barbara, CA 93103

Antal Szijj (via electronic copy)  
U.S. Army Corps of Engineers  
Regulatory Branch, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

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  
File No. 14-038

1. Applicant: Mr. Tully Clifford  
Ventura County Watershed Protection District  
800 S. Victoria Ave,  
Ventura, CA 93009  
  
Phone: (805) 654-2040      Fax: (805) 654-3350
2. Applicant's Agent: Ms. Pam Lindsey  
Ventura County Watershed Protection District  
800 S. Victoria Ave,  
Ventura, CA 93009  
  
Phone: (805) 654-2036      Fax: (805) 654-3350
3. Project Name: Routine Maintenance Program (District Project No. 80030)
4. Project Location: Ventura County (various locations)  
  
Within and adjacent to Watershed Protection District facilities in the Ventura River, Santa Clara River, Calleguas Creek, and Malibu Creek Watersheds, as described in *Final Program Environmental Impact Report Environmental Protection Measures for the Ongoing Routine Operations and Maintenance Program Appendix C*, and in subsequent Annual Work Plans, since 2009.
5. Type of Project: Flood Control Facility Routine Maintenance Program
6. Project Purpose: The mission of the Watershed Protection District (District) is to protect life, property, watercourses, watersheds, and public infrastructure from the dangers and damages associated with flood and storm waters. The District maintains various flood control facilities throughout Ventura County.  
  
The primary objective of the proposed project is to maintain the proper operation of the District's flood control facilities. Maintenance preserves the capacity of the facility and prevents the accumulation of vegetation and sediments that could increase flood hazards. Maintenance and repair also preserve and restore the facility structural integrity. Maintenance may prevent damage to life, public property and infrastructure.

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Upon completion of the *Final Program Environmental Impact Report Environmental Protection Measures for the Ongoing Routine Operations and Maintenance Program* Appendix C, and in subsequent Annual Work Plans, in 2009; a Section 401 Certification for routine maintenance was issued by this Regional Board on August 17, 2009 (File No. 08-148). This Certification will supersede the original Certification and the project description has been revised accordingly.

#### 7. Project Description:

Maintenance typically involves removal of sediment and vegetation which reduce capacity of flood control channels and reduce capacity within storage basins. The proposed project includes implementation of environmental Best Management Practices (BMPs) as part of the long-term program for specific types of maintenance activities included within this Certification. These BMPs are included in this Certification, and are updated as necessary via the Annual Work Plan review process. The BMPs represent precautions and procedures to be used when planning and implementing maintenance activities that could affect sensitive environmental resources including wetlands, riparian habitat, aquatic habitat, threatened and endangered species, species of special concern, water quality, and hydraulic conditions in the watershed.

The District currently operates and maintains approximately 204 miles of linear channels, inlets, pipe and box culverts; four pump stations; and 54 debris and/or detention basins with dams. Detailed information about the facilities resides in the Catalog of Facilities; which has been amended via the Annual Work Plans. Summaries of facility types are listed in the *Final Program Environmental Impact Report: Environmental Protection Measures for the Ongoing Routine Operations and Maintenance Program* (State Clearinghouse No. 2002091107, May 2008) (Final Program EIR). Each of these types of facilities includes various fencing types, gates, access roads, and other appointments associated with security and access.

The proposed project includes the following 8 categories (A - H) of maintenance activities as described in the Final Program EIR.

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#### Category A: Channel and Basin Maintenance

This category includes the physical removal or “cleanout” of sediments, vegetation, rock, and trash that accumulate in debris and detention basins, as well as channel facilities, or any District maintained flood control infrastructure. Channel facilities may be fully or partially lined with rock or concrete, or may be earthen. These activities typically involve heavy equipment to excavate, push, pile, and load material into trucks to haul to appropriate stockpile or disposal locations. The majority of work will be conducted within the footprint of the existing facilities. Work may be conducted during any time of year during dry weather conditions. Temporary earthen access roads must be constructed in some facilities to allow for equipment and truck access. These will be composed of clean fill and will be removed when maintenance is completed.

All concrete-lined channels will be cleaned at least once per year, prior to the wet season, to remove all sediment, algae, undesirable vegetation, and trash in accordance with the provisions of the NPDES Stormwater Permit issued to the District by the Los Angeles Regional Water Quality Control Board (Order R4-2010-0108: NPDES Permit No. CAS004002, adopted on July 8, 2010 (Ventura County MS4 permit) Section G. I. 5.(f) Storm Drain Maintenance) or subsequent Ventura County MS4 permit valid during the period of this certification.

Channels, banks, dams, levees, and other facilities may be repaired and reshaped following erosion events. On-site or imported (clean) materials will be used to reshape and recompact engineered fills and slopes. Work areas within the District facilities will be returned to pre-existing (as-built) conditions, unless out-of-kind repairs are approved via the Annual Work Plan process.

#### Category B: Brush and Weed Control Activities

Herbicides, equipment, or manual labor will be used to remove or reduce obstructive vegetation that reduces channel or basin capacity by its mass or is likely to cause a build up of sediment in the future. In addition, vegetation will be removed if it could potentially undermine rock slope protection or levees through root action or prevent visual inspection of bank protection and other in-channel

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facilities.

The District will adhere to strict standards set forth in the following regulations:

- Federal Emergency Management Agency 44 CFR 65.10 (flood insurance programs).
- U.S. Army Corps of Engineers "Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures" Technical Letter No. 1110-2-571, April 9, 2009.
- CFR Title 33 Navigation and Navigable Waters Part 208-Flood Control Regulations (maintenance standards).
- CA Water Code Division 3 Dams and Reservoirs (maintenance standards)

Vegetation will be controlled for the following reasons:

- To allow for the proper inspection, surveillance, and monitoring of all structures and adjacent areas for seepage, cracking, sinkholes, settlement, displacement, and other signs of distress.
- To allow access for normal and emergency Operations and Maintenance activities.
- To prevent root-related damage to structures, such as shortened seepage paths through embankments and/or foundations; voids in embankments and/or foundations due to decayed roots or fallen trees; clogged seepage collector systems; and expansion of cracks or joints in concrete walls, spillway floors, and canal linings.
- To limit those habitat characteristics that encourage the creation of animal burrows.
- To allow full design-discharge capability of waterways, spillway inlet and outlet channels, outlet-works discharge channels, and other open conveyance channels.

