

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

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

**PROJECT: Storm Water Facility Maintenance Program  
Certification Number 11C-063  
WDID: 9000002327**

Reg. Meas. ID: 380718 Place ID: 769488 Party ID: 11161
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**APPLICANT: City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069**

**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**

An application dated August 1, 2011 was submitted by the City of San Marcos (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Storm Water Facility Maintenance Program Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on June 30, 2014. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project sites. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2010-00371-RJV).

The Project is located within the City of San Marcos (City), San Diego County, California. The maintenance areas are located in geographically distinct locations throughout San Marcos (Attachment 2, Figure 1A). The Project's State regulated drainage facility locations maintenance areas are outlined in Table 2 below. The Applicant has paid all required fees for this Certification in the amount of \$44,405.00. On August 8, 2011, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes to conduct routine flood control maintenance by the removal and trimming of vegetation, and the removal of trash, debris, and sediment, within and around

these locations throughout the City. The maintenance work locations include storm water outlets and inlets, concrete lined and earthen channel segments, roadway culverts, and detention basins. The Applicant has categorized the maintenance locations by federal jurisdiction, as outlined in Table 1 below.

**Table 1 – Maintenance Location Categories**

Category	Definition	US Army Corps 404 Regulated	Number of Sites
0	Mechanized equipment in wetland waters	Yes	1
1	Maintenance work by hand tools only	No	23
2	Maintenance work by mechanized equipment will be done from the top of the bank or from adjacent roads. No mechanized equipment will be in the concrete or soft bottom channels	No	2
3	Mechanized equipment in concrete channels	No, USACE will regulate water diversion structures needed for the maintenance	4

The following five (Category 0 and 3) work locations are covered by this Certification (Detailed tables and figures are located in Attachment 2):

**Table 2 – Drainage Facility Maintenance Locations**

Facility	Location	Maintenance Frequency	Vegetation Description	Acres	Linear Feet
BAS001, INL10359, OUT10229	Mulberry Dr., At Meadowview Ln	Major maintenance once during this 5 year permit. Annual inspections, minor vegetation trimming & removal every 2 years.	Southern Willow Scrub	0.07	724
INL11273, CUL002 5 box inlet, SM Creek	N. Twin Oaks Valley Rd - 5 box culvert under off ramp & road.	Annual to remove accumulated sediment from concrete apron only.	Coastal and Valley Freshwater Marsh	0.05	185
INL11273, CUL002 5 box inlet, SM Creek	N. Twin Oaks Valley Rd - 5 box culvert under off ramp & road.	Annual to remove accumulated sediment from concrete apron only.	Unvegetated Channel	0.01	114
CH027, Dolphin Channel	Rancheros Dr., at Woodland Parkway (Dolphin Channel)	Annual	Unvegetated Channel	0.53	2005

CH063, Entrance off of South end of Palmac Street	Palmac Street	Every two years	Unvegetated Channel	0.15	577
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The remaining (Category 1 and 2) maintenance work will be completed using hand tools only or from the top of the channel bank or from existing roads outside of waters of the United States and/or State and therefore Certification is not required for the proposed work at these sites (Attachment 3, Table 2). Additional information regarding all work locations and maintenance activities can be found in Attachments 2 and 3 of this Certification.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.81 acre (3,605 linear feet) of streambed waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.81 acre of jurisdictional waters will be achieved through the purchase of 1.0 acre of re-establishment mitigation credits from the San Luis Rey Mitigation Bank. Any waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill.

Additional Project details are provided in Attachments 1 through 4 of this Certification.

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**Attachments:**

- 1. Definitions**
- 2. Project Location Maps and Figures (Category 0 and 3)**
- 3. Additional Maintenance Locations (Category 1 and 2)**
- 4. CEQA Mitigation Requirements**

## I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

## II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. 11C-063 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through 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* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/gowdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf)

- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality

certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.

**E. Project Conformance with Water Quality Control Plans or Policies.**

Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 U.S.C §1313).

**F. Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.

**G. Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.

**H. Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:

1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

**I. Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to

any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:

1. Violation of any term or condition of this Certification;
2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the San Marcos Creek, Los Posas Creek, or their tributaries;
3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.

L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.

M. **Petition.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with California Code of Regulations, title 23, sections 3867 and following. The State Board must receive the petition by 5:00 p.m., 30 days after the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, state, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site 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 United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.



- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- I. **Process Water.** 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 State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active 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 the receiving water quality objectives. 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.
- K. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused 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.
- L. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.
- M. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- N. **On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements.

The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.

- O. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of San Marcos Creek and Los Posas Creek. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VII.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.
- P. **Construction BMP Design.** The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for City of San Marcos. Construction BMPs are described in the *BMP Manual for the City of San Marcos Programmatic Storm Conveyance System Maintenance, September 2012*.

#### IV. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- A. **Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.
- B. **Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to San Marcos Creek, Los Posas Creek, and their unnamed tributaries within the Carlsbad and San Marcos Watersheds must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
<b>Permanent Impacts</b>						
Southern Willow Scrub	0.07	724	1.0 Re-Establishment <sup>1</sup>  (3:1 for southern willow scrub, 2:1 for freshwater marsh, and 1:1 for unvegetated channels)	3:1	N/A <sup>1</sup>	N/A <sup>1</sup>
Freshwater Marsh	0.05	185		2:1	N/A <sup>1</sup>	N/A <sup>1</sup>
Non - Wetland	0.69	2696		1:1	N/A <sup>1</sup>	N/A <sup>1</sup>

1. Mitigation credits will be purchased from the San Luis Rey Mitigation Bank. Mitigation credits purchased are not reported in terms of linear feet of mitigation; however, the mitigation is part of a larger linear restoration project.
2. All areas of temporary impacts must be restored to pre-project contours and re-vegetated with native species.

**C. Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.

**D. Mitigation Credits.** Within 6 months of the issuance of this Certification, proof of mitigation credit purchase from the San Luis Rey Mitigation Bank must be provided to the San Diego Water Board. If mitigation credits are not available for purchase within 6 months of the issuance of this Certification, the Applicant must provide a Mitigation Plan that proposes compensatory mitigation at a minimum compensation ratio of 3:1 for southern willow scrub, 2:1 for freshwater marsh, 1:1 for unvegetated channels (area mitigated:area impacted), and an additional 0.81 acre of mitigation for the temporal loss of functions of waters of the State.

**E. Performance Standards.** Compensatory mitigation required under this Certification shall be considered as achieved once it has met the ecological success performance standards contained in the *San Luis Rey Mitigation Bank Development Plan* (Development Plan), dated November 2012 (Section G.2 and Table 6) to the satisfaction of the San Diego Water Board.

**F. Compensatory Mitigation Site Design.** The compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:

1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersation among plant zones and layers.

**G. Long Term Management and Maintenance.** The compensatory mitigation site(s), must be managed, protected, and maintained, in perpetuity, in conformance with the long term management plan and the final ecological success performance standards identified in the Development Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:

1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;
3. The Mitigation site(s) must be maintained, in perpetuity, 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 mitigation site(s); and
4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.

## **V. MONITORING AND REPORTING REQUIREMENTS**

**A. Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.

- B. Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section V of this Certification.
- C. Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. Records of Monitoring Information.** Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and
  6. The results of such analyses.
- E. Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. The monitoring period for each Annual Report shall be January 1<sup>st</sup> through December 31<sup>st</sup> of each year. Following Project implementation the San Diego Water Board may reduce or waive monitoring requirements upon a determination that performance standards have been achieved. The progress reports must include, but not be limited to, the following information:
1. The names, qualifications, and affiliations of the persons contributing to the report;
  2. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
  3. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
  4. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- F. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- G. **Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov). Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. 11C-063:PIN 769488  
2375 Northside Drive, Suite 100  
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. 11C-063: PIN 769488.

- H. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
  2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  3. 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 may sign applications, reports, or information if:
    - a. The authorization is made in writing by a person described 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 San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the

above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- I. **Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be 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."*

## VI. NOTIFICATION REQUIREMENTS

- A. **Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. **Hazardous Substance Discharge.** Except for a discharge which is in compliance with this Certification, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.
- C. **Oil or Petroleum Product Discharge.** Except for a discharge which is in compliance with this Certification, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially

impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.

- D. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water 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 Applicant 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 San Diego Water Board **within 10 days of the transfer of ownership.**
  2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
  3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.



Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

- F. **Discharge Commencement.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior** to the start of maintenance at each drainage facility location.

## VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of San Marcos is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated August 7, 2013, for the Final Environmental Impact Report (FEIR) titled Storm Channel Maintenance Programmatic Permit (State Clearing House Number 2012121067). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 4 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the FEIR, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in section V of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

## VIII. SAN DIEGO WATER BOARD CONTACT PERSON

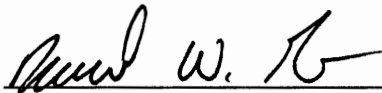
Alan Monji, Environmental Scientist  
Telephone: 619-521-3968  
Email: [Alan.Monji@waterboards.ca.gov](mailto:Alan.Monji@waterboards.ca.gov)

## IX. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **City of San Marcos Storm Water Facility Maintenance Program** (Certification No. 11C-063) 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 San Diego Water Board may issue individual 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 to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 11C-063 issued on November 7, 2014.



