California Regional Water Quality Control Board
San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
http://www.waterboards.ca.gov/sandiego

Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

May 12, 2009

In reply refer to: WPC:09C-015:cmeans

WDID: 9000001896
CIWQS:
Party No. 7222
Place No. 734024
Reg. M. No. 361611

Mr. Mark Phelan
Project Manager
California Department of Transportation
District 11, MS-242
4050 Taylor Street
San Diego, CA 92110-2737

Dear Mr. Phelan:

SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for State Route 76 – Melrose Drive to South Mission Road Highway Improvement Project, Project Number 09C-015.

Enclosed is the Clean Water Act Section 401 Water Quality Certification for the State Route 76 – Melrose Drive to South Mission Road Highway Improvement Project. A description of the project and project location can be found in the project information sheet, project location map, and project site maps which are included as Attachments 1 through 6. Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR §. 3867). If no petition is received, it will be expected that Caltrans has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification will result in enforcement actions against Caltrans.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions regarding this notification, please contact Christopher Means directly at 858-637-5581 or by email via cmeans@waterboards.ca.gov.

Respectfully,

JOHN H. ROBERTUS
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 09C-014

cc: Refer to Attachment 2 of Certification 09C-015 for Distribution List.

Linda S. Adams
Acting Secretary for Environmental Protection

California Regional Water Quality Control Board

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Arnold Schwarzenegger
Governor

Action on Request for
Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

PROJECT: State Route 76 – Melrose Drive to South Mission Road Highway Improvement Project, Project Number 09C-015, WDID Number 9000001896

APPLICANT:

Mr. Mark Phelan
Project Manager
California Department of Transportation
District 11, MS-242
4050 Taylor Street
San Diego, CA 92110-2737

CIWQS
Reg. Mes. ID: 361611
Place ID: 734024
Party ID: 7549

ACTION:

☐ Order for Low Impact Certification	☐ Order for Denial of Certification
☑ Order for Technically-conditioned Certification	☐ Waiver of Waste Discharge Requirements
☑ Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	☐ Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The proposed project would expand about 5.8 miles of the existing two-lane conventional highway to four-lanes with right-of-way and grading to accommodate an ultimate six-lane facility. The existing San Luis Rey Bridge would remain for westbound only traffic post-construction and a new bridge would be built for eastbound only traffic. The existing Bonsall Creek box culvert would be lengthened to the south to accommodate the widened SR-76. The existing Ostrich Creek box culvert would be demolished and a new bridge would be constructed to accommodate the road widening and a wildlife corridor. The project would result in an additional 28.1 acre of new impervious surface, in addition to the already existing 44.1 acre of impervious surface.

STANDARD CONDITIONS:

The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials (Action 3).

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).

2. This Certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility 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. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, Caltrans must satisfy the following:

A. GENERAL CONDITIONS:

1. Caltrans must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification (Certification) and all subsequent submittals required as part of this Certification and as described in Attachments 1 and 5. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

2. During construction, Caltrans must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.

3. Caltrans must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:

    a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
    b. Access to copy any records required to be kept under the terms and conditions of this Certification.
    c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
    d. Sampling of any discharge or surface water covered by this Order.

4. Caltrans must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.

5. Caltrans must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.

6. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must 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.

7. In response to a suspected violation of any condition of this Certification, the Regional Board 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 Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

8. In response to any violation of the conditions of this Certification, the Regional Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, Caltrans must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.

2. Caltrans must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill materials that have received State Water Quality Certification. These General Waste Discharge Requirement are accessible at: http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.

3. Caltrans must notify the Regional Board in writing at least **10 days** prior to the actual commencement of dredge, fill, and discharge activities.

4. Caltrans must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-06-DWQ, NPDES No. CAS000003, the NPDES Permit for Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans), July 1999.

5. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the Regional Board pursuant to CWC § 13260.

6. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.

7. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows.

Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.

8. All surface waters, including ponded waters, must 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. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

9. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.

C. CONSTRUCTION STORM WATER MANAGEMENT:

1. A qualifi ed biological monitor shall be present at all pre-construction and pre-grading meetings and shall be onsite during all vegetation removal, grading, or filling of any drainage on the project site. Furthermore, the biological monitor shall be present when grading is conducted within 100 feet of any drainage on the property.

2. Construction monitoring reports shall be submitted quarterly during all grading activities associated with the proposed project. Construction monitoring reports shall include, but not be limited to the following:

    a. Names, qualifications, and affiliations of the persons contributing to the report;
    b. Summary of construction activities that include general locations of active construction areas, types and location of sediment and erosion control BMPs being implemented, approximate acreage of disturbed areas;
    c. Quantification of impacts to waters of the U.S. authorized under this Order;
    d. Summary of any problems, resolution, and discharge notifications that occurred during this monitoring period; and
    e. Photo-documentation of construction activities, and erosion and sediment control BMP implementation.

D. POST CONSTRUCTION STORM WATER MANAGEMENT:

1. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.

2. The post-construction structural treatment BMPs that will be implemented to treat and control storm water runoff from the project shall include a treatment train of vegetated Biofiltration strips and vegetated Biofiltration swales, as proposed in the April 2009 *Storm Water Data Report for State Route 76 Melrose Dr to South Mission Rd Highway Improvement Project*. Structural treatment BMPs will treat no less than 63 percent of the total proposed roadway upon completion.

3. Structural treatment BMPs shall be sized in accordance with the design specifications contained in the May 2007 *Caltrans Project Planning and Design Guide.*

4. Structural treatment BMPs shall be constructed as soon as is feasible during project construction. Biofiltration Swales and Biofiltration Strips must be vegetated with appropriate sod immediately upon finished construction of the BMPs.

5. Preventive and corrective maintenance procedures for Biofiltration Strips and Swales will be performed as outlined in Appendix C, Section C.23.1 of the May 2003, *Caltrans Stormwater Quality Handbook: Maintenance Staff Guide* (Caltrans Document CTSW-RT-02-057).

6. Records must be kept regarding inspections and maintenance in order to assess the performance of the systems and determine whether adaptations are necessary to protect receiving waters.

7. If, during the course of design and construction of the project, additional right-of-way is acquired which would allow for the incorporation of additional Caltrans stormwater treatment BMPs into the project, Caltrans shall design and implement additional treatment BMPs, and provide notification to the Regional Board of any additional BMP location and design.

E. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE:

1. Permanent Impacts to jurisdictional waters of the U.S. subject to this certification shall not exceed the following:

Jurisdictional Area	Acres
OHWM *	0.06
Unvegetated Waters	0.42
Wetlands	1.35
Total	**1.83**

*Ordinary high water mark areas include drainages that fall within riparian and wetland habitats, but do not meet the criteria of the other wetlands.

2. Mitigation for permanent impacts to 1.83 acres of Waters of the U.S. have been mitigated in advance at a 1:1 ratio by the deduction 1.83 acres of excess riparian mitigation credits at the Pilgrim Creek Mitigation Bank in accordance with Option B, contained in the October 2008 *Wetland Mitigation Plan for the State Route 76 Highway Improvement Project.*

3. Temporary Impacts to jurisdictional waters of the U.S. shall not exceed the following:

Jurisdictional Area	Acres
OHWM *	0.04
Unvegetated Waters	0.45
Wetlands	3.82
Total	**4.31**

4. Caltrans must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States/State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas of temporary impacts shall provide similar or better functions as the habitat impacted.

5. Caltrans will provide a revegetation plan for temporary impacts for review by the Regional Board prior to initiation of construction activities.