A vegetation-free zone will be maintained at most facilities. The vegetation-free zone is a three-dimensional corridor surrounding all levees, floodwalls, embankment dams, and critical appurtenant structures. The primary purpose of the vegetation-free zone is to provide a reliable corridor of access to, and along, levees, floodwalls, embankment dams, and appurtenant structures. This

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corridor must be free of obstructions to assure adequate access by personnel and equipment for surveillance, inspection, maintenance, monitoring, and flood-fighting. The general rule is as follows: the minimum width of the corridor shall be the width of the levee, floodwall, or embankment dam, including all critical appurtenant structures, plus 15 feet on each side, measured from the outer edge of the outermost critical structure.

The vegetation-free zone serves a secondary purpose of reducing potential root impacts by providing distance between root systems and levees, floodwalls, embankment dams, and appurtenant structures, thereby moderating reliability risks associated with the following: (1) potential piping and seepage due to root penetration; and (2) structural damage (e.g., a hole in the ground surrounded by an area of disturbed earth) resulting from flood or wind-driven tree overturning.

Vegetation will be removed or reduced by herbicides in a 15-foot wide zone at the base of any bank protection (e.g., concrete, riprap) to provide an unobstructed view of the toe of the slope to allow for visual inspection. Also, vegetation will be removed or reduced by herbicides along both sides of access roads along channels (10-30 feet from edge of the road) for fire abatement purposes.

The District uses a variety of herbicides, all of which are approved by the Environmental Protection Agency (EPA). The District uses only those products approved for aquatic work by the EPA for maintenance work within the wetted bed and banks of channels and basins. Other products are used in dry portions of facilities. The District applies herbicides throughout the year in areas of concern to prevent or manage undesirable plant cover. It is the District's objective to keep the undesirable vegetation from becoming established through strategic pre-emergent and early growth stages spraying, rather than to treat mature plants.

As an alternative to herbicide treatment, the District removes undesirable plants in channel and basin bottoms by mechanical means (i.e., discing, mowing, or hydroaxe) or by hand crews. Discing and mowing are common weed control methods for basin and channel bottoms during the summer and fall when basins are dry enough for equipment to enter.

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In all cases of herbicide treatment, the District will comply with the IPM requirements of the Ventura County MS4 Permit, or subsequent Ventura County MS4 permit valid during the period of this certification.

#### Category C: Access Road Work Activities

The District maintains access roads associated with facilities on an as-needed basis. Most of the access roads have a compacted gravel surface which need periodic resurfacing due to normal deterioration from use and from erosion. Resurfacing roads generally will occur in the winter. Base aggregate will be placed on the road and compacted with heavy equipment. The District maintains a limited number of asphalt roads along channels and at basins, which will be repaired as needed. A majority of access road work will occur within previously designated road areas.

#### Category D: Facilities Repair and Maintenance for Structural Integrity

Facilities deteriorate over time and may require repair or reconstruction, particularly after a winter with high flood flows. This maintenance category includes gate and fence repair, the repair of bank protection damaged from flood flows, including grouted and ungrouted riprap, pipe and wire revetment, earthen slopes, and concrete sack walls.

Repair work will generally use in-kind materials within the original facility footprint. Proposals for minor modifications of repair materials and work footprints will be reviewed during the Annual Work Plan approval process. Various types of heavy equipment will be used and work will typically be conducted from both the top of the banks and the channel bottom.

The District also maintains and repairs (as necessary) concrete grade control structures that are located in the channel bottom. The maintenance zone upstream and downstream of grade control structures will be 15 feet each.

Repair work does not include creation of any new facilities, which



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would constitute a new capital project that would be planned, designed and permitted independently of this routine maintenance program.

#### Category E: Stream Gauge Maintenance

As part of the District's stream flow monitoring program, 14 stream gauge stations are maintained throughout the County. The stations consist of flow monitoring equipment mounted on bridges and/or other structures spanning several watercourses in the County. In order to obtain accurate flow readings, the flow beneath the monitoring equipment must be laminar (i.e., non-turbulent). Vegetation within the channel will be cleared to bank-full capacity (unless otherwise specified in notification) upstream and downstream of the gauging station or bridge to obtain accurate readings and prevent gauge damage. Vegetation clearing and debris removal from bridge piers will be conducted annually or every other year. Hand crews will be used whenever practical, and mechanized equipment (chain saws) will be used when large amounts of debris are being cut and hauled away. Stream gauge maintenance will occur between September 15 and March 1.

#### Category F: Storm Related Activity

During the winter season, District personnel continually monitor flow conditions in channels and inspect facilities. Urgent work conducted during and immediately after storm events is usually not routine maintenance, but instead, may be considered an emergency activity. However, many of the repairs are small in scope and would otherwise fit under the provisions of this permit. Therefore, non-emergency minor repairs during the winter season will be bundled and sent to the Los Angeles Regional Board per the notification protocol, below, for this permit for 30 day review.

Any project which is necessitated due to imminent threat to life or property would be subject to U.S. Army Corps of Engineers Regional General Permit (RGP 63).

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#### Category G: Rodent Control

Public safety standards require engineered fills to be free of burrowing rodent damage. California ground squirrels (*Spermophilus beecheyi*) and pocket gophers (*Thomomys bottae*) will be controlled per the District's Integrated Pest Management Program, as described in the EIR. This program minimizes the use of anticoagulant and other baits and reduces the potential for primary and secondary poisoning of non-target species.

#### Category H: Surface Water Diversion Plan

Routine maintenance and repairs as described in other Categories will sometimes occur while there is flowing water present in a channel or basin. This requires the diversion of water which can be done several ways: coffer dams, in-stream basins, or bypass systems. Because of the potential of the water diversion to affect water quality and aquatic life, appropriate BMPs shall be incorporated into the design and operation of the water diversion. The District has developed specific BMPs for water diversions, which are included in the Water Diversion Guide (attached to the Program EIR as Appendix E). The proposed project includes BMP 18, which will implement the Water Diversion Guide for applicable maintenance activities. The Surface Water Diversion Guide developed for these projects has been approved by this Regional Board. As long as water diversion activities are in compliance with this Certification, follow the Guide and implement the approved BMPs, no additional approval of water diversion plans will be needed for compliance with this permit.