\_\_\_\_\_  
DAVID W. GIBSON  
Executive Officer  
San Diego Water Board

7 Nov. 2014  
Date

# ATTACHMENT 1

## DEFINITIONS

**Activity** - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

**Buffer** - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

**California Rapid Assessment Method (CRAM)** - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

**Compensatory Mitigation Project** - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

**Discharge of dredged material** – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

**Discharge of fill material** – means the addition of fill material into waters of the United States and/or State.

**Dredged material** – means material that is excavated or dredged from waters of the United States and/or State.

**Ecological Success Performance Standards** – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

**Enhancement** – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Establishment** – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

**Fill material** – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

**Isolated wetland** – means a wetland with no surface water connection to other aquatic resources.

**Mitigation Bank** – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

**Preservation** - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

**Rehabilitation** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

**Restoration** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Start of Project Construction** - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

**Uplands** - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

**Water quality objectives and other appropriate requirements of state law** – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

## **ATTACHMENT 2**

### **LOCATION MAPS AND FIGURES (Category 0 and 3)**

Table 1 - Category 0 and Category 3 Maintenance Locations.

(Note: Group ID Locations in Table 1 correspond to the maintenance locations in Dudek Figures 2 – 6, Sector 1-5 Key.)

1. Dudek Figure 1A, San Marcos CPW Sectors Key Map
2. Dudek Figure 2 Sector 1 Key
3. Dudek Figure 3 Sector 2 Key
4. Dudek Figure 4 Sector 4 Key
5. Dudek Figure 5 Sector 5 Key
6. Dudek Map Legend
7. Dudek Figure 1, Sector 2 – INL11273, CUL002 5 Box Inlet
8. Dudek Figure 7, Sector 2 – CH027
9. Dudek Figure 8, Sector 2 – CH027
10. Dudek Figure 9, Sector 5 – CH063, CH069
11. Dudek Figure 10, Sector 5 – CH063
12. Dudek Figure 12, Sector 1 – BAS001, INL10359, OUT10229

**CATEGORY 0 SITES**

Group Location ID	Facility List	Lining Type	Location	Maintenance Description	Frequency	Vegetation Description	Impacts (acres)	Impacts (Linear Feet)
01	BAS001, INL10359, OUT10229	1	Mulberry Dr, At Meadowview Ln	<p>Mechanical equipment to remove 10' wide pilot channel through basin during the first year of maintenance. Remove vegetation, cut at trunk or pull by roots, as necessary. Minimize stump removal – remove vegetation to allow equipment access down centerline of channel. Spot apply herbicide to cut trunks. No disturbance of trees on banks and channel edges. Water diversion will be needed at this location.</p> <p>In future years, keep narrow pilot channel clear by cutting new saplings at trunks and spot applying herbicides. Allow more tree growth on sides of channel bottom to develop overhead canopy and prevent cattail growth.</p>	<p>Major maintenance once during this 5 year permit. Annual inspections, minor vegetation trimming &amp; removal every 2 years.</p>	Southern Willow Scrub	0.07	724

Lining Type 1 is earthen channel  
 Lining Type 2 is concrete lined channel  
 Lining Type 3 is rock lined channel

**CATEGORY 3 SITES**

Group Location ID	Facility List	Lining Type	Location	Maintenance Description	Frequency	Vegetation Description	Impacts (acres)*	Impacts (Linear Feet)*
25	CH027, Dolphin Channel	2	Rancheros Dr, at Woodland Parkway (Dolphin Channel)	Mechanical equipment to remove vegetation and clear concrete bottom flow line. Water diversion will be needed at this location.	Annual	Unvegetated Channel	0.53	2005
43	CH063, Entrance off of South end of Palmac Street	2	Palmac Street	Mechanical equipment to remove sediment and vegetation and clear concrete bottom flow line. Water diversion will be needed at this location.	Every two years	Unvegetated Channel	0.15	577
04	INL11273, CUL002 5 box inlet, SM Creek	1	N. Twin Oaks Valley Rd - 5 box under off ramp & road.	Mechanical equipment to remove sediment and vegetation and clear channel bottom flow line. Water diversion will be needed at this location.	Annual to remove accumulated sediment from concrete apron only.	Coastal and Valley Freshwater Marsh	0.05	185
04	INL11273, CUL002 5 box inlet, SM Creek	1	N. Twin Oaks Valley Rd - 5 box under off ramp & road.	Mechanical equipment to remove sediment and vegetation and clear channel bottom flow line. Water diversion will be needed at this location.	Annual to remove accumulated sediment from concrete apron only.	Unvegetated Channel	0.01	114

**0.74**

**2,881**

\*0 denotes no impacts to the Vegetation Description type

Lining Type 1 is earthen channel

Lining Type 2 is concrete lined channel

Lining Type 3 is rock lined channel

-  Map Extents
-  Project Impacts
-  100ft. Buffer
-  Photo Locations
-  Detention Basins

**Storm Structure Node Types:**

-  Catch Basin
-  Detention Basin
-  Unclassified Inlet
-  Unclassified Outlet
-  Other
-  Energy Dissipator

**Storm Mains Pipe Shape:**

-  Arch Culvert
-  Box Culvert
-  Connector
-  Elliptical
-  Pipe Culvert
-  Round Pipe

**Storm Drain Channel**

-  Storm Drain Channel

 **Vegetation Communities and Jurisdictional Boundaries**

**Riparian and Wetland Vegetation Communities**

- ARS, Arundo Scrub
- CAM, Cismontane Alkali Marsh
- CAM-D, Cismontane Alkali Marsh - Disturbed
- CVFWM, Coastal and Valley Freshwater Marsh
- CVFWM-D, Coastal and Valley Freshwater Marsh-Disturbed
- DISW, Disturbed Wetland
- EUCW, Eucalyptus Woodland
- OW, Open Water
- SCWRF, Southern Cottonwood-Willow Riparian Forest
- SRF, Southern Riparian Forest
- SWS, Southern Willow Scrub
- SWS-D, Southern Willow Scrub-Disturbed
- UVC, Unvegetated Channel

**Upland Vegetation Communities**



- BAC-DCSS, Diegan Coastal Sage Scrub - Baccharis dominated
- DCSS, Diegan Coastal Sage Scrub
- DCSS-D, Diegan Coastal Sage Scrub-Disturbed
- NNG, Non-native Grassland
- SMC, Southern Mixed Chaparral

**Other**

- AG, Agriculture - Pasture
- DEV, Developed
- DIS, Disturbed
- Not Mapped, No Maintenance - No Veg Mapping or Delineation Conducted
- ORN, Developed - Ornamental