6. 23.25 acres of permanent and 18.63 acres of temporary impacts to Waters of the State, under the jurisdiction of the California Department of Fish and Game will be mitigated by Caltrans in accordance with the mitigation ratios included under Option B, contained in the October 2008 *Wetland Mitigation*

Plan for the State Route 76 Highway Improvement Project, and as documented in Attachment 5 of this certification.

7. Caltrans must notify the Regional Board in writing at least **10 days** prior to the actual commencement of mitigation installation, and completion of mitigation installation.

8. Throughout the mitigation monitoring program mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the onsite or offsite mitigation areas.

9. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, Caltrans is responsible for repair and replanting of the damaged area(s).

10. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **January 1** of each year. Monitoring reports must include, but not be limited to, the following:

    a. Names, qualifications, and affiliations of the persons contributing to the report;
    b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum;
    c. Topographic complexity characteristics at each mitigation site;
    d. Upstream and downstream habitat and hydrologic connectivity;
    e. Source of hydrology;
    f. Width of native vegetation buffer around the entire mitigation site;
    g. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
    h. Photodocumentation from established reference points;
    i. A Survey report documenting boundaries of mitigation area; and
    j. Other items specified in the final October 2008 *Wetland Mitigation and Monitoring Plan for the State Route 76 Melrose to Mission Highway Improvement Project*

11. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the U.S./State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the U.S./State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the U.S./State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the U.S./State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the U.S./State (e.g., conservation easement).

F. STREAM PHOTO DOCUMENTATION PROCEDURE:

1. Caltrans must conduct photo documentation of the project site, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Monthly aerial photo documentation of the project will be conducted in accordance with Caltrans approved protocols. Site specific photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment Number 6. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. Caltrans shall submit this information in a photo documentation report to the Regional Board with the Mitigation Maintenance and Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

G. GEOGRAPHIC INFORMATION SYSTEM REPORTING:

1. Caltrans must submit Geographic Information System (GIS) shape files of the impact areas within 90 days of project impacts and of the mitigation area within 90 days of mitigation installation. All impact and mitigation areas shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

H. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.

2. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.

3. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

    a. For a corporation, by a responsible corporate officer of at least the level of vice president.
    b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
    c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

4. A duly authorized representative of a person designated in Items 3.a. through 3.c. above may sign documents if:

    a. The authorization is made in writing by a person described in Items 3.a. through 3.c. above.
    b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
    c. The written authorization is submitted to the Regional Board Executive Officer.

5. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

    "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

6. Caltrans must submit reports required under this Certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 09-015
9174 Sky Park Court, Suite 100
San Diego, California 92123

6. Required Reports: The following list summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Commencement of Discharge Notification	B.3	10 days prior to initiation of discharge
Construction Monitoring Report	C.2	Quarterly until project completion
Mitigation Initiation notification	E.7	10 days prior to initiation of Mitigation Construction
Annual Mitigation Monitoring Report	E.10	December 1, Annually
Stream Photodocumentation	F.1	December 1, Annually with Mitigation Monitoring Report
GIS Reporting	G.1	Within 90 days of impacts, and within 90 days of mitigation installation

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On February 25, 2009 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Christopher Means
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-637-5581
cmeans@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the State Route 76 – Melrose Drive to South Mission Road Highway Improvement Project (Project No. 09C-015) 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. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Board's Water Quality Control Plan (Basin Plan).

JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

5/12/2009
Date

Attachments:

1. Project Information
2. Distribution List
3. Location Map
4. Site Diagrams
5. Mitigation & Impacts table
6. Stream Photodocumentation Procedure

ATTACHMENT 1
PROJECT INFORMATION

Applicant:	California Department of Transportation Attention: Mr. Mark Phelan, Project Manager District 11, MS-122 4050 Taylor Street San Diego, CA 92110-2737 Email: Mark_Phelan@dot.ca.gov Phone: (619) 688-6803
Applicant Representatives:	California Department of Transportation Attention: Mr. Bruce April, Chief Environmental Stewardship District 11, MS-122 4050 Taylor Street San Diego, CA 92110-2737 Email: Bruce_April@dot.ca.gov Phone: (619) 688-6998
Project Name:	State Route 76 – Melrose Drive To South Mission Road
Project Location:	The project area is located on State Route 76 starting in the City of Oceanside at post mile 7.6 and ending in the community of Bonsall at post mile 13.1.
Type of Project:	Highway widening project
Need for Project:	The project will improve mobility, and reduce current congestion along the SR-76 Corridor consistent with the goals of the SANDAG 2030 Regional Transportation Plan.
Project Description:	The proposed project would expand about 5.8 miles of the existing two-lane conventional highway to four-lanes with right-of-way and grading to accommodate an ultimate six-lane facility. The existing San Luis Rey Bridge would remain for westbound only traffic post-construction and a new bridge would be built for eastbound only traffic. The existing Bonsall Creek box culvert would be lengthened to the south to accommodate the widened SR-76. The existing Ostrich Creek box culvert would be demolished and a new bridge would be constructed to accommodate the road widening and a wildlife corridor. The project would result in an additional 28.1 acre of new impervious surface, in addition to the already existing 44.1 acre of impervious surface.
Federal Agency/Permit:	U.S. Army Corps of Engineers §404 (Individual), File No. SPL-2005-2063, Phoung H. Trinh

Other Required Regulatory Approvals:	California Department of Fish and Game Section 1602 Streambed Alteration Agreement, Pam Beare
California Environmental Quality Act (CEQA) Compliance:	SR-76 Melrose to South Mission Final Environmental Impact Report, November 2008, SCH# 2005101140, Lead Agency - Caltrans
Receiving Water:	San Luis Rey River Vista Creek Bonsall Creek Ostrich Farm Creek Un-named tributaries to San Luis Rey
Affected Waters of the United States:	Temporary: Wetland: 3.82 Riparian: 0 Streambed: 0.04 Lake 0.45 Permanent: Wetland: 1.35 Riparian 0 Streambed: 0.06 Lake 0.42
Affected Waters of the State:	Temporary: Wetland: 0 Riparian: 11.4 Streambed: 0 Lake 0 Permanent: Wetland 0 Riparian: 20.83 Streambed 0 Lake 0
Dredge Volume:	n/a
Related Projects Implemented/to be Implemented by the Applicant(s):	Caltrans and SANDAG are in the environmental review process for the next phase of the SR-76 widening project which will widen State Route 76 from Mission Road to Interstate 15.
Compensatory Mitigation:	Compensatory mitigation for permanent impacts to waters of the US have been mitigated with existing credits from the Pilgrim Creek Mitigation Bank. Mitigation for impacts to Waters of the State not under Federal Jurisdiction will be in accordance with the ratios set forth in attachment 5 of this certification.

