



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

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

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

December 28, 2009

Certified Mail – Return Receipt Requested
Article Number: 7008-1140-0002-4285-4428

William Ramsey
City of San Juan Capistrano
32400 Paseo Adelante
San Juan Capistrano, CA 92675

In reply refer to:
735331: clofler

Dear Mr. Ramsey:

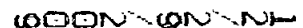
Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the **Del Obispo Street Bicycle Lane Improvement Project** Water Quality Certification No. **09C-020**

Enclosed find Clean Water Act Section 401 Water Quality Certification with Enrollment in State Water Resources Control Board (SWRCB) General Waste Discharge Requirements (GWDR) Order No. 2003-017 DWQ for discharge to Waters of the U.S. for the Del Obispo Street Bicycle Lane Improvement Project (Project). A description of the project and project location can be found in the project information sheet, location map, and site maps, by the Regional Board, which are included as Attachments 1 through 5.

Any petition for reconsideration of this Certification must be filed with the SWRCB within 30 days of certification action (23 CCR § 3867). If no petition is received, you have accepted and will comply with all the conditions of this Certification.

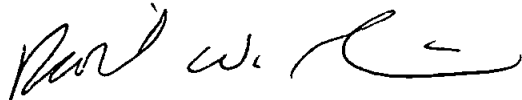
Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

California Environmental Protection Agency



In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Chad Loflen at (858) 467-2727 or cloflen@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 09C-020 for the Del Obispo Street Bicycle Lane Project, with 6 attachments

cc: Refer to Attachment 2 of Certification 09C-020 for Distribution List.

Tech Staff Info & Use	
File No.	09C-020
WDID	9000001904
Reg. Measure ID	362840
Place ID	735331
Party ID	39740
Person ID	502375



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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: Del Obispo Bicycle Lane Improvement Project,
Certification Number (09C-020)
WDID 9000001904

APPLICANT: William Ramsey
City of San Juan Capistrano
32400 Paseo Adelante
San Juan Capistrano, CA 92675

CIWQS Reg. Meas. ID: 362840 Place ID: 735331 Party ID: 39740

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The project is to widen the Del Obispo Street Bridge for improved pedestrian, cyclist and vehicular circulation and safety. The project will permanently impact 0.003 acres of Arroyo Trabuco Creek through the expansion of existing bridge piers/noses.

STANDARD CONDITIONS:

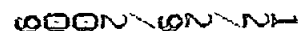
The following three standard conditions apply to all Certification actions, except as noted under Condition 3 for denials (Action 3).

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).

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

Recycled Paper



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, the City of San Juan Capistrano must satisfy the following:

A. GENERAL CONDITIONS:

1. The City of San Juan Capistrano 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 Attachment 1. 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, the City of San Juan Capistrano 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. The City of San Juan Capistrano 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. The City of San Juan Capistrano 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. The City of San Juan Capistrano 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. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the Regional Board in accordance with the following terms.
 - a. **Transfer of Property Ownership:** The City of San Juan Capistrano must notify the Regional Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that the City of San Juan Capistrano has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive officer of the Regional Board within **10 days** of the transfer of ownership.
7. 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.
8. 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.
9. 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.

10. The City of San Juan Capistrano and successor owners must submit annual progressive reports to the Regional Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, the City of San Juan Capistrano must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. The City of San Juan Capistrano 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 material 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. The City of San Juan Capistrano must notify the Regional Board in writing at least **5 days prior** to the actual commencement of dredge, fill, and discharge activities.
4. The City of San Juan Capistrano must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, and any subsequent re-issuance, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
5. The City of San Juan Capistrano must comply with the requirements of State Regional Board Order 2008-0002, and any subsequent re-issuance, General Waste Discharge Requirements and NPDES Permit for discharges from groundwater extraction waste to surface waters within the San Diego Region except for San Diego Bay.
6. 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.
7. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
8. 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.

9. 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.
10. 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.
11. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to Beneficial Uses of waters of the State. Removal of vegetation must occur outside of the avian nesting season (March 15- August 31).