**Jurisdictional Delineation**

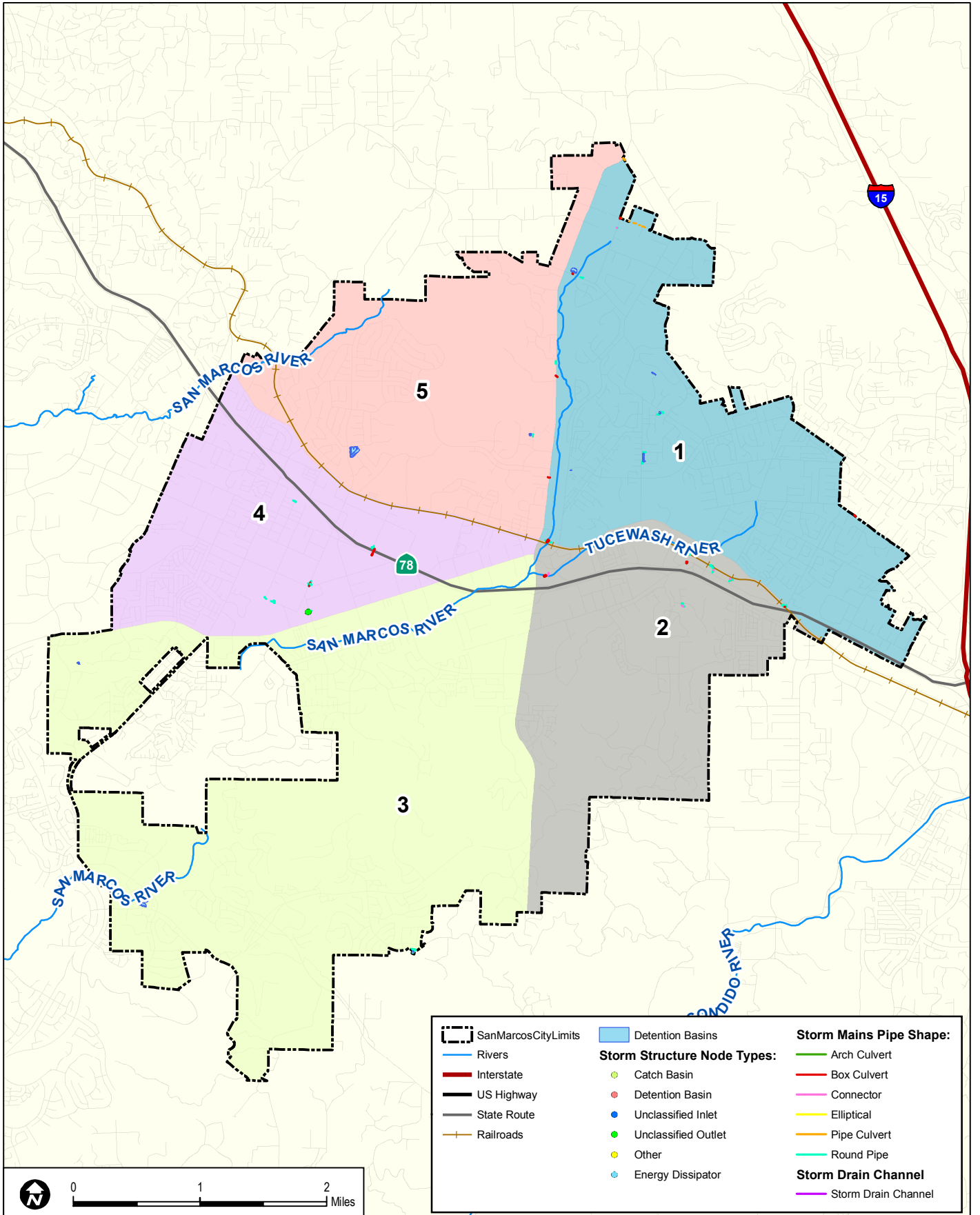
**ACOE/RWQCB/CDFG**

-  Waters
-  Wetland

**CDFG Only**

-  Waters
-  Wetland





**DUDEK**

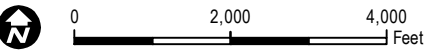
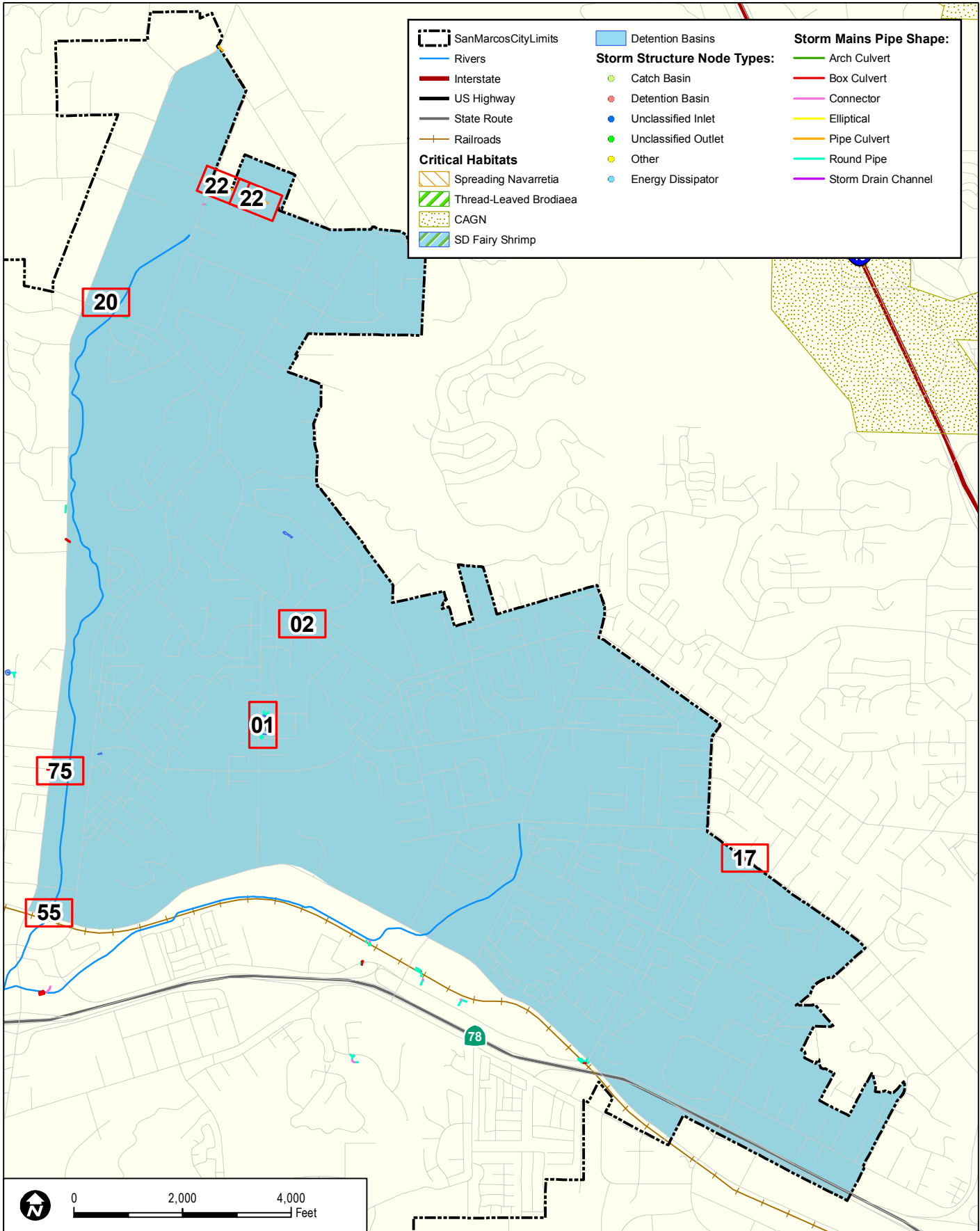
6746-01