Best Management Practices (BMPs):	Construction based best management practices will be employed during construction in accordance with Caltrans Statewide Stormwater permit requirements. Post construction structural treatment BMPs will be implemented in accordance with the April 2009 *Stormwater Data Report for State Route 76 Melrose Dr. to South Mission Road Highway Improvement Project*. Storm water will be treated by a treatment train of BMPs consisting of vegetated Biostrips receiving sheet flow from the roadway and Bioswales. These treatment BMPs will treat 63% of the projects total impervious surface.
Public Notice:	On February 25, 2009, receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.
Fees:	Total Due: $34,451.00 Total Paid: $34,451.00 (Check No. 082-294133, 082-308952)
CIWQS:	Regulatory Measure ID: 361611 Place ID: 734024 Party ID: 7549

ATTACHMENT 2
DISTRIBUTION LIST

Electronic Distribution via Email:

Mr. Bruce April, Chief
Environmental Stewardship
Caltrans District 11, MS-242
4050 Taylor Street
San Diego, CA 92110
bruce_april@dot.ca.gov

Ms. Pam Beare
California Department of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
pbeare@dfg.ca.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

Ms. Phoung H. Trinh
U.S. Army Corps of Engineers, Regulatory Branch
P.O Box 532711
Los Angeles, CA 90053-2325
phuong.h.trinh@usace.army.mil

Mr. Dave Smith
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

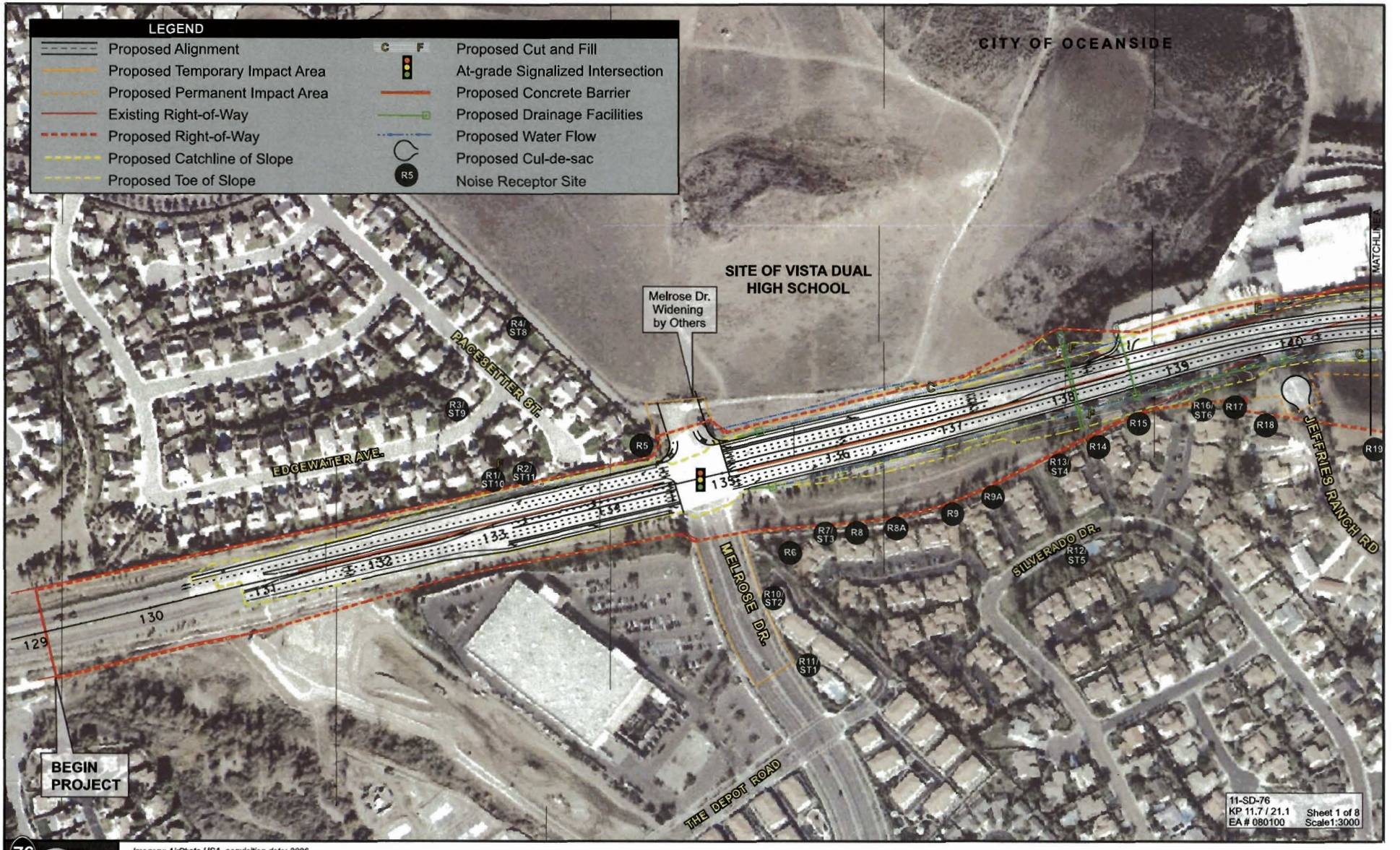
ATTACHMENT 3
PROJECT LOCATION

11-SD-76
EA 080010
KM 11.7 / 21.1
(PM 7.3 / 13.1)

76 State Route 76 Corridor

Figure 1.1-1
Project Location Map

ATTACHMENT 4
PROJECT ALIGNMENT EXHIBITS

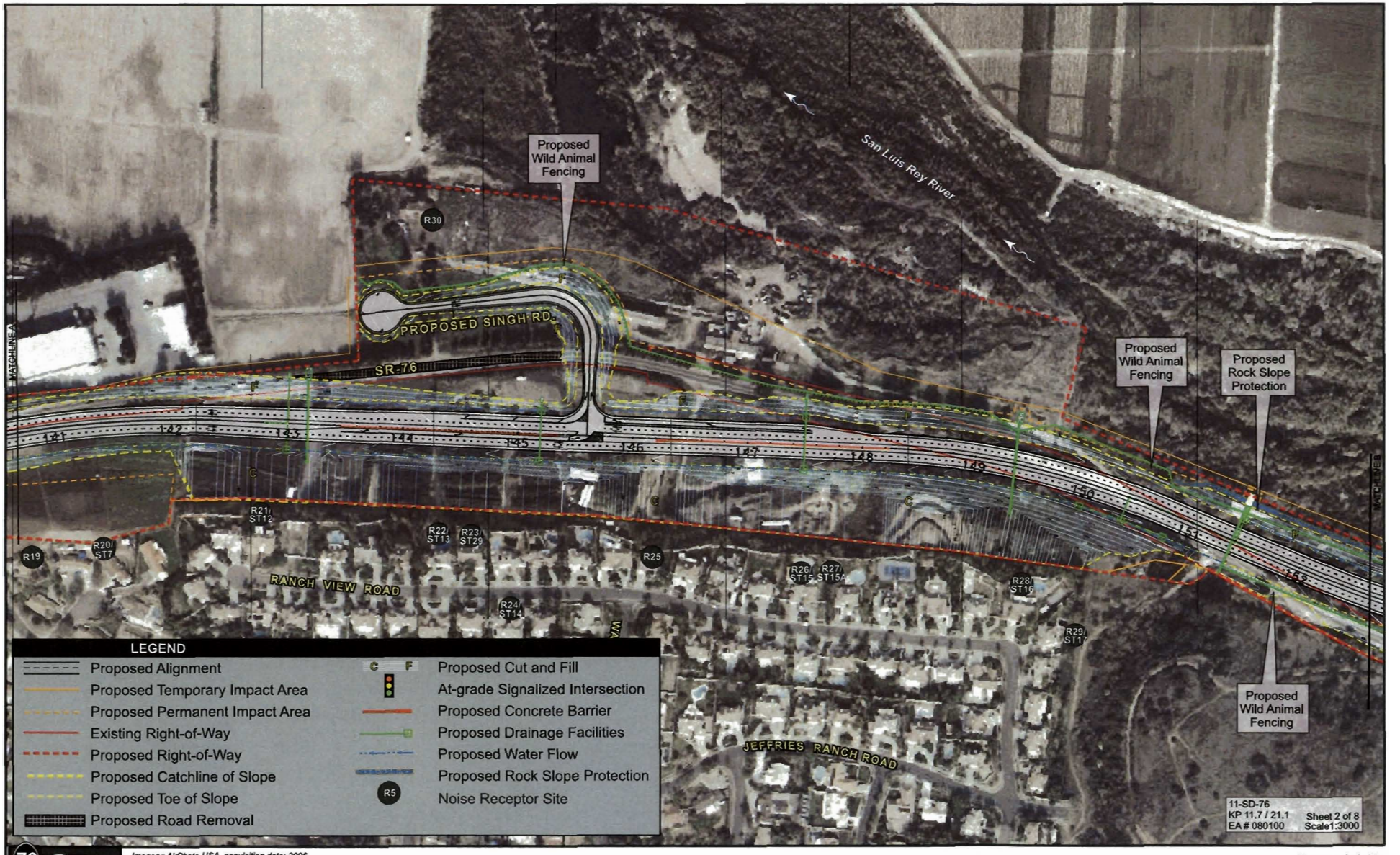


Imagery: AirPhoto USA, acquisition date: 2006

NOTE:
ALL MEASUREMENTS ARE IN METERS UNLESS OTHERWISE SHOWN.

