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Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

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April 8, 2010

**Certified Mail – Return Receipt Requested**  
Article Number: 7009 1140 0002 2347 2745

Jeff Hitch  
City of Murrieta  
1 Town Square,  
24601 Jefferson Avenue 1420  
Murrieta, CA 92562

**In reply refer to:**  
730273: cloflen

Dear Mr. Hitch:

**SUBJECT: Amendments to CWA Section 401 Water Quality Certification  
No. 09C-059**

On January 12, 2010 the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) received a request from AECOM, representing the City of Murrieta, to amend the **Ivy Street Bridge Replacement Project** (Project) Section 401 Water Quality Certification, File No. 09C-059 (Certification), to allow for proposed changes to the Project's mitigation, monitoring, and construction requirements.

The Project will replace an existing concrete and asphalt Arizona crossing (dip crossing) of Murrieta Creek at Ivy Street with a span bridge. The project will remove all existing concrete, asphalt and rip-rap fill within Murrieta Creek associated with the current crossing (estimated 9,800 cubic yards), restore that portion of Murrieta Creek, and replace the crossing with a cast-in-place 2-lane bridge. The bridge will require the placement of fill for 3 piers within Murrieta Creek and approximately 10 linear feet of rip-rap fill for bridge foundation protection. The City of Murrieta has requested to amend the original mitigation, monitoring, and construction conditions in the Certification.

Mitigation changes are requested to allow for increased on-site enhancement to replace mitigation initially proposed as payment to an in-lieu fee program. The City of Murrieta has requested this change due to time limitations associated with procuring suitable mitigation from the local Resource Conservation District. Changes to the annual monitoring requirements for the mitigation site have also been requested. Removal of annual monitoring requirements has been requested due to the anticipated restoration of Murrieta Creek at the Project location as part of the U.S. Army Corps of Engineers' Murrieta Creek Flood Control and Restoration Project. The on-site restoration and enhancement mitigation is intended to mitigate for the temporary impacts associated with the removal of the dip crossing and subsequent bridge construction. Proposed changes to construction conditions are requested to be consistent with the California

*California Environmental Protection Agency*

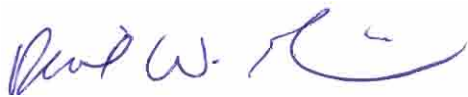
Department of Fish and Game requirements for the protection of birds during the avian nesting season. Construction activity in Murrieta Creek is likely to occur between March 15 and September 15 due to the extensive work associated with removal of the existing fill and subsequent bridge placement. However, if threatened or endangered species are observed in the project area, no work shall occur.

After a review of the Project's file and the proposed changes for the mitigation, monitoring, and construction project conditions, I concur that the proposed changes to the mitigation and monitoring requirements (Conditions D.1, D.12, E.1, and G.1), as well as construction requirements (Condition B.10), are reasonable modifications to the original Section 401 Water Quality Certification. As a result, the Section 401 Water Quality Certification for the Ivy Street Bridge Replacement Project has been amended to reflect these proposed changes. The amendments are included as Enclosure 1 with changes shown in underline/strikeout format.

On January 14, 2010 receipt of the request to amend the original Certification was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received on the request to amend the original Certification.

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 Chad Loflen at (858) 467-2727 or [cloflen@waterboards.ca.gov](mailto:cloflen@waterboards.ca.gov).

Respectfully,



DAVID W. GIBSON  
Executive Officer

Enclosures

1. Amendments to Clean Water Act Section 401 Water Quality Certification No. 09C-059
2. Clean Water Act Section 401 Water Quality Certification No. 09C-059, dated December 28, 2009

cc (via email only):

James Mace, U.S. Army Corps of Engineers, Regulatory Branch  
James.E.Mace@usace.army.mil

Anna Milloy, California Department of Fish and Game  
amilloy@dfg.ca.gov

USEPA, 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

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Tech Staff Info & Use	
File No.	09C-059
WDID	9000001955
Reg. Measure ID	373683
Place ID	730273
Party ID	493370
Person ID	493371

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN DIEGO REGION**

**AMENDMENTS TO**

**CLEAN WATER ACT SECTION 401  
WATER QUALITY CERTIFICATION NO. 09C-059**

**FOR**

**IVY STREET BRIDGE REPLACEMENT PROJECT**

**Condition B.10 is modified:**

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). **If project construction cannot be avoided during the period of March 15 through September 15, the Applicant shall have a qualified biologist survey all potential nesting vegetation within the project site for nesting birds, prior to commencing project activities (including construction and/or site preparation). Surveys shall be conducted once a day for five days at the appropriate time of day during the breeding season and surveys shall end no more than three days prior to vegetation removal and/or disturbance. If no nesting birds were observed project activities may begin. If an active bird nest is located, the nest site shall be fenced a minimum of 200 feet (500 feet for Least Bell's vireo, Southwestern willow flycatcher, and/or raptors) in all directions, and this area shall not be disturbed until after September 15 and until the nest becomes inactive. If threatened or endangered species are observed in the area, no work shall occur during the breeding season (March 15 through September 15).**

**Condition D.1 is modified:**

Mitigation for permanent discharges to 0.009 acres of (20 linear feet) of vegetated waters of the United States and temporary discharges to 2.42 acres (450 linear feet) of vegetated (0.26 acres) and un-vegetated (2.16 acres) waters of the United States associated with bridge construction (see Attachment 4) must be achieved by the following:

- ~~a. Through the in-lieu fee purchase of 0.03 acres of enhancement/restoration credits through the local Resource Conservation District. Prior to start of construction, the City of Murrieta must provide the Regional Board with verification that the in-lieu fee for the above acreage has been paid to the local Resource Conservation District.~~
- b. Through the on-site enhancement of no less than **0.3** ~~0.235~~-acre of mulefat scrub and **by the removal of** further plantings/non-native **species** removal throughout the project footprint as described in the Ivy Street Bridge Conceptual Enhancement and Mitigation Plan (see Attachment 5).
- c. Restoration of the channel to an open configuration following the removal of the arizona crossing.
- d. **Through the restoration of all temporary impacts to pre-project conditions.**

**Condition D.12 is deleted:**

~~Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted prior to **December 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 mitigation and monitoring plan.~~

**Condition E.1 is modified:**

The City of Murrieta, 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, and mitigation areas, 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 Murrieta must submit this information in a photo documentation report to the Regional Board with the **Final Project Annual Report Mitigation and Monitoring reports (see Condition D.12)**. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

**Condition G.1 is modified:**

The City of Murrieta must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within **the Project Annual Report first Mitigation and Monitoring Report (see Condition D.12)** following 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.



DAVID W. GIBSON  
Executive Officer

April 8, 2010

Date