#### Category I: Beach Elevation Management Plan

The District will periodically groom the natural beach sand berm between the Ormond Lagoon and the Pacific Ocean in accordance with the Beach Elevation Management Plan (BEMP) to prevent flooding to property adjacent to the Ormond Lagoon, including the Oxnard Waste Water Treatment Plant. The BEMP was approved by the Regional Board as part of the J Street Drain project (File No. 12-087), and is now considered a routine maintenance activity for the District.

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The BEMP defines a maximum safe beach height and allows for grooming the berm at a specific location within 72 hours prior to a predicted storm event. Grooming would occur only if all three of the following threshold conditions are met:

1. The Ormond Beach Lagoon is fully enclosed by the Ormond Beach sand berm;
2. The Ormond Beach sand berm elevation adjacent to the lagoon is observed to be above 6.5 feet NGVD (8.9 feet NAVD); and
3. A 72-hour prediction of a storm event of any magnitude affecting the watershed is received, which would likely cause the designed capacity of the J Street Drain to be exceeded if the lagoon water surface elevation cannot overtop the observed adjacent beach sand elevation.

The grooming would be performed by a tracked dozer at the designated location accompanied by District environmental staff. The dozer will shave the sand berm down to the maximum safe elevation along a distance measuring 100 feet parallel to the coastline. The removed sands would be placed on the beach adjacent to the groomed area. Grooming will be completed within several hours. Environmental BMPs would be implemented, as appropriate. The District may conduct grooming several times or not at all in any year depending on the site circumstances.

### Notification Protocol and Additional Review

The District will send an Annual Work Plan by April 1 of each year to the Regional Board documenting work planned for the following fiscal year, which runs July 1 to June 30. The District periodically sends additional work plan addenda for routine repair and maintenance work as the needs are discovered in the field. The Regional Board then will notify the District if a separate Certification will be required for certain activities or projects. Each year by August 1, the Annual Monitoring Report will be submitted to the Regional Board documenting all maintenance activities in waters of the United States and beach grooming work associated with the BEMP for the previous fiscal year period.

Every year, the District performs various routine work as described in the categories above. Maintenance work proceeds without

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specific pre-maintenance notification via the Annual Work Plan:

- if the work is routine and occurs in the same footprint within catalogued facilities (regardless of linear distance or acreage see note below),
- if the work only involves in-kind materials, or
- if the work has no new temporary or permanent impacts to waters of the United States.

Environmental BMPs are applied to this routine work, as appropriate. Monitoring reports and a summary of work performed per facility will be included in the Annual Monitoring Report.

The District will submit a project notification similar to a PCN in the Annual Work Plan or addendum for 401 Water Quality Certification review. On the basis of this review, the Regional Board will determine whether or not the proposed project(s) qualify under this Certification:

- if the work is outside the original footprint,
- if work involves out of kind material placement,
- if work involves any concrete-type product placement within the waters of the United States even if it is in kind replacement,
- if water diversion is required,
- if the Water Diversion Guide is not followed, or
- if the work has new temporary or permanent impacts to water of the US or compensatory mitigation is required.

The notification will include information as required by the Army Corps of Engineer's permit for this project, RGP 92, Special Condition 2 (items a. through i.).

For projects triggering any of the BMPs requiring mitigation, the District will propose mitigation measures to compensate for loss of waters of the U.S. and wetland functions and services. BMP 15 and 16 outline the terms for mitigation, with ratios to be determined on a case by case basis. Mitigation proposed by the District will be reviewed by the Regional Board during a 60-day period following receipt of the notification package.

As the District builds or acquires new capital facilities, which require routine maintenance, the District will submit engineering design drawings (as-built), permit documentation, and a

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maintenance plan in the Annual Work Plan or addenda. By these submittals, and when the new or future facilities have addressed requirements of the California Environmental Quality Act (CEQA), the new facilities may be incorporated into the Catalog of Facilities and maintenance activities will be covered by this Certification, unless the District is otherwise notified by the Regional Board.

8. Federal Agency/Permit: U.S. Army Corps of Engineers  
RGP 92  
Permit No. 2008-00052-AJS
9. Other Required Regulatory Approvals: California Department of Fish and Wildlife  
Streambed Alteration Agreement (1600-2004-0512-R5)  
  
U.S. Fish and Wildlife Service Biological Opinion (8-8-11-F/C-12)  
National Marine Fisheries Service Biological Opinion (2012/02834)
10. California Environmental Quality Act Compliance: The Ventura County Watershed Protection District Board of Directors approved the Environmental Impact Report (SCH No. 2002091107) on May 13, 2008.
11. Receiving Water (Hydrologic Code): Ventura River 180701010106  
Santa Clara River 180701020903  
Calleguas Creek 180701030107  
Malibu Creek 180701040104
12. Designated Beneficial Uses: MUN, IND, PROC, AGR, GWR, FRSH, NAV, REC-1, REC-2, COMM, AQUA, WARM, COLD, EST, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL, WET
13. Impacted Waters of the United States: Impacts will occur at various locations throughout the various receiving waters listed above. All impacts will occur within previously existing facility footprints, unless otherwise approved as qualified under the thresholds for additional review (see Attachment A, No. 7). The Catalog of Facilities includes information on all facilities, including descriptions, location information and photographs and will be utilized as a guide to identify specific impact areas where work may take place within this Certification.