Figure 2.1-2a

SR-76 Middle Project Features Map
Proposed Existing Alignment (preferred) Alternative



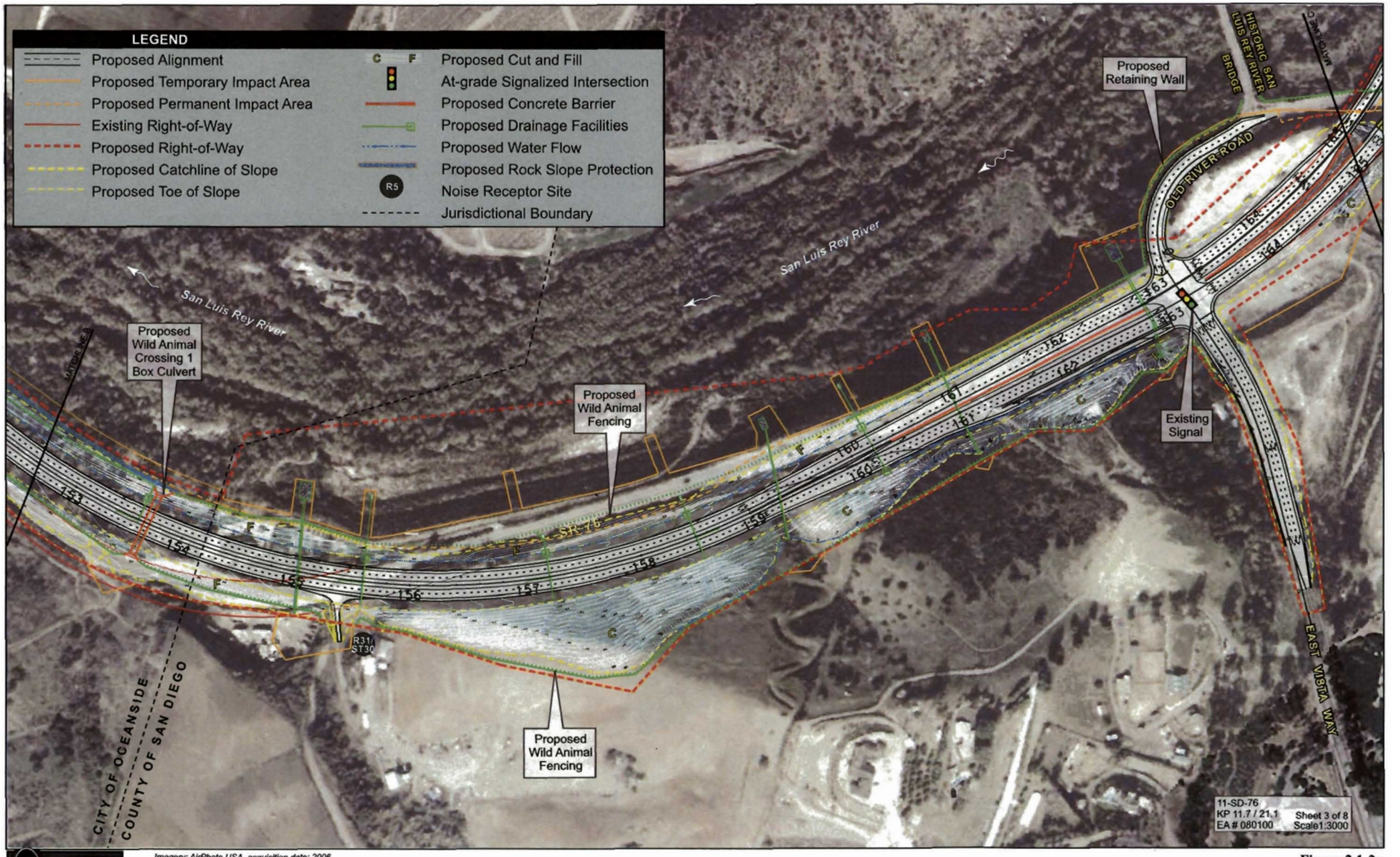
76 State Route 76 Corridor

Imagery: AirPhoto USA, acquisition date: 2006

NOTE:
ALL MEASUREMENTS ARE IN METERS
UNLESS OTHERWISE SHOWN.

Figure 2.1-2b

SR-76 Middle Project Features Map
Proposed Existing Alignment (preferred) Alternative