C. 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 vegetated swales described in the Water Quality Management Plan (WQMP) for the City of San Juan Capistrano dated 02/10/2009 (see Attachment 5), must be sized to treat 0.57 acre of impervious surfaces, including the 0.20 acres of additional impervious surfaces from the project, and comply with the following numeric sizing criteria:

a. Volume

Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- i. The volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area); or
- ii. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile 24-hour runoff event; or

b.Flow

Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:

- i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
 - ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
 - iii. The maximum flow rate of runoff, as determined from the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.
3. Post-construction BMPs, including the vegetated swales described in the WQMP for the City of San Juan Capistrano dated 02/10/2009, must be installed and functional prior to occupancy and/or planned use of development areas.
 4. The City of San Juan Capistrano or their designated party must inspect and maintain structural BMPs per the manufacturer's specifications for the life of the project.
 5. As specified in the project's WQMP, the vegetated swales BMPs will be inspected twice yearly. The swales must also be inspected after every storm event exceeding 0.5 inches of precipitation.
 6. The Regional Board may be requested to review planned that are clearly demonstrated to meet or exceed the performance standards herein. Such requests must be made 30 days prior to the planned BMP implementation.
 7. Records must be kept regarding inspections and maintenance in order to assess the performance of the BMPs and determine whether adaptations are necessary to protect receiving waters.
 8. The City of San Juan Capistrano assumes responsibility for the inspection and maintenance of all post-construction BMPs until such responsibility is legally transferred to another entity.
 9. At the time maintenance responsibility for post-construction BMPs is legally transferred, the City of San Juan Capistrano must submit to the Regional Board a copy of such documentation.
 10. At the time maintenance responsibility for post-construction BMPs is legally transferred, the City of San Juan Capistrano must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications.

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

1. Mitigation for permanent discharges to 0.003 acre (less than 64 linear feet) of streambed and for the temporal loss associated with temporary discharges to 0.25 acre of un-vegetated streambed (100 linear feet) and 0.01 acre (30 linear feet of wetland), must be achieved by the following:
 - a. Purchase of 0.03 acre of restoration credits at the Starr Ranch Sanctuary.
 - b. Restoration of temporary impacts to pre-project conditions.
2. The City of San Juan Capistrano 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. The City of San Juan Capistrano must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
3. **Prior to start of construction**, the City of San Juan Capistrano must provide the Regional Board with verification that 0.03 acre of riparian restoration credits at Starr Ranch have been purchased.
4. The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
5. 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.
6. Regional Board acceptance of the final mitigation plan applies only to the site and plan that mitigates for the Del Obispo Bicycle Lane Improvement Project and must not be construed as approval of the mitigation site or plan for use by other current or future projects that are planning to use the Starr Ranch for mitigation.
7. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species must be quantified to comply with mitigation requirements.

8. 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).

E. STREAM PHOTO DOCUMENTATION PROCEDURE

1. The City of San Juan Capistrano, and its successors, must conduct photo documentation of the project site, including all areas of permanent and temporary impact, prior to and after project construction. 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. The City of San Juan Capistrano must submit this information in a photo documentation report to the Regional Board **with the Project Annual Reports** (see Condition A.10). The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

F. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES PHOTO DOCUMENTATION PROCEDURE

1. The City of San Juan Capistrano must conduct photo documentation of implemented post-construction BMPs. Photo-documentation must be modeled after the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 6. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced. The City of San Juan Capistrano must submit this information in a photo documentation report to the Regional Board **with the Final Project Annual Report** (see Condition A.10). The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

G. 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. The City of San Juan Capistrano must submit a report to the Regional Board **within the Final Project Annual Report** (see Condition A.10) upon completion of the project. The report should include as-built drawings no bigger than 11" x 17" and photos of the completed project.
4. 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.
5. A duly authorized representative of a person designated in Items 4.a. through 4.c. above may sign documents if:
 - a. The authorization is made in writing by a person described in Items 4.a. through 4.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.
6. 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."