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14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The District has conducted routine flood control maintenance for over 40 years. Certain maintenance activities may involve the discharge of dredge or fill material into "waters of the US" when removing sediment and obstructive vegetation. In the past, the District has acquired Clean Water Act Section 404 permits and Section 401 Water Quality Certifications for these activities on a case-by-case basis. In 2009, a Section 401 Water Quality Certification was issued to the District for the Routine Operations and Maintenance Program activities (File No. 08-148).
16. Avoidance/Minimization Activities: In addition to the specific environmental BMPs developed during the Program EIR and subsequent permitting processes, the District implements standard BMPs during routine maintenance activities. Implementation of both the environmental and standard BMPs will continue. The following is a summary of the standard BMPs that the District currently uses during routine maintenance activities that will be continued under this permit.
- The minimum size/type of equipment is employed to complete the activity to minimize potential impacts.
  - The minimum strength required to achieve the goal for each chemical product is used and staff follows specific pesticide protocols. Only products approved for aquatic use are applied within the wetted bed and banks of any channel or basin facility. Post-emergent products are applied only to plants via target application where plants are sparse.
  - Gates, fences, and "no trespassing" signs are kept in working order to discourage dumping and vandalism.
  - Silt fencing, k-rail, sandbag barriers, and straw wattles are routinely installed and maintained during work to prevent soil from leaving the work areas into the stream or channel.
  - Silt fencing or other barriers are placed around temporary soil stockpile sites to contain material. Soil stockpiles are maintained free of vegetation to minimize weed dispersal.
  - Water diversions are routinely used to prevent soil and concrete from entering surface waters adjacent to maintenance work areas.
  - Plastic-lined sandbag concrete wash out pits stationed in

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uplands are required for each site where concrete pouring occurs.

- Pipe and pump station flushing activities are conducted with a vacuum system to avoid release of materials into channels or surface waters.
- Trash is screened and separated from trash racks and debris collected from channels and basin. Trash is then hauled to a County waste transfer facility.
- Rumble strips, street sweepers, and wattles over storm drain inlets are employed to prevent soil from entering streets and storm drains.
- Local fire abatement requirements are met by conducting annual brush clearance in District right of way adjacent to residential areas.
- In addition, the District developed the Operators Manual for Conducting Flood Control Activities in Ventura County Streams and Rivers (1981), which serves as an additional resource for training of operations and maintenance staff.

The District has formally developed environmental BMPs to reduce the environmental effects of its routine maintenance program for existing and new flood control facilities. The BMPs represent precautions and procedures that will be used when planning and implementing maintenance activities that could affect sensitive environmental resources including wetlands, riparian habitat, aquatic habitat, threatened and endangered species, species of special concern, water quality, and hydraulic conditions in the watershed.

The following BMPs are based on those developed during the Program EIR process, and incorporate conditions from each of the regulatory permits obtained following the EIR.

#### **ENVIRONMENTAL BEST MANAGEMENT PRACTICES:**

##### **BMP 1: Avoid Channel Earthwork During the Rainy Season/Events.**

- Avoid earthwork in earthen and soft bottom channels from December 1 to April 1 unless water is absent.
- If work is considered critical and sensitive aquatic species not present, work in flowing water is acceptable, provided flow is diverted according to the Water Diversion Guide.

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- No earthwork shall be conducted during rain events, or if 0.25 inches or more of rain is forecast within 12 hours of scheduled work.

#### **BMP 2: Prevent Discharge of Silt-Laden Water During Concrete Channel Cleaning.**

- Prevent the discharge of silt-laden water or pollutants downstream when removing sediments, vegetation, algae, and trash from concrete channels.
- Install BMPs: silt barriers, sand bags, straw bales, as appropriate per Board Order No. 10-0108; NPDES Permit No. CAS004002, July 8, 2010.
- Follow the Water Diversion Guide if a flow diversion is installed.

#### **BMP 3: Location of Temporary Stockpiles.**

- Temporary stockpiles may be placed in channel bottoms or debris basins if they are placed in such a manner that they would not be exposed to flowing water.
- Temporary stockpiles in the channel bottom shall be limited to one working day and not overnight.
- Permanent stockpiles shall be located landward of the 100-year floodplain to the maximum extent feasible.

#### **BMP 4: Survey for Habitat (nesting) Prior to Routine Maintenance Work.**

- A biological survey for nesting birds will be required prior to work from February 1 to September 15 if in, or adjacent to, suitable habitat.
  - Nesting habitat is defined as cattail patches, short and tall trees, and shrubby areas. Open gravel, bridges, culverts, and fence posts may also support nests.
  - Mowing/disking, earth work, clean outs, access road work lasting more than one day, and repairs where nesting bird habitat is in work area or within 300 feet.
- If active bird nests are identified, work within 300 feet (500 feet for raptors) must be postponed until after September 15, unless the biologist determines the nest becomes inactive or a reduced buffer is approved by the regulatory agencies including, but not limited to, the California Department of Fish and Wildlife and the U.S. Fish & Wildlife Department.
- No biological survey is needed for routine herbicide application



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in/on facilities to sparse, short (<3 foot) weedy vegetation (includes young (<1year old mule fat, willows or cattails).

**BMP 5/6: Survey for Steelhead Migration/Rearing Conditions and Sensitive Aquatic Species Prior to Routine Maintenance Work.**

- Applies to earthwork/repairs in surface water and within 100 feet of water:

Ventura River Watershed	Santa Clara River Watershed
<ul style="list-style-type: none"> <li>• Matilija Creek</li> <li>• San Antonio Creek</li> <li>• Thacher Creek</li> <li>• Ventura River</li> </ul>	<ul style="list-style-type: none"> <li>• Hopper Creek</li> <li>• Piru Creek</li> <li>• Pole Creek (unlined portions)</li> <li>• Santa Clara River</li> <li>• Santa Paula Creek</li> <li>• Sespe Creek</li> </ul> <p>*Zones specific to steelhead an sensitive aquatic species</p>

- Approved biologist must survey for steelhead migration or rearing conditions and other sensitive aquatic species prior to earthwork in or within 100 feet of surface water.
- If flows are deemed sufficient for steelhead migration, earthwork within or adjacent to the channel shall be postponed until after June 15 and before October 31.
- If rearing habitat is present, approved biologist shall determine if steelhead are present.
- If other sensitive species are found in the work area, work will stop while District environmental staff contact CDFW/USFWS. The approved biologist may be authorized to relocate these species to nearby suitable habitat.
- **Special authorization is required for water diversion** if flow conditions are suitable for steelhead or other aquatic species, even if the Water Diversion Guide is followed.
- Steelhead presence requires notification to NMFS at least 10 days prior to work by District environmental staff.
- If authorized by NMFS, an approved biologist shall isolate the work area with block nets and relocate any steelhead in the work area to suitable habitat with perennial surface water. The biologist shall continuously monitor during water diversion and any work within occupied steelhead habitat.
- Steelhead relocations or other impacts by flow diversion or

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dewatering shall be documented and reported to the NMFS within 30 days of completion of the maintenance work.