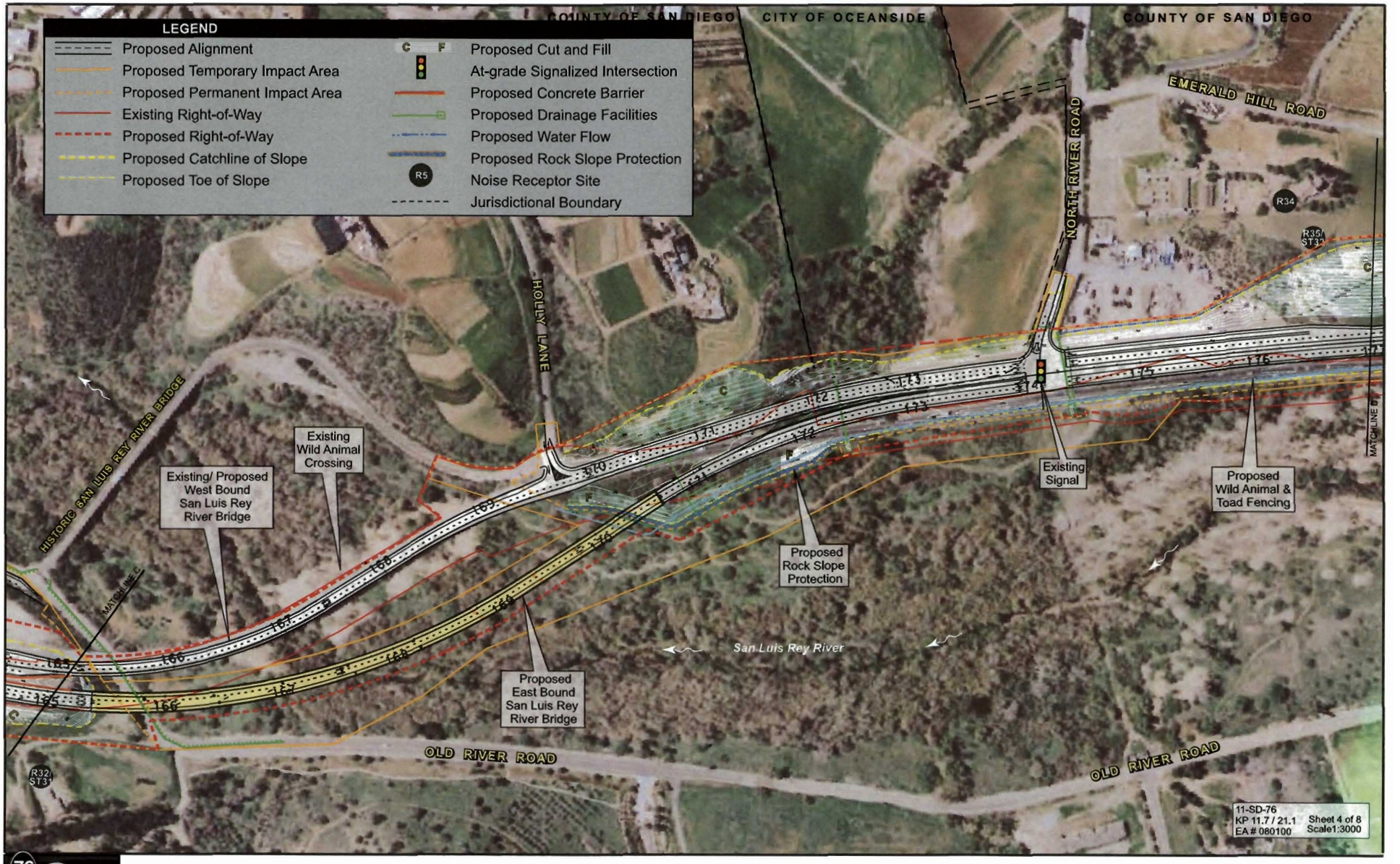


Imagery: AirPhoto USA, acquisition date: 2006

NOTE:
ALL MEASUREMENTS ARE IN METERS
UNLESS OTHERWISE SHOWN.

Figure 2.1-2c

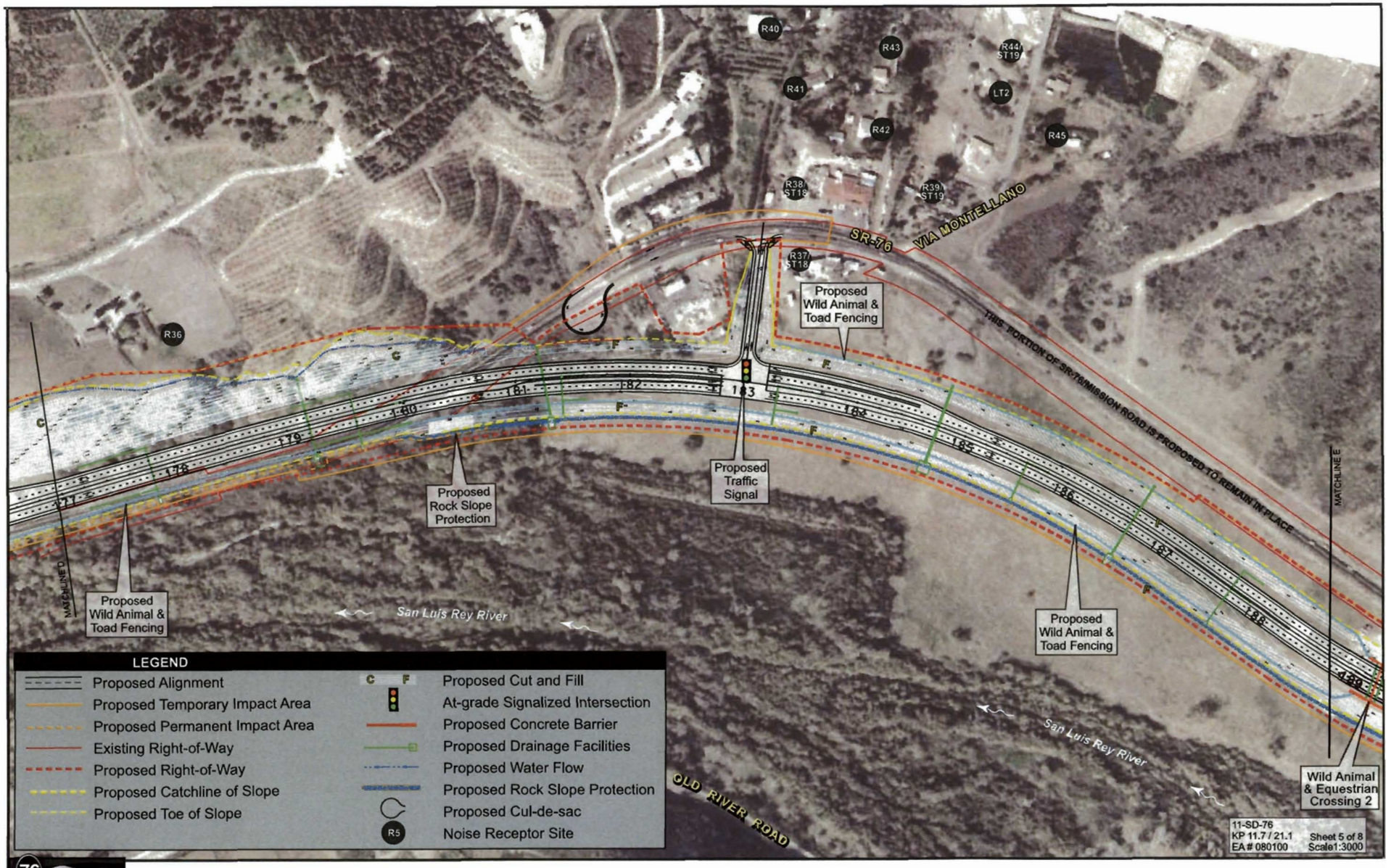
SR-76 Middle Project Features Map
Proposed Existing Alignment (preferred) Alternative



Imagery: AirPhoto USA, acquisition date: 2006

NOTE:
ALL MEASUREMENTS ARE IN METERS
UNLESS OTHERWISE SHOWN.

Figure 2.1-2d
SR-76 Middle Project Features Map
Proposed Existing Alignment (preferred) Alternative