7. The City of San Juan Capistrano 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. 09C-020
9174 Sky Park Court, Suite 100
San Diego, California 92123

8. 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)
Certification Transfer	A.6	Within 10 Days of Transfer
Project Annual Reports	A.10	August 01, Annually
Commencement of Fill	B.3	5 Days Prior to Commencement
Mitigation Credit Purchase	D.3	Prior to Construction
Stream Photo Documentation	E.1	Within Project Annual Reports
BMP Photo Documentation	F.1	Within Final Project Annual Report
As-Builts	G.3	Within Final Project Annual Report

CEQA FINDINGS:

1. The City of San Juan Capistrano is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination on March 12, 2009 for a Mitigated Negative Declaration for the project under CEQA Guidelines Title 14, California Code of Regulations, 15075 (14 CCR § 15075). The City of San Juan Capistrano determined the project will not have a significant effect on the environment and mitigation measures were made a condition of the project.
2. The Regional Board has reviewed the lead agency's Mitigated Negative Declaration, and also finds that the project as proposed will not have a significant effect on the environment with conditioned mitigation measures and therefore determines that issuance of this Certification is consistent with the Mitigated Negative Declaration.

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On March 23, 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:

Chad Loflen
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2727
cloflen@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from Del Obispo Bicycle Lane Improvement Project (Project No. 09C-020) 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).



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

12/28/2009
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Map
 5. Post-Construction BMP Map
 6. Stream Photodocumentation Procedure

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: City of San Juan Capistrano
 Attention: William Ramsey
 32400 Paseo Adelante
 San Juan Capistrano, CA 92675
 Telephone: 949-443-6334
 Facsimile: 949-493-1053
 Email: bramsey@sanjuancapistrano.org

**Applicant
Representatives:** Willdan Engineering
 Attention: Ken Steele
 2401 E. Katella Ave., Ste. 450
 Anaheim, CA 92806
 Telephone: 714-978-8205
 Facsimile: 714-978-8299
 Email: ksteele@willdan.com

Project Name: Del Obispo Street Bicycle Lane Improvement Project

Project Location: City of San Juan Capistrano
 Latitude: 33° 29'52.53 Longitude: 117° 39' 57.17

Type of Project: Road Improvement Project

Need for Project: The City of San Juan Capistrano proposes the construction of bicycle lanes and a raised pedestrian sidewalk to protect bicyclists and pedestrians in the Del Obispo Street corridor. The project is also expected to improve traffic circulation.

Project Description: The project widens the existing Del Obispo Street Bridge, realigns utilities underneath the bridge, and extends the bridge piers/noses within the channel to support the widening.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Stephanie Hall

**Other Required
Regulatory Approvals:** California Department of Fish and Game Streambed Alteration Agreement, 1600-2009-0022-R5, Kelly Fischer

**California Environmental
Quality Act (CEQA)
Compliance:** Mitigated Negative Declaration, March 12, 2009, Lead Agency: City of San Juan Capistrano

Receiving Water: Arroyo Trabuco, San Juan HU, Mission Viejo HA, Lower San Juan HSA

Affected Waters of the
United States:

Temporary:
Wetland: 0.01 acre
Streambed: 0.25 acre

Permanent:
Streambed: 0.003 acre

Shading:
Streambed: 0.041 acre

Related Projects
Implemented/to be
Implemented by the
Applicant(s):

None

Compensatory
Mitigation:

Off-Site
Riparian: 0.03 acre of in-lieu fee for restoration at Starr Ranch

On-Site
Restoration of temporarily impacted streambed (0.25 acres) and
wetlands (0.01 acre) to pre-project conditions.

Other: Post-Construction BMPs (vegetated swales) will treat an
additional 0.37 acre of existing impervious surfaces prior to on-site
discharge into Arroyo Tabuco, the project receiving water. This is
expected to improve the Beneficial Uses of the impact area for the
project.

Mitigation Location:

Bell Creek at Starr Ranch.

Best Management
Practices (BMPs):

Water Quality Management Plan for City of San Juan Capistrano,
dated 02/10/2009 prepared by Willdan.

Public Notice:

March 23, 2009

Fees:

Total Due: \$1728
Total Paid: (check No. 171392 and 3002213)

CIWQS:

Regulatory Measure ID: 362840
Place ID: 735331
Party ID: 39740

**ATTACHMENT 2
E-MAIL DISTRIBUTION LIST**

Stephanie Hall
U.S. Army Corps of Engineers, Regulatory Branch
Stephanie.J.Hall@usace.army.mil