SOURCE: AECOM, City of San Marcos, SANDAG, SanGIS

**San Marcos CPW Sectors Key Map-  
2013 Facilities Seeking Wetland Permit Authorizations**

**FIGURE 1A**

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM



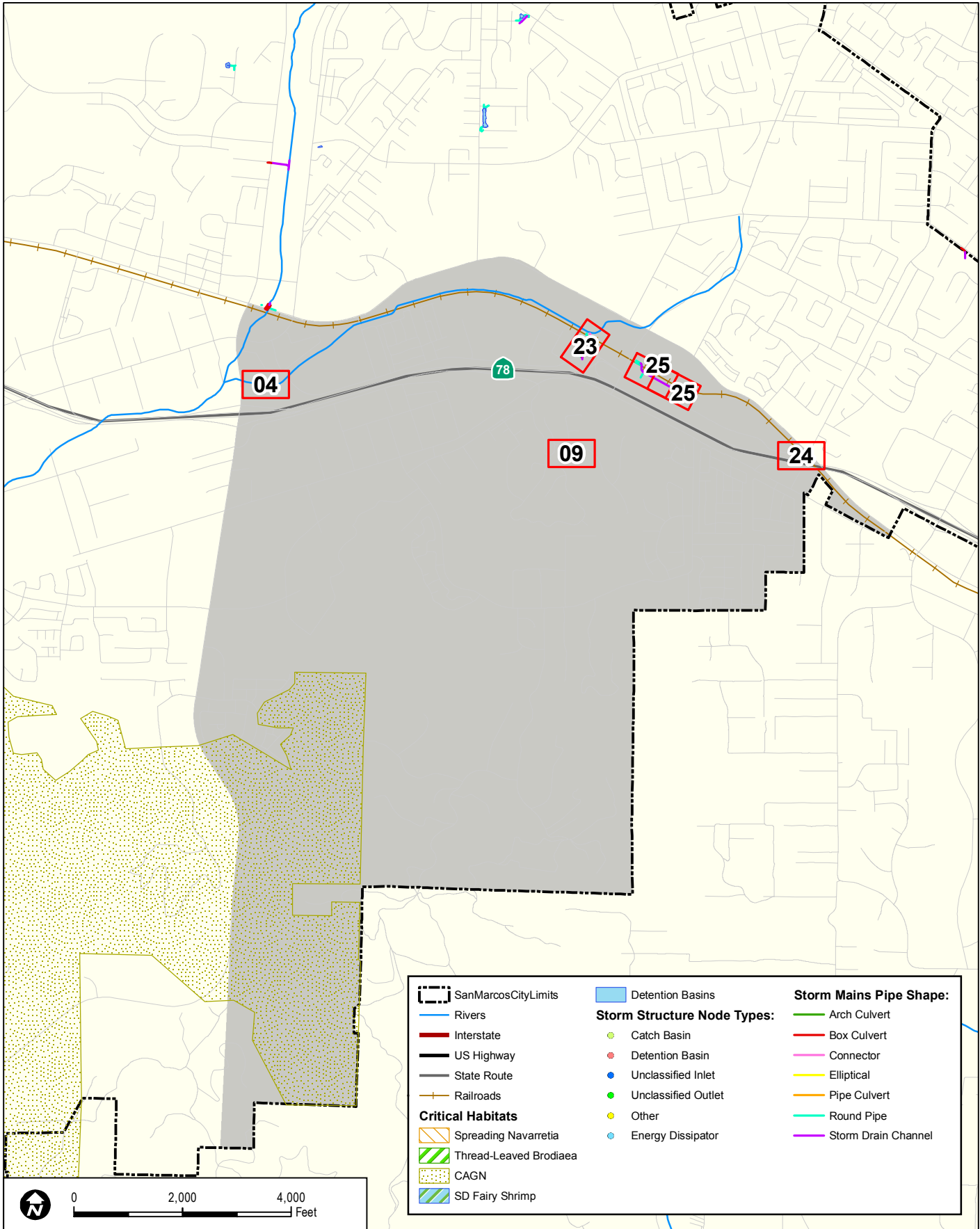
**DUDEK**

6746-01

SOURCE: AECOM, City of San Marcos, SANDAG, SanGIS, USFWS

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM

**FIGURE 2  
Sector 1 Key**



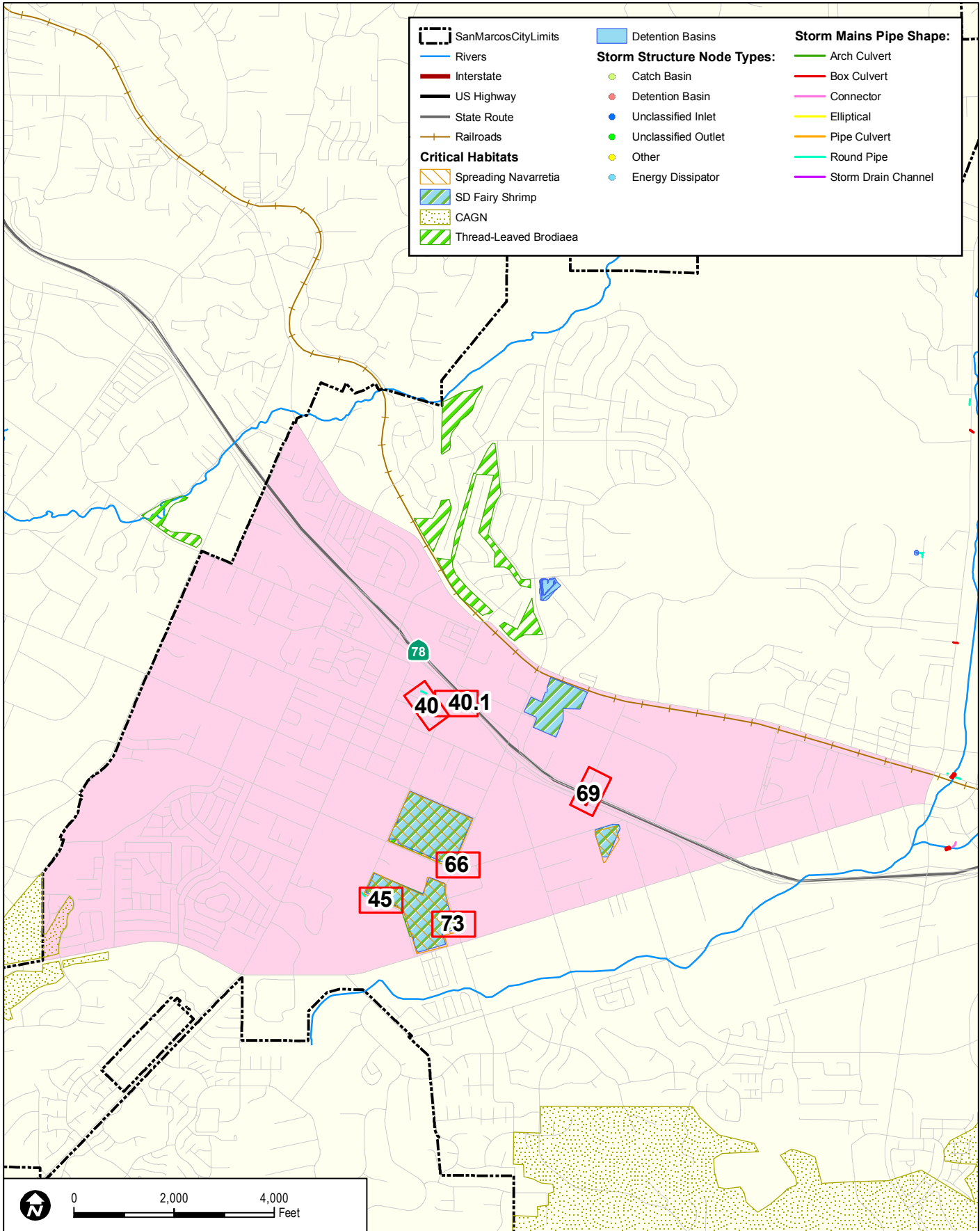
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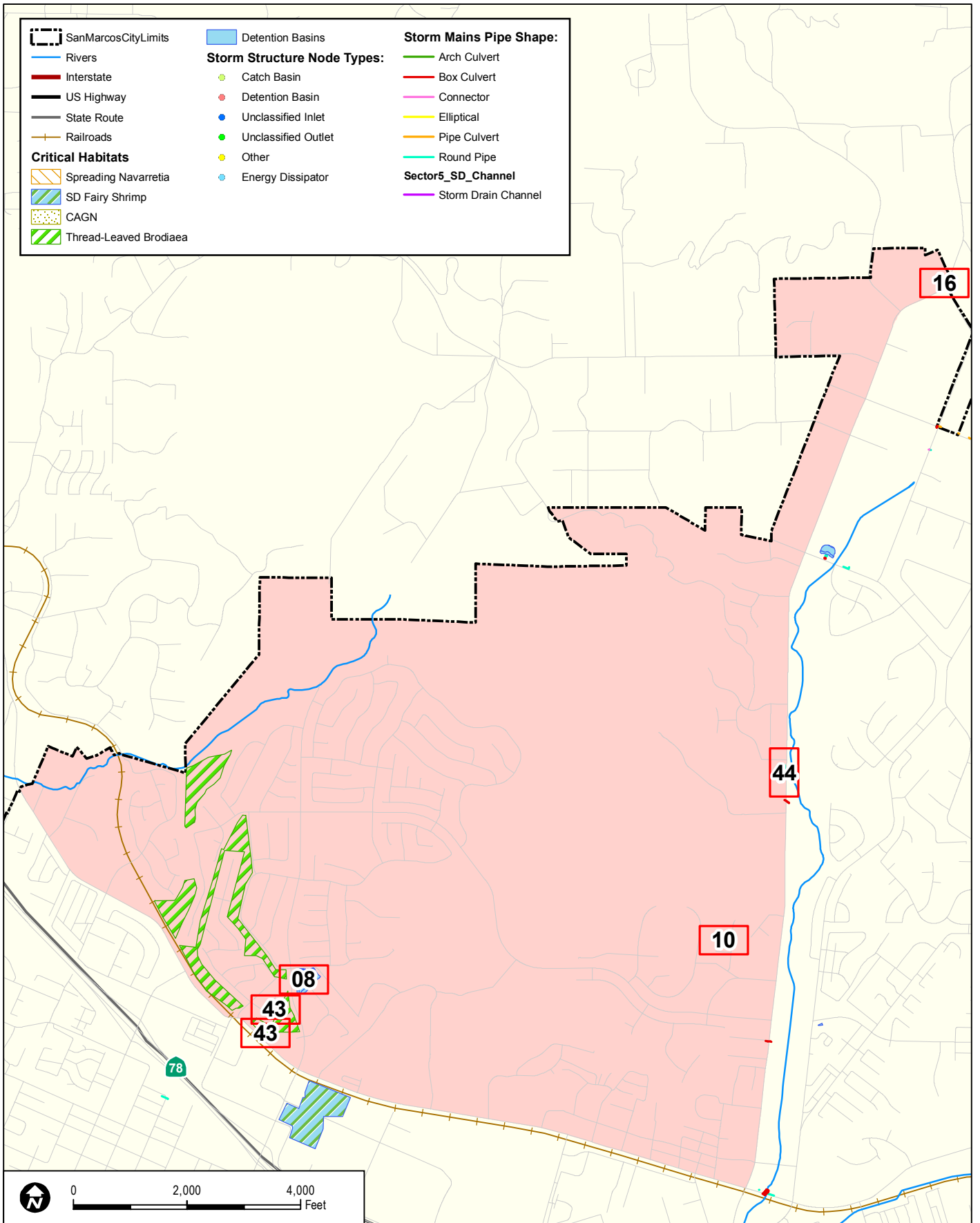
6746-01