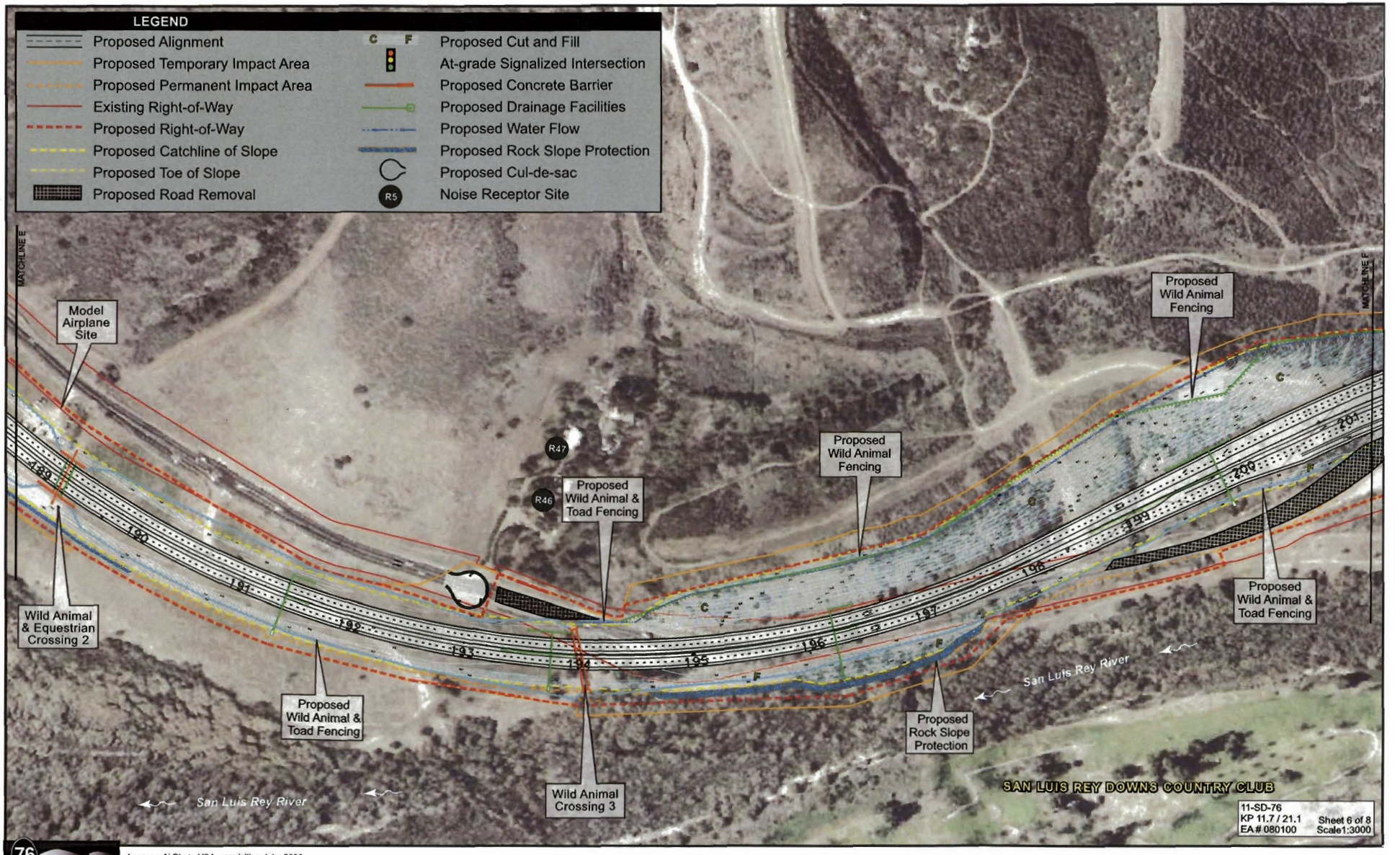


76 State Route 76 Corridor

Imagery: AirPhoto USA, acquisition date: 2006

NOTE:
ALL MEASUREMENTS ARE IN METERS UNLESS OTHERWISE SHOWN.

Figure 2.1-2e
SR-76 Middle Project Features Map
Proposed Existing Alignment (preferred) Alternative

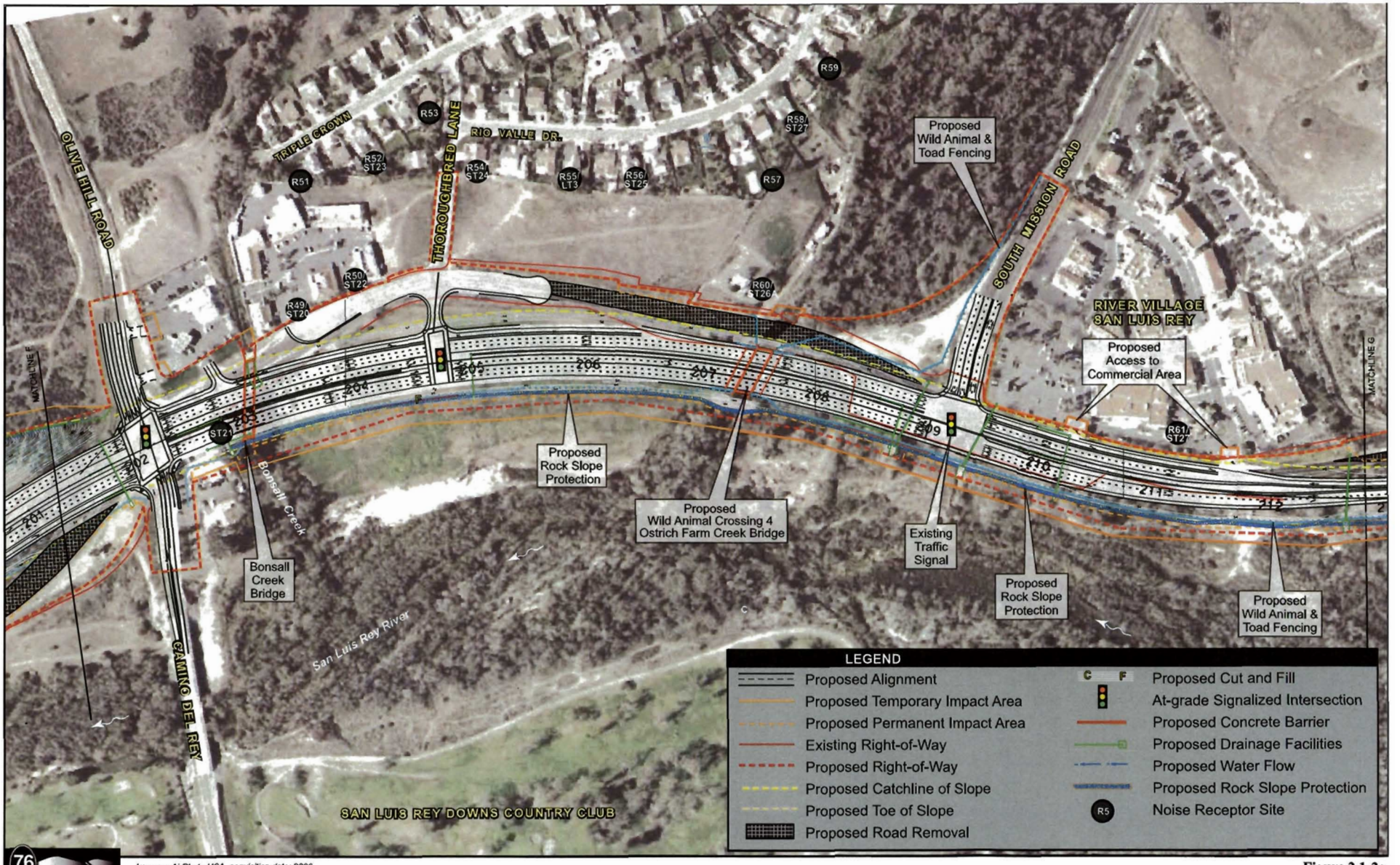


76 State Route 76 Corridor

Imagery: AirPhoto USA, acquisition date: 2006

NOTE:
ALL MEASUREMENTS ARE IN METERS UNLESS OTHERWISE SHOWN.

Figure 2.1-2f
SR-76 Middle Project Features Map
Proposed Existing Alignment (preferred) Alternative