- Concrete, grout, brick & mortar or other cement products shall not be used to construct stream diversions when steelhead and other sensitive aquatic species are likely present.
- If steelhead are found dead or injured at the work site, environmental staff shall notify NMFS immediately.
- Any steep-walled excavations that may trap California red-legged frog that will be left overnight in areas within or adjacent to the Ventura River or San Antonio Creek shall be covered.

#### **BMP 7: Continue Existing Procedures for Sediment Removal and Vegetation Control for Specific Reaches in Calleguas Creek Watershed.**

- Conduct sediment removal and in-stream vegetation control along unimproved channels along Calleguas Creek, Conejo Creek, Revolon Slough, Arroyo Las Posas, in accordance with previous Streambed Alteration Agreements. "Grandfathered Streambed Alteration Agreement Conditions" have been identified and are included in the application materials.

#### **BMP 8: Avoid Disturbance to Native Beach or Wetland Species.**

- Applies to facilities maintained in beach/coastal strand.
- Prior to beach access March 1 to September 15, approved biologist shall survey for western snowy plovers or California least terns nesting or roosting on beach. If present, maintenance work shall be postponed until after the breeding season, unless a species protection plan is prepared, approved by USFWS/CDFW, and implemented.
- Avoid driving over beach dune vegetation when accessing storm drain outlets.
- Minimize native beach plant removal during outlet maintenance.
- Prior to beach outlet maintenance, environmental staff shall determine if suitable habitat is present at the outlet for tidewater gobies. If suitable habitat is present, approved biologist shall conduct fish surveys. If present and maintenance work affects habitat, work shall be postponed until surface water is absent, unless a species protection plan is prepared, approved by USFWS, and implemented.

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#### **BMP 9: Aquatic Pesticide Application.**

- Follow the most up-to-date Best Management Practices and the monitoring and reporting requirements in the District's NPDES Stormwater Quality Management Plan.
- Comply with the Ventura County Application Protocol for Pesticides, Fertilizers, and Herbicides, including working under the direction of a Qualified Applicator, using materials approved for aquatic use, following the manufacturer's application directions, avoiding application prior to forecasted storm events and ensuring wind conditions are suitable to avoid spray drift.
- Comply with the applicable provisions of the Ventura County MS4 Permit regarding Public Agency activities and Integrated Pest Management (IPM).

#### **BMP 10: Leave Vegetation on Upper Basin Slopes.**

- Leave native vegetation on the debris and detention basin slopes above the 20 percent capacity debris line unless any of the following apply:
  - Shrubs and trees are hazards to the stability and function of the basin
  - Sediment meets or exceeds the 20 percent capacity line
  - Slope re-grading is required to correct or prevent rill erosion or other damage
  - Vegetation is on engineered fill
  - Vegetation constitutes a fire hazard to nearby properties.

#### **BMP 11: Leave Patches of Vegetation in Channel Bottom.**

- Minimize vegetation removal or thinning in earthen or earthen bottom channels; remove the least amount necessary to achieve the specific maintenance objectives for the reach.
- Remove native vegetation in a non-continuous manner, leaving small patches intact, provided they will not adversely affect conveyance capacity.

#### **BMP 12: Leave Herbaceous Wetland Vegetation in Channel Bottom.**

- Minimize removal or thinning of emergent native vegetation rooted in or adjacent to the low flow channel or aquatic habitats, unless inconsistent with maintenance objectives or capacity requirements.

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### **BMP 13: Maximum 15-foot Vegetation-Free Zone at the Toe of the Bank.**

- Do not exceed a 15-foot wide vegetation-free zone at levee and bank toes when thinning or removing vegetation for inspection purposes.

### **BMP 14: Avoid Road Base Discharge.**

- Do not place or spill road base, fill, sediments, and asphalt beyond the previously established road bed when working adjacent to channels and basin bottoms.

### **BMP 15: Mitigate/Replace Temporary Impacts to Habitat.**

- Restore native vegetation in temporary work areas after completion of repair or reconstruction work. Prior to work, a vegetation restoration plan must be submitted to the regulatory agencies for approval.
- No habitat restoration sites shall be placed within the routine maintenance limits of the repaired structures.
- Habitat restoration shall be required if the impacted area supports native wetland or riparian vegetation; no vegetative restoration is required for barren areas or areas dominated by non-native plants. Any re-planting in areas of non-native removal shall be with native plants.

### **BMP 16: Oak Tree Mitigation Ratio.**

- Replace native oak trees removed by maintenance activities if greater than 3 inches in diameter at breast height (dbh), or 2 inches dbh if multi-trunked.
- Oak tree replacement ratios:

TRUNK SIZE (dbh)	RATIO
4 to 6 inches	3:1
6 to 12 inches	5:1
12 to 24 inches	10:1
24 to 36 inches	15:1
>36 inches	20:1

- A tree replacement plan consistent with County Policy or permit requirements, whichever is greater, shall be prepared and submitted to the regulatory agencies prior to implementation.

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#### **BMP 17: Concrete Wash-Out Protocols.**

- Fluids associated with the curing, finishing and wash-out of concrete shall not be discharged to the channel or basin.
- Concrete wastes (liquid, dust, solids) shall be stockpiled separately from sediment and protected by erosion control measures to prevent discharge to the channel, basin, or waters of the State.
- Conduct appropriate waste management practices based on considerations of flow velocities, site conditions, suitability of erosion control materials, and construction costs.

#### **BMP 18: Water Diversion Guide.**

- Follow water diversion methods and procedures established in the District's Water Diversion Guide.
- Baseline water quality monitoring is required PRIOR to installation of any water diversion, daily for the first 5 days the diversion is in place, and weekly thereafter.
- Fish mortality associated with stream flow diversion or dewatering shall be reported by environmental staff to the California Department of Fish & Wildlife within 24 hours of discovery.

#### **BMP 19: Minimize Erosion from Stream Gauge Maintenance.**

- Cut interfering vegetation with chain-saw or hand tools to near ground surface. No herbicide application to stumps. No excavation of roots.
- Implement additional erosion control methods as needed, based on considerations of flow velocities, site conditions, availability of materials, construction costs, durability and maintenance requirements.

#### **BMP 20: Implementation of Integrated Pest Management Program.**

- Implement the approved Integrated Pest Management (IPM) program.
- Apply appropriate rodent control methods at each facility as appropriate for site conditions (rodent population, type of facility, season).
- Maintain uniform inspection records for each facility and all control efforts.
- Report IPMP activities to the regulatory agencies annually in

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the Annual Monitoring Report.

#### **BMP 21: Avoid Spills and Leaks.**

- Keep all equipment in good working condition and free of leaks.
- No equipment maintenance or refueling in a channel or basin bottom.
- Place drip pans under all stationary equipment such as motors, pumps, generators, compressors, and welders.
- Spill containment materials must be on site or readily available for any equipment maintenance or refueling that occurs adjacent to a watercourse.
- Train all maintenance crews in spill containment and response.
- Immediately clean up all spills. Submit report to the Office of Spill Prevention and Response.

#### **BMP 22: Biological Surveys in Appropriate Habitat Prior to Vegetation Maintenance.**

- Biologists conducting surveys for tidewater goby, California red-legged frog, least Bell's vireo and southwestern willow flycatcher shall be approved by the U.S. Fish & Wildlife Service in writing.
- Prior to sediment removal, vegetation control, or repair work in earthen or earthen bottom facilities, an approved biologist shall survey for threatened, endangered, or sensitive species if suitable habitat occurs in or near work area. If such species are within or in close proximity to the work areas, the District shall reschedule the work when the species are not present.
- If it is necessary to conduct the work while sensitive species are present or in proximity to the work areas, a species protection plan shall be developed, approved by USFWS/NMFS/CDFW, then implemented.
- An approved biologist shall periodically monitor the work area during maintenance activities for wildlife and relocate species as needed to minimize mortality.
- Exotic fish, invertebrate, amphibian and reptile species shall be captured when feasible, dispatched and properly disposed by a qualified biologist.

#### **BMP 23: Invasive Plant Removal Protocols.**

- Remove invasive plant species in a manner that prevents propagation.

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- Spray or mow plants before seeds ripen, when feasible.
- All cut/removed invasive vegetation shall be taken to a dump as a destruction load.
- Do not stockpile invasive vegetation (including mulch) where materials would wash downstream or allowed to propagate.
- For giant reed (*Arundo donax*), minimize ground disturbance and use foliar glyphosate treatment on smaller infestations, as feasible. Herbicide shall only be applied from May 1 to October 1, if breeding birds absent. There shall be no grading to remove root masses unless earthwork is part of routine maintenance work.

#### **BMP 24: Air Quality (Dust Control).**

The following measures shall be incorporated into maintenance activities to minimize fugitive dust emissions during grading, excavation, and construction activities.

- Minimize the areas disturbed at any one time by clearing, grading, earth moving, or excavation operations to prevent excessive dust.
- Water grading/excavation areas prior to and during work.
- Cover all truck loads; required by California Vehicle Code §23114.
- Prevent fugitive dust (via treatment) on all graded and excavated material, exposed soil areas, stockpiles, including unpaved parking and staging areas, and other active portions of the construction site.
- District staff shall weekly monitor contractor graded and/or excavated inactive areas of the construction site for dust stabilization.
- No grading/earth work during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties) to prevent excessive fugitive dust.
- Use rumble strips or track out devices where vehicles enter and exit unpaved roads onto paved road.
- There shall be at least one qualified District staff on site each work day to monitor the provisions of the Fugitive Dust Mitigation Plan and any other applicable fugitive dust rules, ordinances, or conditions.

#### **BMP 25: Stabilize Exposed Soil.**

- To limit erosion, minimize soil disturbance work in channels and basins to that which can be stabilized prior to rain events.

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#### **BMP 26: Native Tree Removal (see BMP 16 for oaks).**

- Prior to vegetation removal, a qualified biologist shall prepare an inventory of all native trees in the work area exceeding 4 inches dbh.
- Native trees in temporary impact areas shall be cut to ground level to facilitate regrowth, and not removed by heavy equipment.
- Native California black walnut, cottonwood and sycamore trees exceeding 4 inches dbh shall be replaced at a 10:1 ratio, if removed.
- Replacement trees shall attain a survival rate of 75 percent the first year and 100 percent thereafter, and monitored and maintained for a 5 years after planting.

#### **BMP 27: Environmental Training.**

- Prior to any sediment removal, vegetation control, or repair work in earthen or earthen-bottomed channels and basins that contain surface water or native vegetation, a qualified biologist familiar with the work site shall provide training to the work crew regarding potential species present, habitats to avoid, measures to implement to minimize impacts, and events/situations that require work to be stopped and the biologist to be contacted.

#### **BMP 28: Work in California Red-legged Frog Habitat.**

- Any steep-walled excavations that may trap California red-legged frogs that will be left overnight in suitable habitat (Ventura River, San Antonio Creek) shall be covered.
- Approved biologists handling California red-legged frogs shall not use gloves, unless they are well-rinsed and composed of vinyl.
- Approved biologists working in California red-legged frog habitat shall follow the Declining Amphibian Task Force Fieldwork Code of Practice.

#### **BMP 29: New Zealand Mudsnail Control Protocols**

The protocols have been developed to address the sixty work code activities described in the District's 2012-2013 Annual Work Plan. The work code activities have been lumped into general types of materials/activities to allow the assignment of protocols to be followed to minimize the spread of this invasive species (see Table 2). These



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protocols address three general modes of potential spread of New Zealand mudsnail; hand tools & boots, mobile equipment and vehicles, and reusable instream materials.

First, determine if the reach to be maintained supports New Zealand mudsnail by reviewing maps and the infested reach list (Table 3). If so, implement Part A.

Second, determine if the equipment to be used was borrowed from the Transportation Department OR last used in another Zone. If so, implement Part B.

In some circumstances, both Part A and Part B may be implemented.