SOURCE: AECOM, City of San Marcos, SANDAG, SanGIS, USFWS

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM

**FIGURE 3**  
**Sector 2 Key**





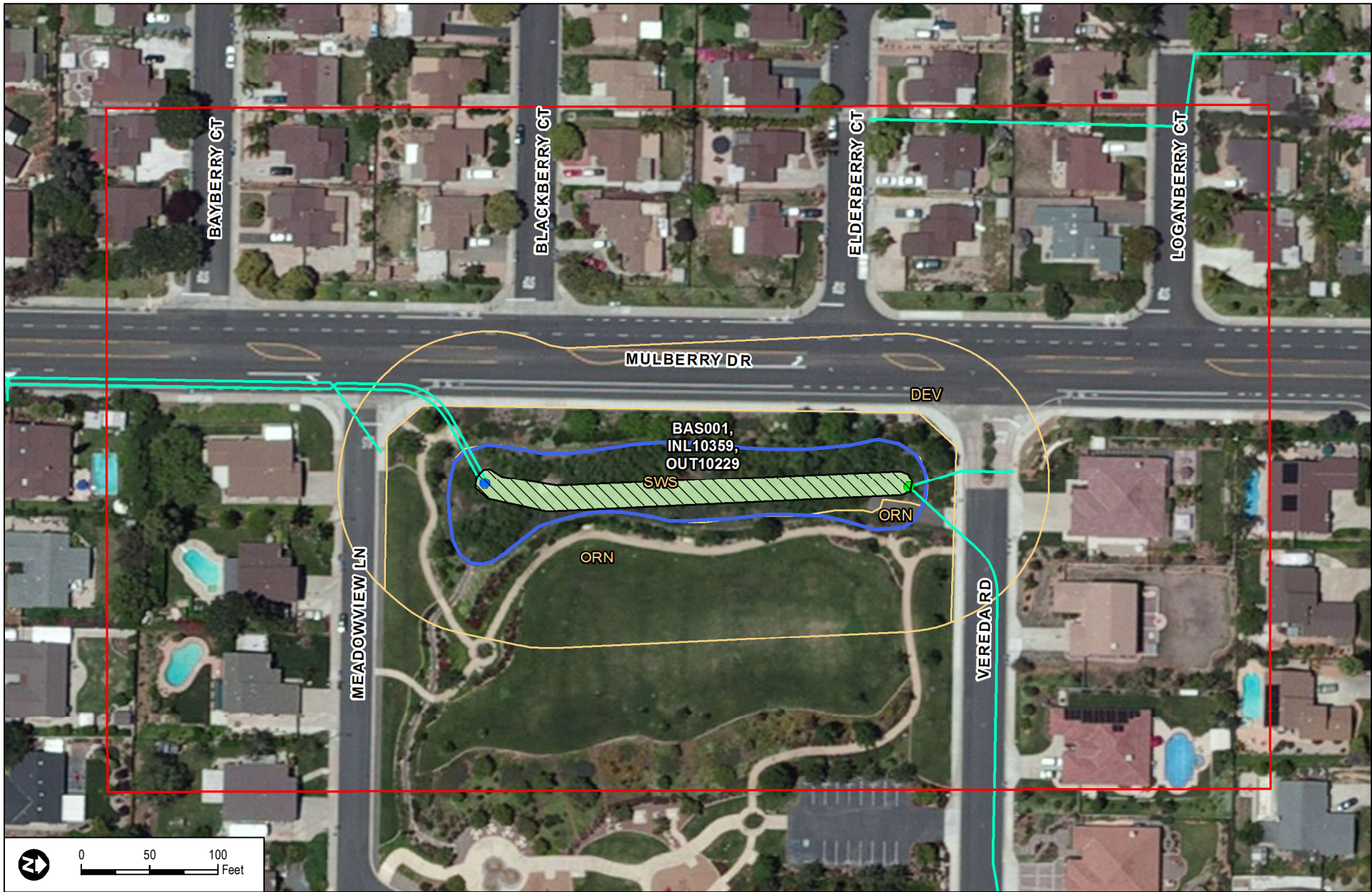
**DUDEK**

6746-01

SOURCE: AECOM, City of San Marcos, SANDAG, SanGIS, USFWS

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM

**FIGURE 5**  
**Sector 5 Key**



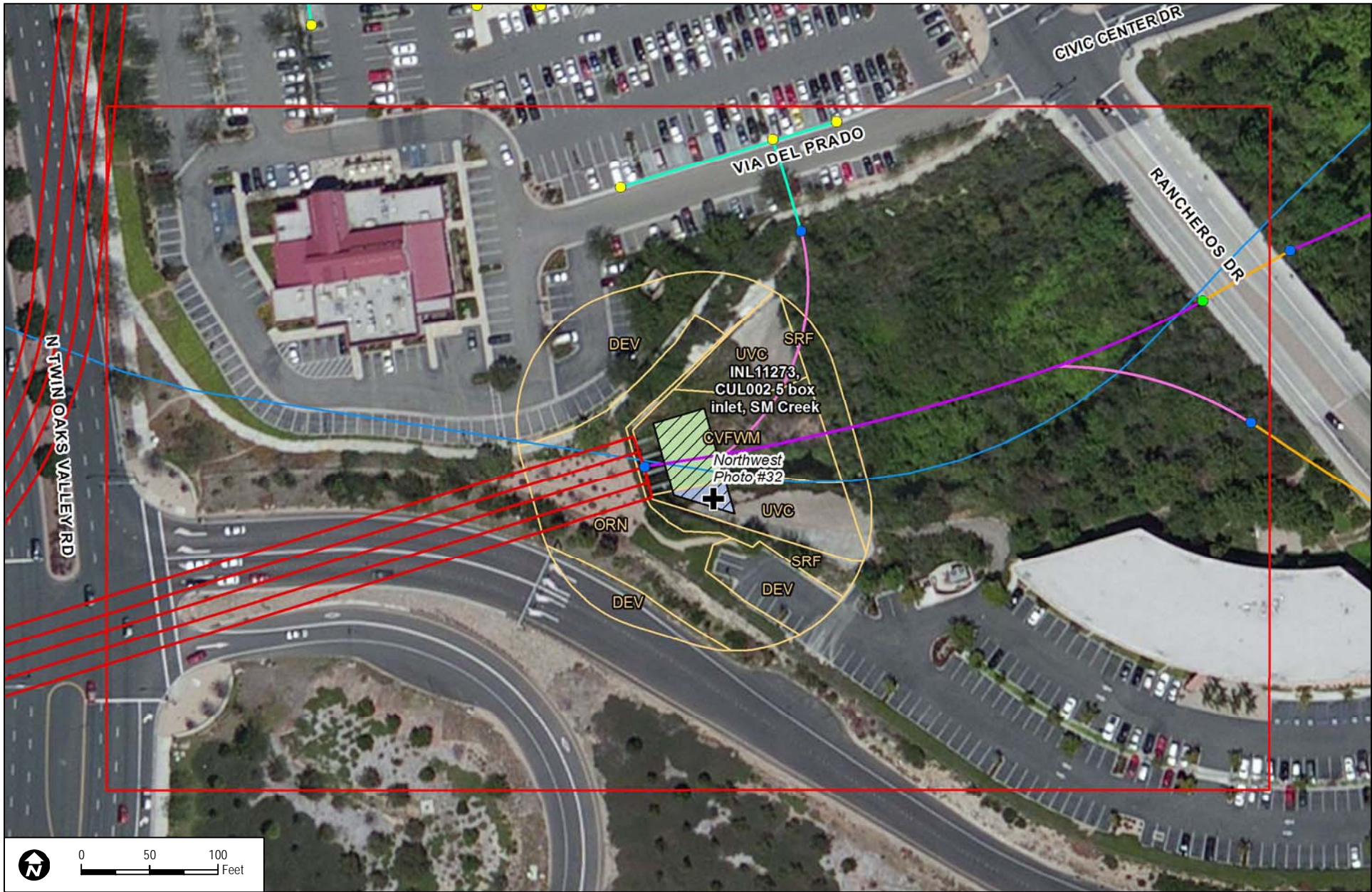
**DUDEK**

6746-01

SOURCE: AECOM 2011, Mogawa Engineering 2012; City of San Marcos 2011, Bing Maps

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM

**Figure 12**  
**Sector 1 - BAS001, INL10359, OUT10229 (SWS-1a)**



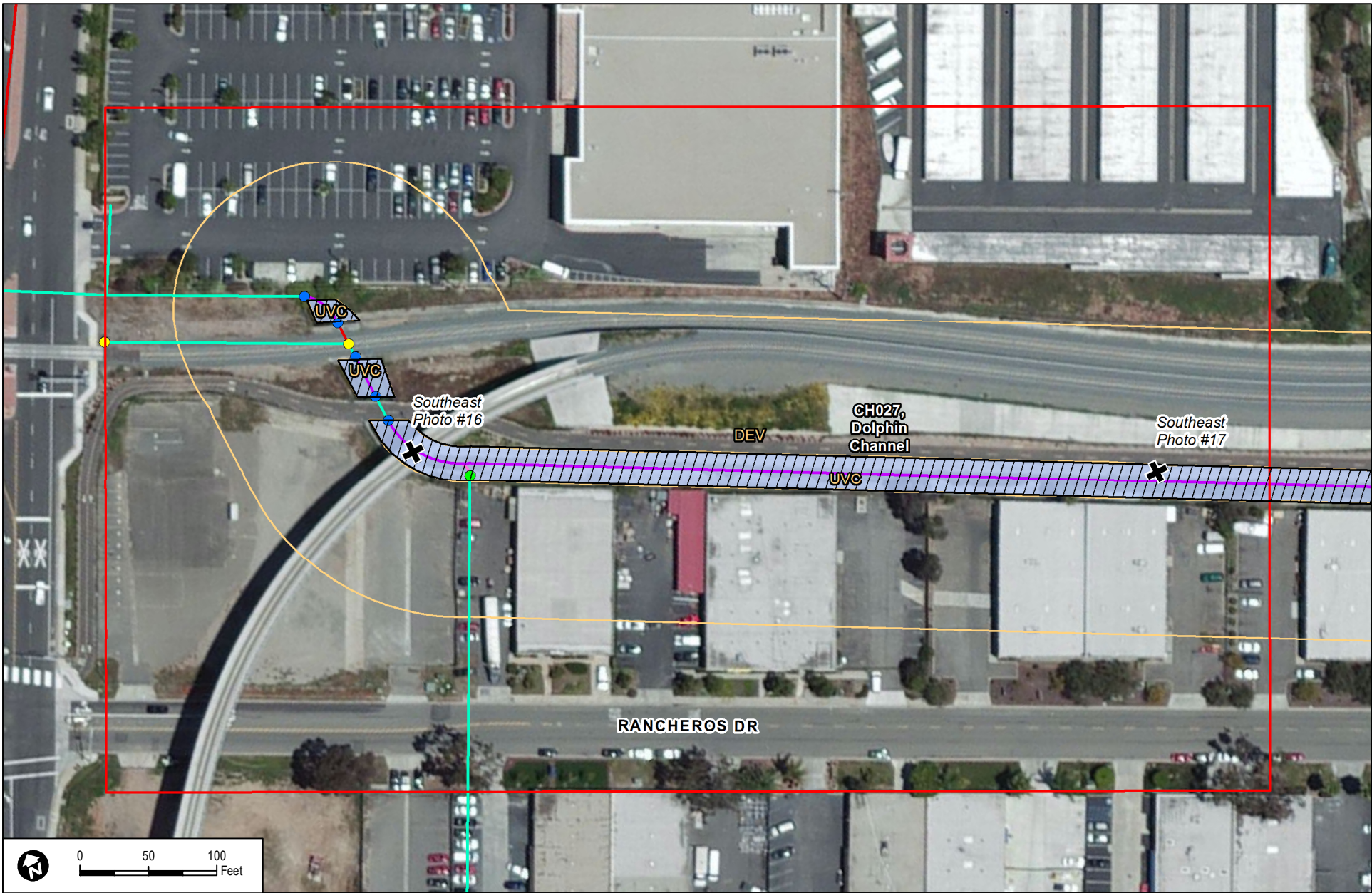
**DUDEK**

SOURCE: AECOM 2011, Mogawa Engineering 2012; City of San Marcos 2011, Bing Maps

**Figure 1**  
**Sector 2 - INL11273, CUL002 5 box inlet (ESMRT-4a)**

6746-01

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM



**DUDEK**

6746-01

SOURCE: AECOM 2011, Mogawa Engineering 2012; City of San Marcos 2011, Bing Maps

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM

**Figure 7**  
**Sector 2 - CH027**





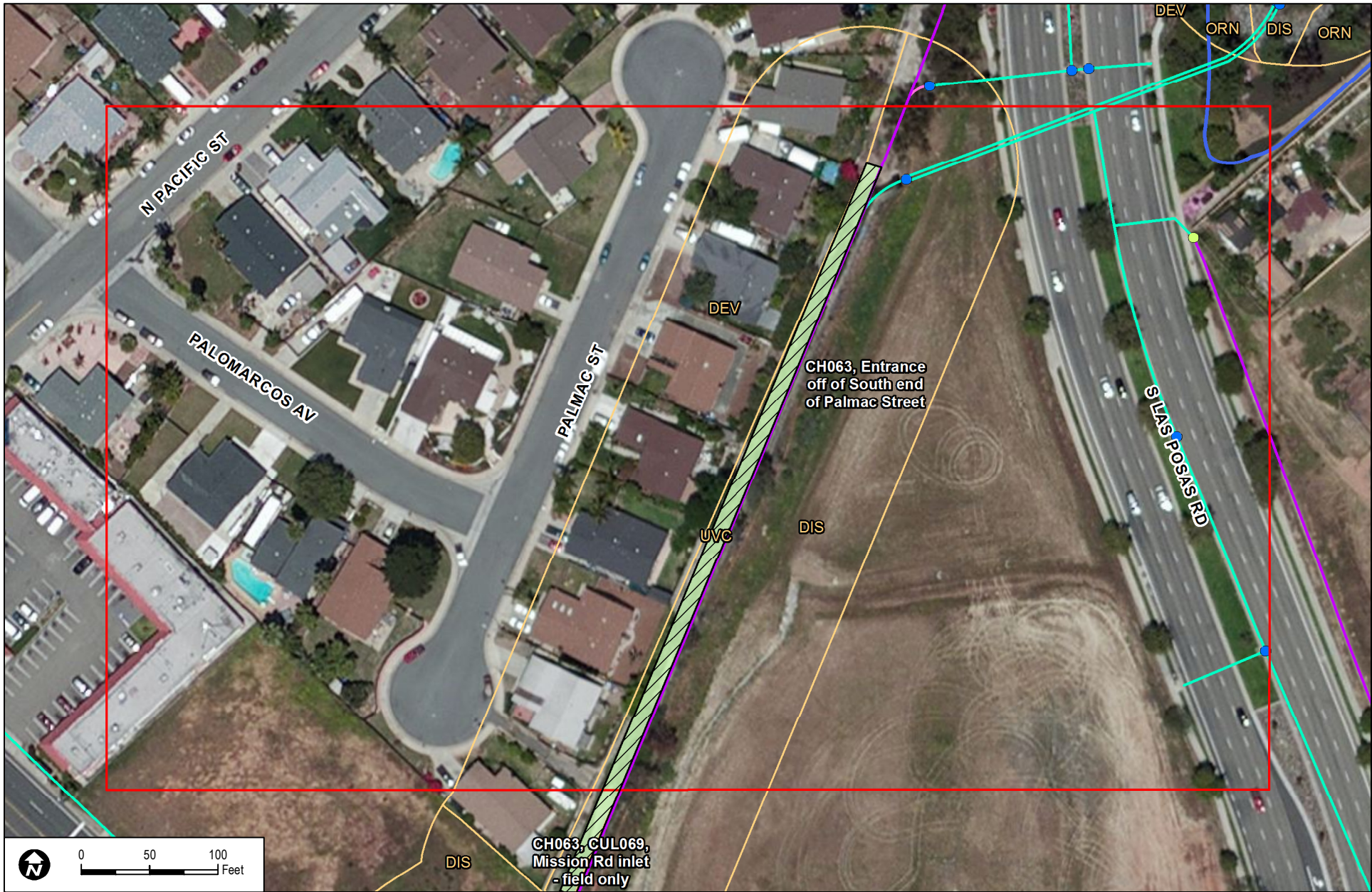
**DUDEK**

6746-01

SOURCE: AECOM 2011, Mogawa Engineering 2012; City of San Marcos 2011, Bing Maps

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM

**Figure 8**  
**Sector 2 - CH027**



**DUDEK**

6746-01

SOURCE: AECOM 2011, Mogawa Engineering 2012; City of San Marcos 2011, BingMaps

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM

**Figure 10**  
**Sector 5 - CH063 (Concrete - Lined)**



**DUDEK**

6746-01

SOURCE: AECOM 2011, Mogawa Engineering 2012; City of San Marcos 2011, Bing Maps

CITY OF SAN MARCOS STORM WATER FACILITY MAINTENANCE PROGRAM

Figure 9