Kelly Fischer
California Department of Fish and Game
kfisher@dfg.ca.gov

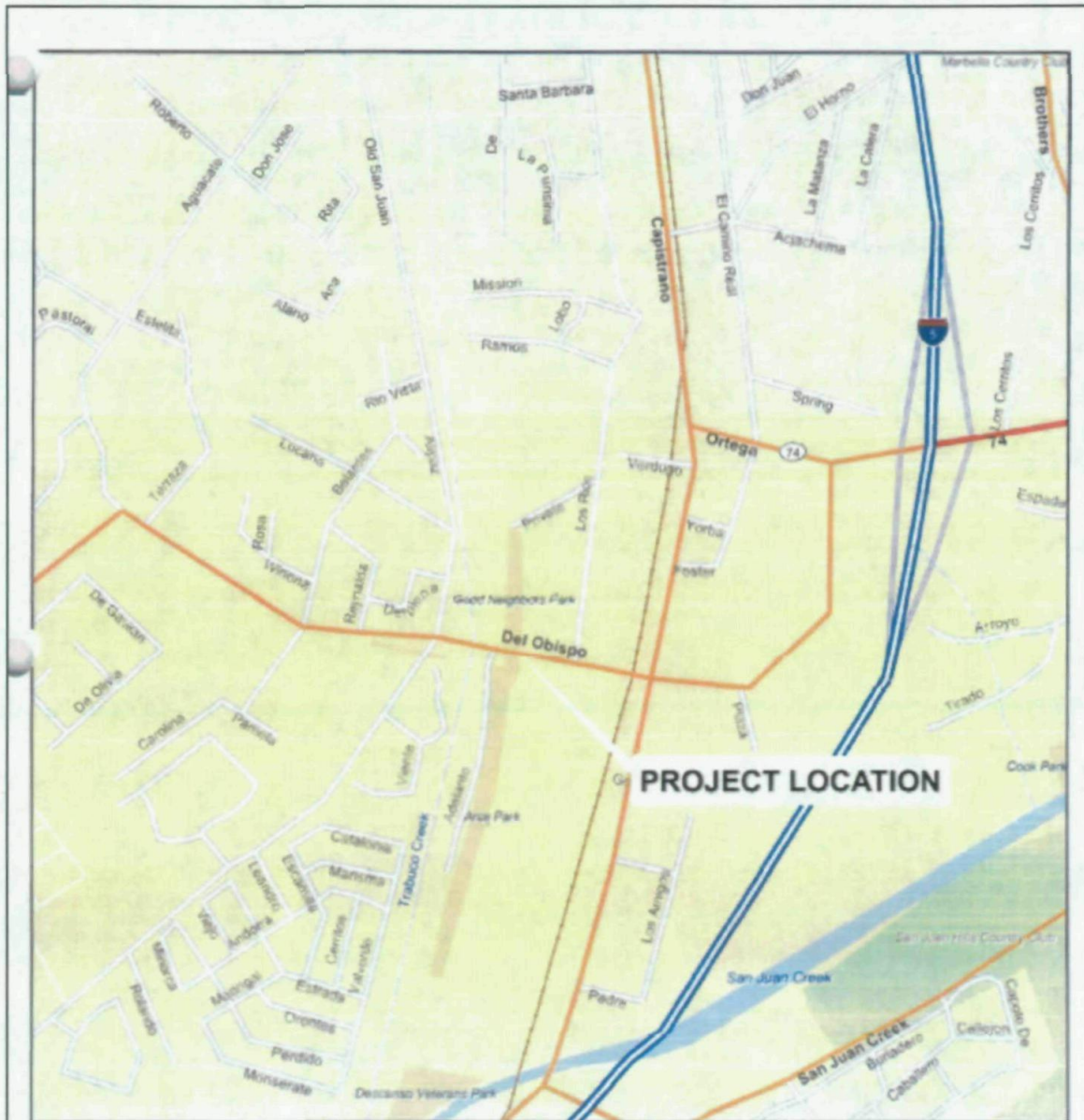
U.S. EPA, Region 9
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