**Table 2. New Zealand Mudsnail Protocols by Work Code**

Protocol	Work Codes
1	PS41, PS42, PT20, PT21, PT22, PT23, PT24, PT25, PT26, PT27, PT28, PT29, PT31, PT32, PT33, PT34, PT35, PT36, PT37, PT38, PT41, PT42, PT43, PT44, PT45, PT47, PT48, PT49, PT51, PT53, PT55, PT56, PT57, PT60, PT61, PT62, PT64, PT65, PT66, PT68, PT70, PT72, PT74, PT76, PT77, PT80, PT83, PT85, PT86, PT88, PT89, PT90, PT91, PT92, PT93
2	PS41, PS42, PT20, PT21, PT22, PT23, PT24, PT25, PT26, PT27, PT28, PT32, PT33, PT34, PT35, PT36, PT37, PT38, PT41, PT42, PT43, PT44, PT45, PT47, PT48, PT49, PT51, PT53, PT55, PT56, PT57, PT60, PT61, PT62, PT64, PT65, PT66, PT68, PT70, PT72, PT74, PT76, PT77, PT80, PT83, PT85, PT86, PT88, PT89, PT90, PT91, PT92, PT93
3	PS41, PS42, PT 22, PT 29, PT31, PT32, PT33, PT40, PT41, PT42, PT43, PT45, PT45, PT48, PT49, PT51, PT53, PT54, PT57, PT60, PT61, PT62, PT64, PT 66, PT68, PT80, PT83, PT85, PT86, PT88, PT89, PT90, PT91, PT92, PT93
4	PT20, PT21, PT23, PT24, PT25, PT26, PT27, PT28, PT34, PT35, PT36, PT37, PT38, PT44, PT51, PT53, PT68, PT70, PT72, PT74, PT76, PT77, PT80, PT85

#### **Part A (infested reaches):**

- Wash hand tools, boots and power tools that contact surface water using Protocol 1.
- Wash mobile equipment used in surface water that may have incidental soil attached (e.g., dozers, excavators, discing equipment, wheeled loaders and motor graders) using Protocol 2A (on-site power wash, on-site or off-site hot pressure wash).
- Wash equipment that infrequently crosses the wetted channel and does not have incidental soil attached (e.g., herbicide trailers, chipper, water pumps [hand

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carried and trailer-mounted], mowers and motor vehicles) using Protocol 3 (on-site or off-site hot or cold pressure wash).

- Wash hard surfaced instream materials that may be transported between work sites (e.g., K-rail, diversion pipe, water hoses and concrete forms) using Protocol 4 (on-site or off-site hot pressure wash).
- Discard sand bags (and other fibrous materials that could harbor mudsnails) which have been immersed in surface waters in a landfill. Do not re-use at other sites.

**Table 3. New Zealand Mudsnail Infested Reaches**

ZONE	REACH	NAME
2	42011	Santa Clara River: Pacific Ocean to Harbor Blvd.
2	42012	Santa Clara River: Harbor Blvd. to Victoria Avenue
2	42151	Beardsley Wash: Camarillo Hills Drain to Hwy 101
2	42152	Beardsley Wash: Hwy 101 to Central Avenue
3	42154	Beardsley Wash: Central Avenue to Wright Road
3	45241	Beardsley Wash: Wright Road U/S to Drop Structure #2
3	45243	Beardsley Wash: Drop Structure #2
3	45245	Beardsley Wash Drop Structure #2 U/S to Triple Arch
3	45246	Beardsley Wash: Connelly Triple Arch
3	45247	Beardsley Wash: Connelly Trip Arch U/S to Milligan Bar
3	46101	Arroyo Conejo: Arroyo Santa Rosa to Arroyo Conejo N.Fork
3	46102	Arroyo Conejo: Arroyo Conejo N. Fork to Arroyo Conejo South Branch
3	46103	Arroyo Conejo: Arroyo Conejo S. Branch to Hillcrest Drive
3	46104	Arroyo Conejo: Hillcrest Drive to Moorpark Road
3	46111	S. Branch Arroyo Conejo: Arroyo Conejo to Ventu Park Road
3	46112	S. Branch Arroyo Conejo: Ventu Park Road to Borchard Road
3	46161	Arroyo Conejo N. Fork: Arroyo Conejo to Lynn Road
4	48061	Lindero Crk: L.A. County Line to Kanan Road
4	48071	Medea Crk: L.A. County Line to Conifer Street
4	48072	Medea Crk: Conifer Street to Oak Hills Drive
4	48073	Medea Crk: Oak Hills Drive through Kanan Road
4	48076	W. Fork Medea Crk: Medea Creek @ Mile 1.2, U/S
4	48101	Las Virgenes Crk: L.A. County Line U/S North
4	48107	W. Las Virgenes Crk: Las Virgenes Creek @ Mile 2.6, U/S

U/S: upstream

#### **Part B (borrowed equipment or used in other Zone):**

- Wash mobile equipment used in surface water that may have incidental soil attached (e.g., dozers,

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excavators, discing equipment, wheeled loaders and motor graders) using Protocol 2B (on-site or off-site hot pressure wash).

- Wash equipment that infrequently crosses the wetted channel and does not have incidental soil attached (e.g., herbicide trailers, chipper, water pumps [hand carried and trailer-mounted], mowers and motor vehicles) using Protocol 3 (on-site or off-site hot or cold pressure wash).

#### **Protocol 1 - Hand Tools, Boots and Wetted Power Tools**

This control protocol involves cleaning any hand tools, boots and wetted portions of power tools (weed whipper, drill, concrete vibrator, etc.) that come in contact with potentially infected surface water prior to leaving the work site each day OR leaving these materials at the site until the work is complete. Hand tools, boots and wetted portions of power tools must be cleaned before leaving the site using the following procedure:

1. Remove any accumulated mud/soil from the article to be cleaned;
2. Fill a portable plastic tub (child's swimming pool, or equivalent) to a depth allowing complete submersion of the boots or tools with a 4 percent solution (5 fluid ounces per gallon) of a commercial disinfectant (GS High Dilution Disinfectant 256, Spartan Chemical Company);
3. Scrub all surfaces with a brush;
4. Let soak in the disinfectant for approximately 10 minutes;
5. Rinse with **potable** water; and
6. Dispose of the used disinfectant solution in a sewer or upland area where it cannot enter surface waters.