**Sector 5 - CH063, CH069 (Earthen) & CH063 (Concrete - Lined)**

**ATTACHMENT 3**

**ADDITIONAL MAINTENANCE LOCATIONS  
CATEGORY 1 AND 2**

Table 2, Category 1 and 2 Maintenance Locations.

**CATEGORY 1 SITES**

Group Location ID	Facility List	Lining Type	Location	Maintenance Description	Frequency	Vegetation Description	Impacts (acres)	Impacts (linear feet)
20	BAS004 La Cienega	1	La Cienega Rd, At Twin Oaks Valley Rd	Handwork to clear loose debris around inlets. Removing saplings in immediate vicinity of inlets. Will skirt willows only beyond inlets as necessary.	Annual	Southern Willow Scrub-Disturbed	0.0300	30
10	BAS014, Chesapeake Basin	3	Chesapeake Ct, Off of Windy Way, end of cul de sac	Herbicide only to keep clear of vegetation.	Annual	Unvegetated Channel	0.0200	116
22	CH023, Olive St Channel / driveway culverts	1	Olive St, From 328 Olive to 410 Olive	Remove invasives/exotics using hand tools. Apply herbicides in areas of invasives/exotics application to control growth.	Every two years	Disturbed	0.6800	1105
23	CH025, OUT026 Rancheros to SM Creek	2	804 Rancheros Drive	Handwork to clear obstructions.	Every two years	Unvegetated Channel	0.0700	662
40.1	CH056, Pacific St, cul de sac	2	Pacific St, cul de sac spur	Handwork to clear any vegetation that appears in concrete ditch.	Every two years	Unvegetated Channel	0.0100	221
40	CH057, CH058, Seminole, Navajo St	2	Seminole and Navajo Streets	Herbicide use to control vegetation growth.	Every two years	Open Water	0.0200	192
40	CH057, CH058, Seminole, Navajo St	2	Seminole and Navajo Streets	Herbicide use to control vegetation growth.	Every two years	Disturbed Wetland	0.1400	1350

Lining Type 1 is earthen channel  
 Lining Type 2 is concrete lined channel  
 Lining Type 3 is rock lined channel

**CATEGORY 1 SITES**

Group Location ID	Facility List	Lining Type	Location	Maintenance Description	Frequency	Vegetation Description	Impacts (acres)	Impacts (linear feet)
43	CH063, CUL069, Mission Rd inlet - field only	1	Palmac Street	Handwork to remove invasives and skirt willows.	Culvert - annual Channel - every 2 years	Unvegetated Channel	0.0030	12
43	CH063, CUL069, Mission Rd inlet - field only	1	Palmac Street	Handwork to remove invasives and skirt willows.	Culvert - annual Channel - every 2 years	Coastal and Valley Freshwater Marsh	0.0050	15
44	CH066, OUT042 Deerbrook / TOV channel	2	Twin Oaks Valley Rd, Twin Oaks access rd, south of Delroy adjacent to Deerbrook Rd	Remove sediment and vegetation, where needed, using hand tools.	Every two years	Unvegetated Channel	0.0020	21
02	INL013, BAS002, OUT078	3	Shady Crest Rd, End of Street INLET AND OUTLET ONLY	Handwork to clear inlet and outlet.	Every two years	Coastal and Valley Freshwater Marsh	0.0050	15
17	INL027, Rock Springs Rd	2	1743 Rock Springs Rd,	Handwork to remove invasives.	Every two years	Unvegetated Channel	0.0020	41
09	INL044, Jacks Pond Park	1	Shelly Dr, End of Shelly Dr	Handwork to remove vegetation and debris.	Every two years	Southern Willow Scrub	No impacts to this vegetation type	No impacts to this vegetation type
09	INL044, Jacks Pond Park	1	Shelly Dr, End of Shelly Dr	Handwork to remove vegetation and debris.	Every two years	Unvegetated Channel	0.0100	164
09	INL044, Jacks Pond Park	1	Shelly Dr, End of Shelly Dr	Handwork to remove vegetation and debris.	Every two years	Coastal and Valley Freshwater Marsh	0.0100	49
66	INL086, Linda Vista Channel	1 & 2	Linda Vista Dr, At Las Posas Rd	Handwork to remove vegetation and debris.	Annual	Southern Cottonwood Willow Riparian Forest	No impacts to this vegetation type	No impacts to this vegetation type

Lining Type 1 is earthen channel  
Lining Type 2 is concrete lined channel  
Lining Type 3 is rock lined channel

**CATEGORY 1 SITES**

Group Location ID	Facility List	Lining Type	Location	Maintenance Description	Frequency	Vegetation Description	Impacts (acres)	Impacts (linear feet)
66	INL086, Linda Vista Channel	1 & 2	Linda Vista Dr, At Las Posas Rd	Handwork to remove vegetation and debris.	Annual	Unvegetated Channel	0.0045	17
45	INL088, Pacific St	1	Pacific St, 1000 south of Alpine Ct in the vacant lot	Handwork to remove debris, trash, and invasives.	Every two years	Coastal and Valley Freshwater Marsh	0.0010	8
55	INL11274, CUL002 5 box TOV tributary	1 & 2	N. Twin Oaks Valley Rd - 5 box at Mission	Handwork to clear vegetation from concrete apron only. Skirt willows, if needed.	Every two years	Southern Riparian Forest	0.0050	106
55	INL11274, CUL002 5 box TOV tributary	1 & 2	N. Twin Oaks Valley Rd - 5 box at Mission	Handwork to clear vegetation from concrete apron only. Skirt willows, if needed.	Every two years	Unvegetated Channel	0.0800	106
75	DD10103	1	635 N. Twin Oaks Valley Rd	Handwork to clear litter as necessary and skirt willows in flow line.	Every two years	Southern Riparian Forest	0.0005	5
69	INL11196 Los Vallecitos	1	Los Vallecitos Blvd, At Bingham Dr	Remove non-woody emergent wetland vegetation and trim woody branches (less than 3 inches in diameter) from front of inlet, if necessary, using handtools. A combination of the following hand tools may be used: chainsaws, hand saws, loppers, pole saws, shovels, rakes, weed hips, power shears, etc.	Annual	Southern Willow Scrub	0.0080	40

Lining Type 1 is earthen channel  
Lining Type 2 is concrete lined channel  
Lining Type 3 is rock lined channel

**CATEGORY 1 SITES**

Group Location ID	Facility List	Lining Type	Location	Maintenance Description	Frequency	Vegetation Description	Impacts (acres)	Impacts (linear feet)
73	OUT094, Las Posas	1	West side of Las Posas Rd, south of CH060	Use shovels and other types of non-mechanized hand tools to keep outlet opening free of vegetation (woody and non-woody). A combination of the following hand tools may be used: chainsaws, hand saws, loppers, pole saws, shovels, rakes, weed hips, power shears, etc.	As needed, random	Southern Willow Scrub	0.0028	34

22

1.1088

4308

Lining Type 1 is earthen channel  
 Lining Type 2 is concrete lined channel  
 Lining Type 3 is rock lined channel



Group Location ID	Facility List	Lining Type	Location	Maintenance Description	Category Type	Frequency	Vegetation Description	Impacts (acres)	Impacts (linear feet)
16	CUL052, Deer Springs-Sycamore, inlet side only	1	Deer Springs Rd, North of the intersection of Deer Springs Rd. and Sycamore Dr., INLET SIDE ONLY	Mechanical equipment (from road) to clear debris.	2	Annual	Unvegetated Channel	0.002	32
24	INL039, OUT028, Rancheros at Mission	2	Rancheros Dr, At Mission Rd	Mechanical equipment (from road) to remove debris.	2	Annual	Coastal and Valley Freshwater Marsh	0.01	126

0.01 158

Lining Type 1 is earthen channel  
 Lining Type 2 is concrete lined channel  
 Lining Type 3 is rock lined channel

**ATTACHMENT 4**  
**CEQA MITIGATION REQUIREMENTS**

**Table 3  
Special-Status Plant Species Detected or Potentially Occurring in Study Area**

<b>Common name</b>	<b>Scientific name</b>	<b>Status</b>	<b>Observed</b>	<b>Documented within 100' buffer</b>	<b>Documented within 1 mile</b>
San Diego thorn mint	<i>Acanthomintha ilicifolia</i>	FT, SE CNPS List 1B.1	No	Yes	Yes
Del Mar manzanita	<i>Arctostaphylos glandulosa ssp. Crassifolia</i>	FE, CNPS List 1B.1	No	Yes	No
Palmer's sagewort	<i>Artemesia palmeri</i>	CNPS List 4.2	Yes	No	No
Thread-leaved brodiaea	<i>Brodiaea filifolia</i>	FT, SE, CNPS List 1B.1	No	Yes	Yes
Southern tarplant	<i>Centromadia parryi ssp. Australis</i>	CNPS List 1B.1	Yes	No	No
San Diego button celery	<i>Eryngium aristulatum var. parishii</i>	FE, SE, CNPS List 1B.1	No	Yes	Yes
Nuttall's scrub oak	<i>Quercus dumosa</i>	CNPS List 1B.1	Yes	No	No

**Legend**

FE: Federally listed as endangered  
 FT: Federally listed as threatened  
 SE: State-listed as endangered

San Diego thorn mint, thread-leaved brodiaea, and San Diego button celery will not be impacted by the proposed maintenance activities because the facilities requiring maintenance do not support vernal pool habitat or clay substrates, which are typical habitat elements for these species. As impacts to a “de minimis” amount (less than .01 acres) of coastal sage scrub (CSS) habitats will also occur as part of this permit action, impacts to Del Mar Manzanita are not anticipated.

Of the 64 facilities considered in this permit action, five facilities proposed for maintenance are located in designated critical habitat. However, impacts to critical habitat are not expected to occur as explained in more detail in Table 4.

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**Table 4  
Critical Habitat Designation within Proposed Facility List**

<b>Facility ID</b>	<b>Critical Habitat</b>	<b>Potential for Impacts to Critical Habitat to Occur</b>
BAS018, INL069, OUT043	California gnatcatcher	None are expected to occur. Maintenance of this facility will not result in a “de minimis” (less than .01 acre) impact to coastal sage scrub or related associations nor is this facility immediately adjacent to coastal sage scrub.
CH063, CUL069	Thread-leaved brodiaea	None are expected to occur. This facility does not support suitable vernal pool or grassland habitat and it lacks clay substrate typically associated with this species. Maintenance at CH063, CUL069 is minimal and will consist of the removal of trash, debris, and weeds by hand. Thus, adverse impacts to thread-leaved brodiaea and its designated critical habitat are not anticipated.
INL088	Spreading navarretia	None are expected to occur. This facility does not support suitable vernal pool habitat and it lacks clay substrate typically associated with this species. Also, maintenance at INL088 is minimal and will consist of the hand removal of trash, debris, and weed from the area. Thus adverse impacts to spreading navarretia and its designated critical habitat are not anticipated.
OUT094	Spreading navarretia & San Diego fairy shrimp	None are expected to occur. This facility does not support suitable vernal pool habitat and it lacks clay substrate typically associated with this species.
OUT10236	Spreading navarretia & San Diego fairy shrimp	None are expected to occur. This facility does not support suitable vernal pool habitat and it lacks typical clay substrate. Also, should this facility require maintenance it will be minimal and will consist of the hand removal of trash, debris, and weeds. Thus, no impacts to spreading navarretia and San Diego fairy shrimp are expected to occur.

The 0.92 acres of wetland and non-wetland waters of the U.S. described in the programmatic maintenance permit are under the joint jurisdiction of the U.S. Army Corp of Engineers (ACOE), and Regional Water Quality Control Board (RWQCB). Routine maintenance that is considered regulated by the ACOE and RWQCB will impact up to 0.23 acres of wetlands and 0.69 acres of non-wetland waters for the total of .92 acres of impacts requiring mitigation. Routine maintenance that is not considered regulated by the ACOE and RWQCB, but is regulated by the CDFG, will impact an additional 0.48 acre of wetlands and 1.24 acres of non-wetland waters (Table 5) resulting in a total project impact regulated by CDFG of .71 acres of wetlands and 1.93 acres of non-wetland waters equating to the 2.64 acres as shown on Table 5 below.

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**Table 5  
Project Impact Summary**

Aquatic Resource Type	Impacts (acres)	
	ACOE/CDFG Regulated	CDFG Only Regulated
Southern willow scrub	0.13	0.12
Disturbed southern willow scrub	0	0.05
Southern-cottonwood willow riparian forest	0	0
Southern riparian forest	0	0.01
Freshwater marsh	0.10	0.09
Disturbed freshwater marsh	0	0.26
Disturbed wetland	0	0.18
<i>Subtotal</i>	<i>0.23</i>	<i>0.71</i>
Non-wetland waters	0.69	1.93
<b>TOTAL</b>	<b>0.92</b>	<b>2.64</b>

Compensatory mitigation will be provided in the amount of 1.28 acres for project impacts. The ratios as outlined in Table 6 were determined by taking into account the patch size and quality of the habitat in the project area. This 1.28 acres of habitat mitigation will be provided to compensate for impacts to aquatic resources resulting from the use of mechanized equipment to remove sediment and vegetation from various storm water facilities (Table 6). Mitigation will be accomplished through the establishment, restoration, and/or rehabilitation of aquatic resources within the San Marcos Hydrologic Area, where feasible. In the event that mitigation lands cannot be located within the San Marcos Hydrologic Area, the City will coordinate with the ACOE, RWQCB, and CDFG to identify other suitable mitigation options.

**Table 6  
Proposed Mitigation for Permanent Impacts to ACOE and CDFG Areas**

Aquatic Resource Type	ACOE Regulated Impacts (acres)	CDFG Only Regulated Impacts (acres)	Mitigation (acres)
Southern willow scrub	0.13	0.12	0.39
Disturbed southern willow scrub	0	.05	0
Southern-cottonwood willow riparian forest	0	0	0
Southern riparian forest	0	0.01	0
Freshwater marsh	0.10	0.09	0.15
Disturbed freshwater marsh	0	.26	0.26
Disturbed wetland	0	0.18	0.14
Non-wetland waters	.69	1.93	.69
<b>TOTAL</b>	<b>.92</b>	<b>2.64</b>	<b>1.28</b>

In all cases proper Best Management Practices (BMPs) will be employed during maintenance activities for

erosion and sediment control and to protect water quality to the maximum extent practicable. Nesting bird surveys may be required prior to performing maintenance activities involving the removal of trees, shrubs, and sub-shrubs in order to avoid impacts to birds protected under the federal Migratory Bird Treaty Act for work scheduled during the bird breeding season, which is defined as February 15 to August 31. During the bird nesting season and in the event that facilities supporting lower growing grasses, herbs, cattails, and sub-shrubs are targeted for maintenance, the Project Biologist will be consulted prior to maintenance to determine if a nesting bird survey is warranted based on the habitat present, and the type of activity proposed. If a nesting survey is warranted, the survey shall be conducted by a qualified biologist 72 hours prior to any maintenance activity, and applicable buffers and other appropriate protocols will be applied to avoid any impact to any identified species.

Please note that aside from the implementation of the standard Best Management Practices (BMPs) outlined in the BMP Manual for Maintenance of the Project, compensatory mitigation is not proposed for impacts to 2.64 acres of CDFG only wetlands and non-wetland waters because these areas solely involve select herbicide application and the hand removal of debris, trash, and non-native vegetation at culverts, inlets, and outlets. Very little vegetation will be removed from these areas and because the removal of trash and non-native plants is considered beneficial to the health and vitality of the aquatic ecosystem, no additional mitigation is proposed.

a) Potentially Significant Unless Mitigation. As discussed above, the habitat modification that will result from the proposed project will result in impacts to 2.64 acres of aquatic resources within jurisdiction of the California Department of Fish & Game and .92 acres within the jurisdiction of the United States Army Corps of Engineers and Regional Water Quality Control Board. Mitigation in the form of 1.28 acres of wetland habitat will serve to bring the wetland and non-waters impacts to a level below significant.

b) Potentially Significant Unless Mitigation. Please refer to a above.

c) Potentially Significant Unless Mitigation. Please refer to a above.

d) and f) Less Than Significant Impact. The project maintenance areas are not located within a designated Habitat Corridor or designated Habitat Linkage Area according to the City's Draft Subarea Plan. The major function of the corridor in the Southern Focused Planning Area (FPA) is to link core populations outside of San Marcos to each other. Because the storm water facilities are located in densely populated residential neighborhoods and commercial/industrial developments, suitable habitat for least Bell's vireo is limited to small, fragmented patches of willow-dominated vegetation along disturbed roadside ditches and at inlets and outlets where flow impediments help to support the hydrology needed to maintain riparian vegetation (i.e., OUT094). Of the 64 facility locations analyzed in this document, 22 support suitable habitat for least Bell's vireo. Two locations involve the mechanical removal of sediment and southern willow scrub vegetation to improve flow (Group Location 1 and 73). The remaining 20 locations involve occasional herbicide application to control weed growth, trash and debris removal, and minor vegetation trimming. To avoid impacts to least Bell's vireo, all maintenance activities at these 22 locations will occur outside of the breeding season for this species (March 15 to September 15). California gnatcatcher habitat within the project area includes coastal sage scrub and coastal sage scrub-disturbed. There is a "*de minimis*" amount of removal of CSS resulting from the project activities. Given that the amount of impact to CSS impacts associated with the project activities are so nominal, no mitigation is proposed for impacts to this resource.

This being said,, the project is maintenance only and will not obstruct wildlife movement. No significant impacts to wildlife corridors are anticipated as a result of project implementation. The project is not anticipated

to impact target species such as the Least Bell's Vireo as the following measures will be applied:

In the event that facilities supporting lower growing grasses, herbs, cattails, and sub-shrubs are targeted for maintenance, the Project Biologist will be consulted prior to maintenance to determine if a nesting bird survey is warranted based on the habitat present, and the type of activity proposed, a nesting survey shall be conducted by a qualified biologist 72 hours prior to any maintenance activity, and applicable buffers and other appropriate protocols shall be applied to avoid any impact to any identified species.

The project applicant shall obtain a California Department of Fish and Game Section 1602 Permit, United States Army Corps of Engineers Section 404 Permit with input, if applicable, from the United States Fish & Wildlife Service, and Regional Water Quality Control Board Section 401 Certification. This will serve to ensure that the project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game and/or the United States Fish and Wildlife Service.

e) Less Than Significant Impact. Several maintenance locations within the project scope will require trimming of existing native trees. Section 14.20.010 et seq. (City of San Marcos 2008) of the City Zoning Ordinance provides for the protection of mature trees and shrubs on public property and requires a permit from the City Director of Developmental Services or the City Council prior to the removal of any tree, hedge, or large shrub from City property. This Ordinance is intended to prevent the unlawful removal of trees and shrubs from public land and right-of-way. The Project as proposed and authorized by the City Planning Director will involve City staff removal of native trees that have grown to a size that now creates a conflict in the City's storm water facility system. The removal of the native trees by the City as required to implement the project to remove only what is necessary to improve the City flood control system. The Project will therefore not significantly conflict with any local policies or ordinances protecting biological resources and no mitigation measures are required.

The mitigation measures as proposed below will reduce the impacts resulting from project implementation to below a level of significant, as defined by CEQA. The project is not anticipated to impact any adopted regional, State or Federal habitat preservation plan.

**Mitigation Measures:**

- 1.28 acres of habitat mitigation will be provided in the San Marcos Hydrologic Area, as feasible, to compensate for impacts to aquatic resources through the establishment, restoration, and/or rehabilitation of aquatic resources.
- An offset of the treatment value reduction of 166 Treatment Units identified in the WQIA shall be provided within the City's storm conveyance system throughout the entire system.
- Best Management Practices (BMPs) outlined in the BMP Manual for Channel Maintenance shall be implemented during all maintenance activities.
- In the event that facilities supporting lower growing grasses, herbs, cattails, and sub-shrubs are targeted for maintenance, the Project Biologist will be consulted prior to maintenance to determine if a nesting bird survey is warranted based on the habitat present, and the type of activity proposed, a nesting survey shall be conducted by a qualified biologist, and applicable buffers and other appropriate protocols shall be applied to avoid any impact to any identified species.
- The project applicant shall obtain a California Department of Fish and Game Section 1602 Permit, United States Army Corps of Engineers Section 404 Permit with input, if applicable, from the United