Kenneth Steele
Wildan Engineering
ksteele@wildan.com

Ingrid Chlup
Glenn Lukos Associates
ichlup@wetlandpermitting.com

ATTACHMENT 3 PROJECT LOCATION

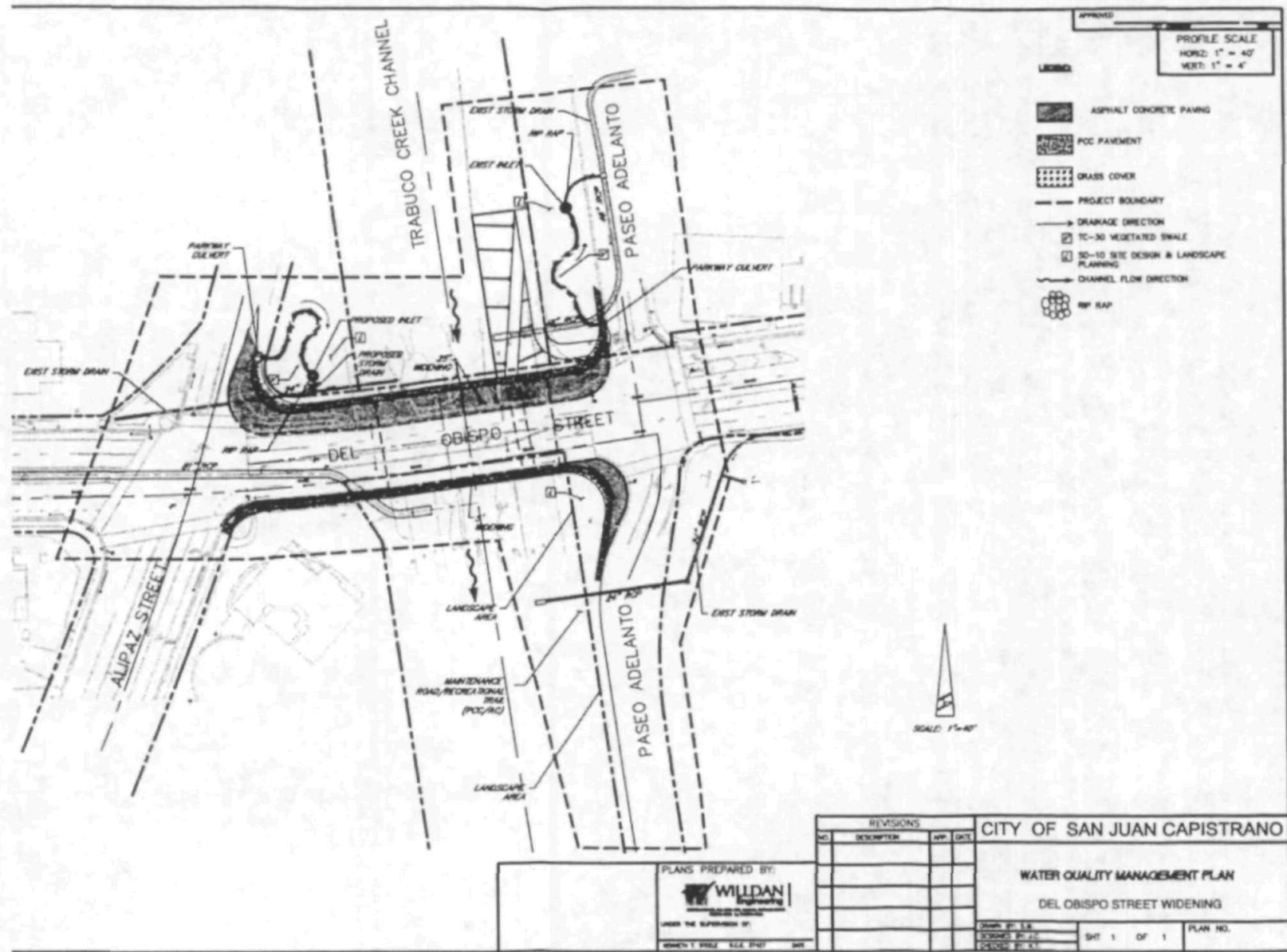


TRABUCO CREEK AT DEL OBISPO BRIDGE

ATTACHMENT 4 SITE MAP



ATTACHMENT 5 POST-CONSTRUCTION BMP MAP



WILDAN ENGINEERING

09C-020 - Del Obispo Street Widening/Water Quality Management Plan - Attachment 5 - Post-Construction BMP Map

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.

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 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:

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

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PS Form 3800, August 2006

See Reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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City of San Juan Capistrano
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2. Article Number
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PS Form 3811, February 2004

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