#### **Protocol 2A – Instream Mobile Equipment (Infested Reaches)**

This Protocol applies to equipment that is used in the wetted channel and likely to have incidental soil attached, such as dozers, excavators, discing equipment, wheeled loaders and motor graders.

1. All attached soil must be removed at the project site using a pressurized water hose provided by a water truck (or equivalent pressurized water source);
2. Wash water must be contained and not allowed to run-

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- off into a storm drain or drainage feature;
- 3. The equipment must be washed on-site using a portable hot pressure washer OR taken to the nearest O & M washing facility (Saticoy or Moorpark) for a hot pressure wash.
- 4. Care must be taken to pressure wash all surfaces with hot water that typically come in contact with surface water and/or wet sediments, such as wheels, tires, discs, dozer tracks, excavator and loader buckets, dozer and grader blades, undercarriage, hydraulic cylinders and hoses, and fenders.

#### **Protocol 2B – Instream Mobile Equipment (All Other Reaches)**

This Protocol applies to equipment that is used in the wetted channel and likely to have incidental soil attached, such as dozers, excavators, discing equipment, wheeled loaders and motor graders.

- 1. The equipment must be washed on-site using a portable hot pressure washer OR taken to the nearest O & M washing facility (Saticoy or Moorpark) for a hot pressure wash.
- 2. Care must be taken to pressure wash all surfaces with hot water that typically come in contact with surface water and/or wet sediments, such as wheels, tires, discs, dozer tracks, excavator and loader buckets, dozer and grader blades, undercarriage, hydraulic cylinders and hoses, and fenders.

#### **Protocol 3 – Other Mobile Equipment and Vehicles**

This Protocol applies to equipment that infrequently crosses the wetted channel and does not have incidental soil attached, such as herbicide trailers, chipper, water pumps (hand carried and trailer-mounted), mowers and motor vehicles.

- 1. The wheels, tires and undercarriage of this equipment must be pressure washed, either on-site or the nearest O & M washing facility (Saticoy or Moorpark).
- 2. If washed on-site, wash water must be contained and not allowed to run-off into a storm drain or drainage feature.

#### **Protocol 4 - Reusable Instream Materials**

Materials that may be transported between work sites may include sand bags, K-rail, diversion pipe, water hoses and concrete

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forms (wood). Sand bags immersed in surface waters cannot be fully cleaned, and must be emptied of sand (on-site or the District's maintenance yard) and the bag deposited in a proper trash receptacle.

1. Wash hard surfaced materials on-site using a portable hot pressure washer OR take to the nearest O & M washing facility (Saticoy or Moorpark) for a hot pressure wash.
2. Care must be taken to remove all attached soil or sediment and fully contact all surfaces.
3. Waste water shall not re-enter any natural watercourse.

#### 17. Proposed Compensatory Mitigation:

The Applicant has proposed to implement the proposed project utilizing all applicable BMPs to ensure impacts are avoided and/or minimized. Impacts will take place within existing facility footprints, unless a specific project or activity is approved by the Regional Board following a pre-construction notification (Notification Protocol and Additional Review). Temporarily impacted areas will be restored to previously existing conditions and no additional mitigation will be required other than what has been specified in the BMPs section (Attachment A, No. 16).

For projects with new permanent impacts to waters of the United States, mitigation will be required on a case-by-case basis. See No. 18 (Required Compensatory Mitigation).

#### 18. Required Compensatory Mitigation:

The Regional Board may require compensatory mitigation for any impacts outside original project footprints.

The Regional Board will require a ratio of 1:1 for temporarily impacted areas, on-site and in kind. For new permanent impacts, the mitigation ratio will be dependent upon the type of habitat impacted and/or the type and location of the proposed mitigation. Mitigation will not be required for replacement of washed out rock or other materials in areas which are devoid of vegetation (within previously existing footprints).

In cases where additional mitigation for new permanent impacts may be required, the ratios may be developed within a range of 2:1 to 5:1; depending on specific impacts and project location conditions. The District will submit a Mitigation Plan for approval to this Regional Board for any new permanent impacts. The Mitigation Plan will specify location, methods, monitoring,

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performance criteria, reporting and any other pertinent information as required by this Regional Board.

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. 14-038

#### 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 (BMPs) activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. As a condition of the 401 Certification File No. 08-148, the District developed, submitted and implemented a Hazard Analysis and Critical Control Points plan (HACCP) for

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prevention and control of aquatic nuisance species. The HACCP was submitted to the RWQCB on October 16, 2009 and has been implementing it since 2010. The District will continue to implement this plan through the term of this Certification.

6. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, 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 and/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.
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 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.



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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. 2011-0002-DWQ and 2004-0009-DWQ.
15. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain **one-day (1-day) clear weather forecast** before conducting any operations within waters of the State.
16. Any routine maintenance activities will be phased to limit the exposed or working face such that the graded area can be stabilized within 96 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 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 District will follow the approved Water Diversion Guide. 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:

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- 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 **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.
21. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of waters of the United States by creating or restoring riparian habitat at a minimum **1:1** area replacement ratio. The Applicant shall also provide compensatory mitigation for proposed permanent impacts within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat with a ratio ranging between 2:1 and 5:1 depending upon specific project requirements. The District will submit a Mitigation Plan for approval to this Regional Board for any new permanent impacts. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
22. The Applicant shall submit to this Regional Board an **Annual Work Plan** and **Annual Monitoring Report** in conjunction with reports submitted to California Department of Fish

## ATTACHMENT B

### Conditions of Certification File No. 14-038

and Wildlife and U.S. Army Corps of Engineers. The reports shall be due **April 1** and **August 1**, respectively each year following issuance of this 401 Certification or until project and mitigation activities have been achieved and documented. The Annual Monitoring Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts. Specific mitigation site annual monitoring reports may be submitted under separate cover. At a minimum the Annual Monitoring Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:

- (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 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 projects with permanent impacts;
  - (g) Discussion of any construction and mitigation 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.
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.
  - (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.

ATTACHMENT B

Conditions of Certification

File No. 14-038

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 **14-038**. 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. 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.
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 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.

## ATTACHMENT B

### Conditions of Certification File No. 14-038

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 the 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.