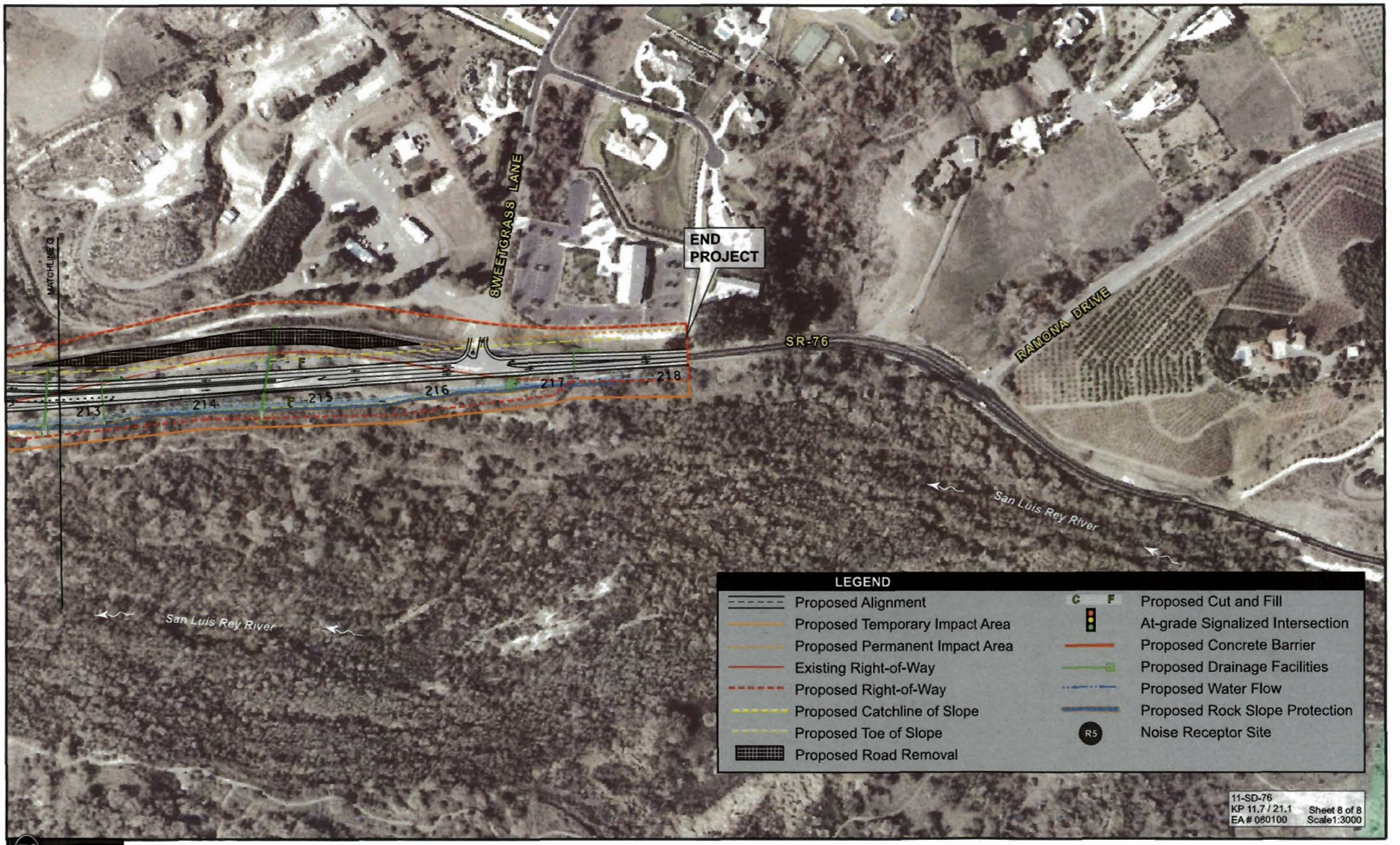


Imagery: AirPhoto USA, acquisition date: 2006

NOTE:
ALL MEASUREMENTS ARE IN METERS UNLESS OTHERWISE SHOWN.

Figure 2.1-2g

SR-76 Middle Project Features Map
Proposed Existing Alignment (preferred) Alternative



76 State Route 76 Corridor

Imagery: AirPhoto USA, acquisition date: 2006

NOTE:
ALL MEASUREMENTS ARE IN METERS UNLESS OTHERWISE SHOWN.

Figure 2.1-2h

SR-76 Middle Project Features Map
Proposed Existing Alignment (preferred) Alternative

ATTACHMENT 5
IMPACTS AND MITIGATION TABLE

Option B: Mitigation Proposal for Permanent Impacts

Habitat Type	Permanent Impacts (Acres)	Mitigation Ratio	Total Compensation	Mitigation Location	Available acres remaining after mitigation
Riparian and Wetlands					
Mulefat Scrub	1.11	5:1	5.55	5:1 restoration at Morrison= 148.28 - 5.55	Morrison* = 142.73 RS/RF; Zweirstra = 3.4 RS/RF creation; 3.3 RS/RF restoration. Pilgrim = 4.94 riparian credits.
Southern Willow Scrub	0.13	5:1	0.65	5:1 restoration at Morrison = 142.73 - 0.65 ac	Morrison = 142.08 RF/RS restoration acres Zweirstra = 3.4 RS/RF creation; 3.3 RS/RF restoration. Pilgrim = 4.94 riparian credits
Disturbed Wetland	0.003	1:1	0.003	1:1 restoration at Morrison = 142.08 - 0.003 ac	Morrison = 142.07 RF/RS restoration acres Zweirstra = 3.4 RS/RF creation; 3.3 RS/RF restoration. Pilgrim = 4.94 riparian credits.
Southern Cottonwood Willow Riparian Forest	1.83 (for USACE jurisdictional impacts)* 3.11	1:1	4.94	1:1 creation at Pilgrim = 4.94 - 4.94	Morrison = 142.07 RF/RS restoration acres; Zweirstra = 3.4 RS/RF creation; 3.3 RS/RF restoration. Pilgrim = 0 riparian credits.
Southern Cottonwood Willow Riparian Forest	3.4	3:1	10.2	1:1 creation at Zweirstra = 3.4 – 3.4 2:1 restoration at Zweirstra = 3.3 – 3.3 2:1 restoration at Morrison = 142.07 – 3.5	Morrison = 138.58 RS/RF restoration acres Zweirstra = 0 RS/RF creation; 0 RS/RF restoration. Pilgrim = 0 riparian credits.
Southern Cottonwood Willow Riparian Forest	9.99	5:1	49.95	5:1 restoration at Morrison = 138.58 – 49.95	Morrison = 88.63 RF/RS restoration acres Zweirstra = 0 RS/RF creation; 0 RS/RF restoration . Pilgrim = 0 riparian credits
Southern Coast Live Oak Riparian Forest	3.09	5:1	15.45	5:1 restoration at Morrison = 88.63 – 15.45	Morrison = 73.18 RF/RS restoration acres Zweirstra = 0 RS/RF creation; 0 RS/RF restoration Pilgrim = 0 riparian credits.
Uplands					
Coastal Sage Scrub	24.36	2:1	48.72	Groves preservation CSS = 180 – 48.72	Groves = 131.28 CSS preservation; Zweirstra 7.0 upland creation
Disturbed Coastal Sage Scrub	13.28	2:1	26.56	Groves preservation CSS = 131.28 – 26.56	Groves = 104.72 CSS preservation; Zweirstra 7.0 upland creation
Coast live oak woodland	0.72	3:1	2.16	Groves preservation CLOW = 11 – 2.16	Groves = 8.84 CLOW preservation; Zweirstra 7.0 upland creation
Non-native grassland	43.17 total = 30.72 toad habitat; 12.45 other	1:1 toad habitat, 0.5:1 other[1]	1:1 = 30.72; 0.5:1 = 6.23	Groves preservation NNG = 50 – 36.95	Groves = 13.05 NNG preservation; Zweirstra 7.0 upland creation

[1]Permitting agencies allowed compensation for wetlands, OHWM, and unvegetated waters to occur at a 1:1 ratio using riparian forest habitat creation credit at the Pilgrim Creek mitigation site. 1.83 acres of the 4.94 mitigation credit was used for this purpose; the remainder was used for riparian forest impacts.

ATTACHMENT 6
STREAM PHOTO DOCUMENTATION PROCEDURES

Standard Operating Procedure (SOP)

Stream Photo Documentation Procedure
(CARCD 2001, Written by TAC Visual Assessments work group)

Introduction:

Photographs provide a qualitative, and potentially semi-quantitative, record of conditions in a watershed or on a water body. Photographs can be used to document general conditions on a reach of a stream during a stream walk, pollution events or other impacts, assess resource conditions over time, or can be used to document temporal progress for restoration efforts or other projects designed to benefit water quality. Photographic technology is available to anyone and it does not require a large degree of training or expensive equipment. Photos can be used in reports, presentations, or uploaded onto a computer website or GIS program. This approach is useful in providing a visual portrait of water resources to those who may never have the opportunity to actually visit a monitoring site.

Equipment:

Use the same camera to the extent possible for each photo throughout the duration of the project. Either 35 mm color or digital color cameras are recommended, accompanied by a telephoto lens. If you must change cameras during the program, replace the original camera with a similar one comparable in terms of media (digital vs. 35 mm) and other characteristics. A complete equipment list is suggested as follows:

Required:

- Camera and backup camera
- Folder with copies of previous photos (do not carry original photos in the field)
- Topographic and/or road map
- Aerial photos if available
- Compass
- Timepiece
- Extra film or digital disk capacity (whichever is applicable)
- Extra batteries for camera (if applicable)
- Photo-log data sheets or, alternatively, a bound notebook dedicated to the project
- Yellow photo sign form and black marker, or, alternatively, a small black board and chalk

Optional:

- GPS unit
- Stadia rod (for scale on landscape shots)
- Ruler (for scale on close up views of streams and vegetation)
- Steel fence posts for dedicating fixed photo points in the absence of available fixed landmarks

How to Access Aerial Photographs:

Aerial Photos can be obtained from the following federal agencies:

USGS Earth Science Information Center
507 National Center
12201 Sunrise Valley Drive
Reston, VA 22092
800-USA-MAPS

USDA Consolidated Farm Service Agencies
Aerial Photography Field Office
222 West 2300 South
P.O. Box 30010
Salt Lake City, UT 84103-0010
801-524-5856

Cartographic and Architectural Branch
National Archives and Records Administration
8601 Adelphi Road
College park, MD 20740-6001
301-713-7040

Roles and Duties of Team:

The team should be comprised of a minimum of two people, and preferably three people for restoration or other water quality improvement projects, as follows:

1. Primary Photographer
2. Subject, target for centering the photo and providing scale
3. Person responsible for determining geographic position and holding the photo sign forms or blackboard.

One of these people is also responsible for taking field notes to describe and record photos and photo points.

Safety Concerns:

Persons involved in photo monitoring should **ALWAYS** put safety first. For safety reasons, always have at least two 2 volunteers for the survey. Make

sure that the area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water
- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

General Instructions:

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project.*
When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream flow, cloud cover, and site access fluctuate. It is often important to include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the

angle from which the photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the project. Of most importance overall, however, is being aware of the goal(s) of the project and capturing images that clearly demonstrate progress towards achieving those goal(s). Again, reference to *Suggestions for Photo Points by Type of Project* may be helpful.

If possible, try to include a black board or yellow photo sign in the view, marked at a minimum with the location, subject, time and date of the photograph. A blank photo sign form is included in this document.

Recording Information:

Use a systematic method of recording information about each project, photo point, and photo. The following information should be entered on the photo-log forms (blank form included in this document) or in a dedicated notebook:

- Project or group name, and contract number (if applicable, e.g., for funded restoration projects)
- General location (stream, beach, city, etc.), and short narrative description of project's habitat type, goals, etc.
- Photographer and other team members
- Photo number
- Date
- Time (for each photograph)
- Photo point information, including:
    - Name or other unique identifier (abbreviated name and/or ID number)
    - Narrative description of location including proximity to and direction from notable landscape features like roads, fence lines, creeks, rock outcrops, large trees, buildings, previous photo points, etc. – sufficient for future photographers who have never visited the project to locate the photo point
    - latitude, longitude, and altitude from map or GPS unit
- Magnetic compass bearing from the photo point to the subject
- Specific information about the subject of the photo
- Optional additional information: a true compass bearing (corrected for declination) from photo point to subject, time of sunrise and sunset (check newspaper or almanac), and cloud cover.

For ambient monitoring, the stream and shore walk form should be attached or referenced in the photo-log.

When monitoring the implementation of restoration, fuel reduction, or Best Management Practices (BMP) projects, include or attach to the photo-log a narrative description of observable progress in achieving

the goals of the project. Provide supplementary information along with the photo, such as noticeable changes in habitat, wildlife, and water quality and quantity.

Archive all photos, along with the associated photo-log information, in a protected environment.

The Photo Point: Establishing Position of Photographer:

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).
2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.
3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

Determining the Compass Bearing:

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

Suggestions for Photo Points by Type of Project:

Ambient or Event Monitoring, Including Photography Associated with Narrative Visual Assessments:

1. When first beginning an ambient monitoring program take representative long and/or medium view photos of stream reaches and segments of shoreline being monitored. Show the positions of these photos on a map, preferably on the stream/shore walk form. Subjects to be photographed include a representative view of the stream or shore condition at the beginning and ending positions of the segment being monitored, storm drain outfalls, confluence of tributaries, structures (e.g., bridges, dams, pipelines, etc.).
2. If possible, take a close view photograph of the substrate (streambed), algae, or submerged aquatic vegetation.

3. Time series: Photographs of these subjects at the same photo points should be repeated annually during the same season or month if possible.
4. Event monitoring refers to any unusual or sporadic conditions encountered during a stream or shore walk, such as trash dumps, turbidity events, oil spills, etc. Photograph and record information on your photo-log and on your Stream and Shore Walk Visual Assessment form. Report pollution events to the Regional Board. Report trash dumps to local authorities.

All Restoration and Fuel Reduction Projects – Time Series:

Take photos immediately before and after construction, planting, or vegetation removal. Long term monitoring should allow for at least annual photography for a minimum of three years after the project, and thereafter at 5 years and ten years.

Meadow Restoration:

1. Aerial view (satellite or airplane photography) if available.

2. In the absence of an aerial view, a landscape, long view showing an overlapping sequence of photos illustrating a long reach of stream and meadow (satellite photos, or hill close by, fly-over, etc.)

3. Long view up or down the longitudinal dimension of the creek showing riparian vegetation growth bounded on each side by grasses, sedges, or whatever that is lower in height

4. Long view of conversion of sage and other upland species back to meadow vegetation

5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)

6. Medium and close views of structures, plantings, etc. intended to induce these changes

Stream Restoration/stabilization:

1. Aerial view (satellite or airplane photography) if available.

2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)

3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.

4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)

5. Medium and close views of structures, plantings, etc. intended to induce these changes.

6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

Vegetation Management for Fire Prevention ("fuel reduction"):

1. Aerial view (satellite or airplane photography) if available.

2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)

3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.

4. Medium view photos showing examples of vegetation changes, and plantings if included in the project. It is recommended that a person (preferably holding a stadia rod) be included in the view for scale

5. To the extent possible include medium and long view photos that include adjacent stream channels.

Stream Sediment Load or Erosion Monitoring:

1. Long views from bridge or other elevated position.

2. Medium views of bars and banks, with a person (preferably holding a stadia rod) in view for scale.

3. Close views of streambed with ruler or other common object in the view for scale.

4. Time series: Photograph during the dry season (low flow) once per year or after a significant flood event when streambed is visible. The flood events may be episodic in the south and seasonal in the north.

5. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 1 and 2 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

PHOTO- LOG FORM

Project:
Location:
Date:
Photographer:
Team members:

Photo #	Time	Photo Point ID	Photo Pt. Description & Location	Bearing to Subject	Subject Description

General Notes or Comments (weather, cloud cover, time of sunrise and sunset, other pertinent information):

PHOTO SIGN FORM: Print this form on yellow paper. Complete the following information for each photograph. Include in the photographic view so that it will be legible in the finished photo.

Location:

Subject Description:

Date:

Time: