



San Diego Regional Water Quality Control Board

June 13, 2018

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8952 9926

Mr. Don Bunts
Santa Margarita Water District
26111 Antonio Parkway
Rancho Santa Margarita, CA 92688

In reply/refer to:
R9-2017-0004:826901:dbradford

Subject: Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2017-0004 for the Trampas Reservoir Project

Mr. Bunts:

Enclosed find Amendment No. 1 (Certification Amendment) to Clean Water Act Section 401 Water Quality Certification No. R9-2017-0004 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to an amendment request submitted by Santa Margarita Water District for the Trampas Reservoir Project (Project). The Certification Amendment shows changes in underline/strikeout format to indicate added and removed language. A complete copy of the Certification has also been enclosed for your reference.

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

In the subject line of any response, please include reference number R9-2017-0004: 826901:dbradford. For questions or comments, please contact Darren Bradford by telephone at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "David W. Gibson".

DAVID W. GIBSON
Executive Officer

TOMAS MORALES, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

Enclosure:

Exhibits 1, 2, and 4

Clean Water Act Section 401 Water Quality Certification No. R9-2017-0004 for the
Trampas Reservoir Project

DWG:jgs:eb:dlb

cc:

Dan Ferons
Santa Margarita Water District
danf@smwd.com

Tony Bomkamp
Glenn Lukos associates
Tbomkamp@wetlandpermitting.com

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U.S. EPA
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State Water Resources Control Board
Division of Water Quality
Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

Tech Staff Info & Use	
Certification No.	R9-2017-0004
Party ID	39980
WDID	9000003080
Regulatory ID	408074
Place ID	826901
Person ID	539481

San Diego Regional Water Quality Control Board

Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. R9-2017-0004

PROJECT: Trampas Reservoir
Certification Number R9-2017-0004

APPLICANT: Santa Margarita Water District
26111 Antonio Parkway
Rancho Santa Margarita, CA 92688

Reg. Meas. ID: 408074
Place ID: 826901
Party ID: 39980
Person ID: 539481
WDID: 9000003080

On June 13, 2017, Clean Water Act Section 401 Water Quality Certification No. R9-2017-0004 (Certification) was issued to Santa Margarita Water District (Applicant) for the Trampas Reservoir Project (Project).

By letter dated March 23, 2018, Glenn Lukos Associates, on behalf of the Applicant, requested the Certification be amended to impact an additional 0.24 acre (440 linear feet) of streambed waters of the United States and/or State in order to comply with the Division of Dam Safety (DODS) requirements. Specifically, a segment of Trampas Canyon Creek will be re-contoured to establish positive hydrological conditions, ensuring that dam releases exhibit low potential for scour. DODS guidelines state that for reservoirs which impound over 5,000 acre-feet of water (1.3 billion gallons), the outlet system should be capable of lowering the maximum storage depth by 10-percent within 7 or 10 days and draining its full contents within 90 days, depending on factors such as downstream and seismic hazard, dam construction methods and age, known deficiencies, and type of dam as determined by the DODS. The design for the reconstructed Trampas Dam provides full depth drawdown in 28.5 days with an average flow rate of 103 cubic feet per second (cfs). This necessitates an unimpeded flow path to reasonably ensure that the discharge of 103 cfs will not damage areas of Trampas Creek downstream of the dam.

Based on the Applicant's request, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Certification to authorize impacts to an additional 0.24 acre (440 linear feet) of ephemeral streambed waters of the United States and/or State. Mitigation for permanent impacts to 0.24 acre of ephemeral Waters of the U.S. will be mitigated through enhancement of 0.24 acre of giant reed within San Juan Creek for a ratio of 1:1. There will be no loss of waters of the United States and/or State as the ephemeral streambed will be reconstructed on-site and revegetated with southern coast live oak riparian (SCLOR) woodland with an herbaceous understory.

Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions and other requirements of Certification No. R9-2017-0004 remain in full force and effect. The following changes are made to Certification No. R9-2017-0004 and are shown in underline/strikeout format to indicate added and removed language:

Page 3, PROJECT DESCRIPTION is modified as follows:

Project construction will permanently impact ~~0.32 acre~~0.56 acre (~~5,426~~ 5,866 linear feet) of streambed waters of the United States and/or State, 0.66 acre (335 linear feet) of wetland waters of the United States and/or State, and 0.19 acre (790 linear feet) of riparian 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 ~~4.17~~1.41 acre of jurisdictional waters will be achieved through the establishment of 1.17 acre of wetland waters of the United States and/or State, and enhancement of ~~4.17~~1.41 acre of waters of the United States and/or State. Compensatory mitigation for permanent discharges of fill to waters of the United States and/or State has been completed at the Gobernadora Ecological Restoration Area (GERA) located in the Canada Gobernadora hydrologic sub-area (HSA 901.24) at a minimum ratio of 1:1 (area mitigated:area impacted). The GERA is protected and preserved under a recorded conservation easement. In addition, ~~4.17~~1.41 acres of arundo removal enhancement will be achieved by implementation of the Invasive Species Control Plan in accordance with the SAMP. A functional assessment has been developed that demonstrates a net gain in water resource functions from implementation of the mitigation proposed in the ISCP. Development plans associated with the SAMP include a funding mechanism for the long-term monitoring and maintenance of the mitigation sites. The proposed mitigation will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State associated with the discharge of fill material. Enhancement mitigation for discharges of fill material to waters of the United States and/or State will be completed by the Applicant within San Juan Creek, located in the Middle San Juan hydrologic sub-area (HSA 901.26) at a minimum compensation ratio of 1:1 (area mitigated:area impacted). No waters of the United States and/or State will receive temporary discharges of fill associated with the Project.

Page 11, PROJECT IMPACTS AND COMPENSATORY MITIGATION condition V.B is modified as follows:

Project Impacts and Compensatory Mitigation. Unavoidable Project impacts to Trampas Creek and its unnamed tributaries within the San Juan Watershed 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)
Permanent Impacts						
Stream Channel	0.32 <u>0.56</u>	5,426 <u>5,866</u>	0.32 Establishment ^{1, 5} <u>0.32</u> <u>0.56</u> Enhancement ^{2, 5}	1:1 1:1	NA ³	NA ³
Wetland	0.66	335	0.66 Establishment ¹ 0.66 Enhancement ²	1:1 1:1	NA ³	NA ³
Riparian Zone	0.19	790	0.19 Establishment ¹ 0.19 Enhancement ²	1:1 1:1	NA ³	NA ³
Temporary Impacts⁴						

1. Riparian and wetland establishment at the Gobernadora Ecological Restoration Area (GERA).
2. Streambed arundo removal enhancement within San Juan Creek consistent with the ISCP.
3. Compensatory mitigation is being provided in a contiguous area at the GERA therefore; compensatory mitigation for linear feet is not being calculated.
4. No waters of the United States and/or State shall receive temporary discharges of fill associated with the Project.
5. Of the 0.56 acre of permanent impacts to stream channel, impacts to 0.24 acre of Trampas Creek is required to establish positive hydrological conditions, ensuring that dam releases exhibit low potential for scour. The streambed will be reconstructed on-site and revegetated with southern coast live oak riparian (SCLOR) woodland with an herbaceous understory. Therefore, no establishment mitigation will be required as there will be no net loss of waters of the United States and/or State. However, 0.24 acre of additional enhancement is required to compensate for the temporal loss of functions.

Page 12, PERFORMANCE STANDARDS condition V.D is modified as follows:

Performance Standards. Compensatory mitigation required under this Certification shall be considered achieved once it has met the ecological success performance standards contained in: (1) the Mitigation Plan (Section 2.9, page J-38) to the satisfaction of the San Diego Water Board; and (2) *Trampas Reservoir Stream Restoration and Monitoring Plan (SRMP)* (Page 11, Section VI.A) (Glenn Lukos Associates), dated May 7, 2018 (Revised May 16, 2018) for permanent impacts to 0.24-acre (440 linear foot) of southern coast live oak riparian forest within a segment of Trampas Creek immediately downstream of the Trampas Reservoir.

Page 12, MONITORING AND REPORTING REQUIREMENTS condition VI.E is modified as follows:

Hybrid Wetland Functional Assessment. Hybrid Wetland Functional Assessment (HWFA) (July 2006) prepared by Glenn Lukos Associates, Inc., monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site and proposed compensatory mitigation site(s). These conditions reflect the overall level of ecological function of an aquatic resource. Prior to initiating Project construction, the Applicant shall develop a monitoring plan to implement Hybrid Wetland Functional Assessment (HWFA) monitoring. The Applicant must conduct a quantitative function-based assessment of the health of streambed habitat to establish pre-project baseline conditions, set HWFA success criteria, and assess the mitigation site(s) progress towards meeting the success criteria. HWFA monitoring must be conducted at the impact site, Trampas Creek southern coast live oak riparian forest recontouring site, and the San Juan Creek compensatory mitigation site prior to the start of Project construction authorized under this Certification and annually at the compensatory mitigation sites following construction completion for a period of 5 years. The annual HWFA monitoring results shall be submitted with the Annual Project Progress Report. An evaluation, interpretation, and tabulation of all HWFA assessment data shall be submitted with the Final Project Completion Report. If the assessment cannot demonstrate that the estimated benefits have been achieved, the functional assessment shall be repeated every two years afterwards until the benefits have been demonstrated. The functional assessments shall be conducted using the same methodology as in the Draft Hybrid Wetland Functional Assessment.

Page 15, MONITORING AND REPORTING REQUIREMENTS condition VI.H.2 is modified as follows:

Compensatory Mitigation Monitoring Reporting. Mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than five years, sufficient to demonstrate that the Trampas

Creek recontouring and compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan and SRMP. Following Project implementation, the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the Trampas Creek recontouring and compensatory mitigation project ~~is~~are not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:

- a. Names, qualifications, and affiliations of the persons contributing to the report;
- b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program and SRMP, and all quantitative and qualitative data collected in the field;
- c. A description of the following mitigation site(s) characteristics:
 - i. Detritus cover;
 - ii. General topographic complexity;
 - iii. General upstream and downstream habitat and hydrologic connectivity; and
 - iv. Source of hydrology
- d. Monitoring data interpretations and conclusions as to how the Trampas Creek recontouring and compensatory mitigation project(s) ~~is~~are progressing towards meeting performance standards and whether the performance standards have been met;
- e. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;
- f. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
- g. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo

documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;

- h. A qualitative comparison to adjacent preserved streambed areas;
- i. The results of the Hybrid Wetland Functional Assessment (HWFA) monitoring required under section VI.E of this Certification;
- j. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
- k. A survey report documenting boundaries of the compensatory mitigation site(s).

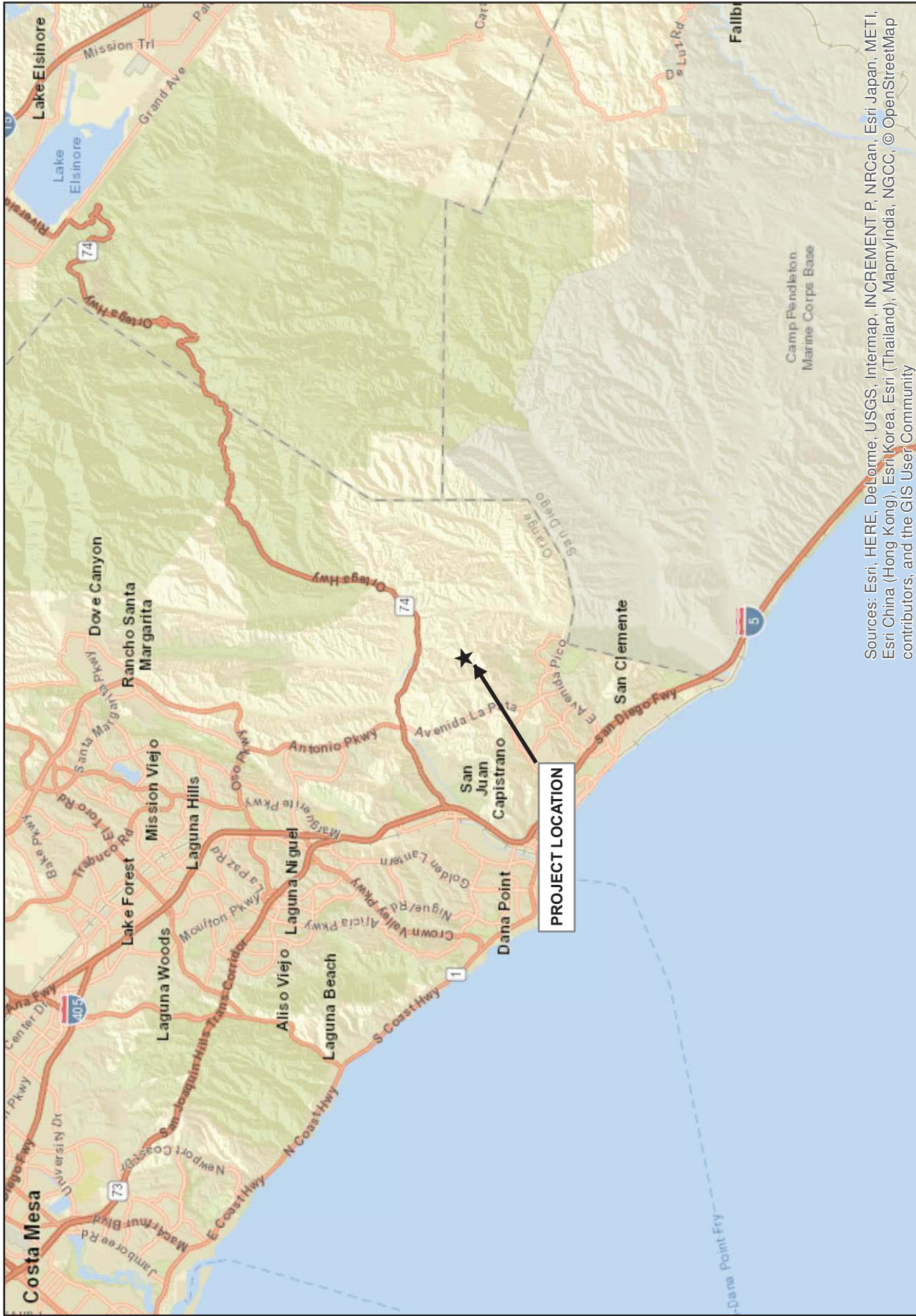
Notification: Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification Amendment. 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 or will be provided upon request.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No. 1 to Certification No. R9-2017-0004 issued on June 13, 2018.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

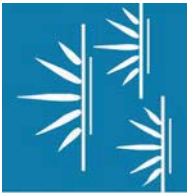
13 June 2018
Date



Source: ESRI World Street Map



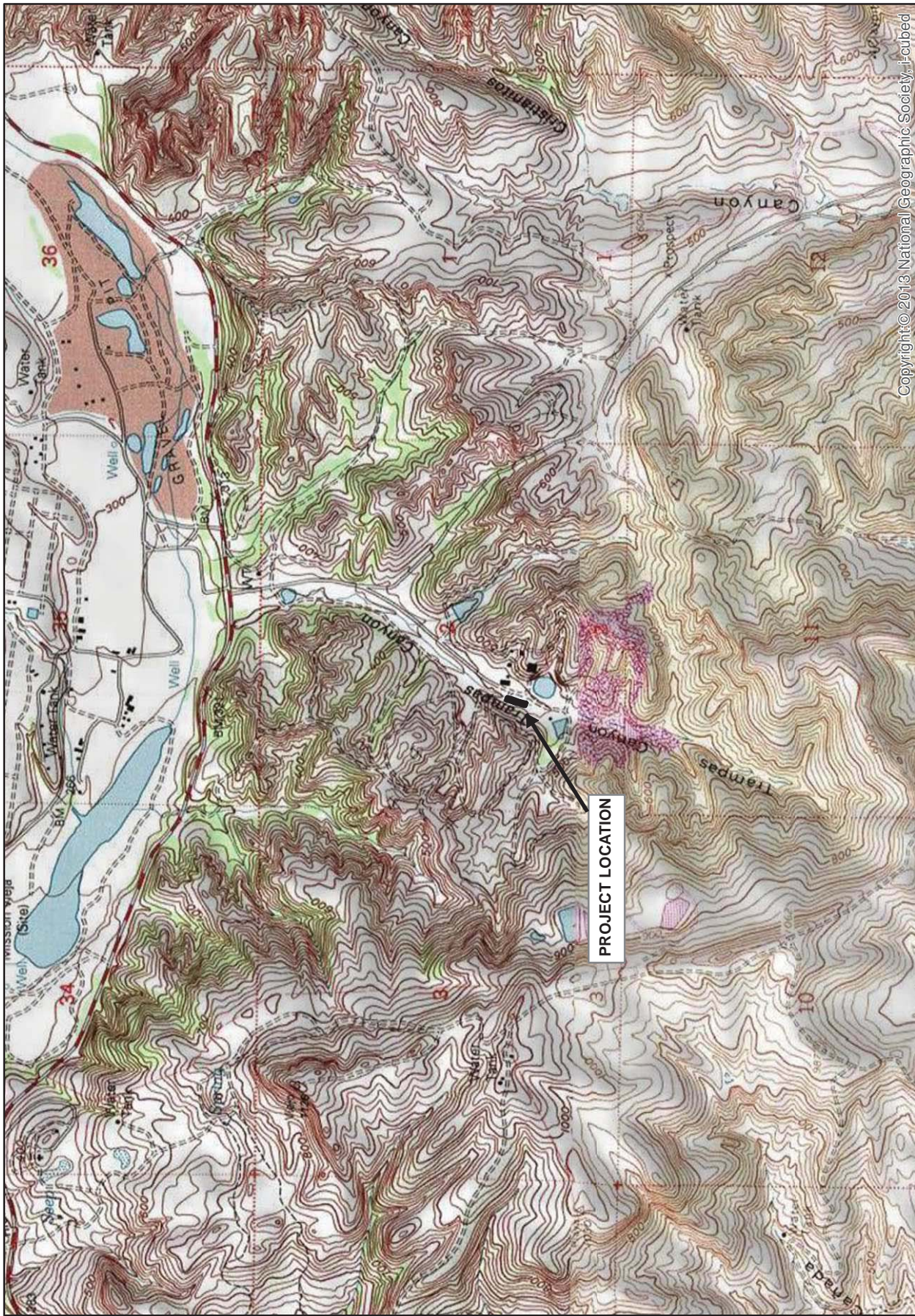
**TRAMPAS DRAINAGE
SEGMENT RESTORATION**
Regional Map



GLENN LUKOS ASSOCIATES

Exhibit 1

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



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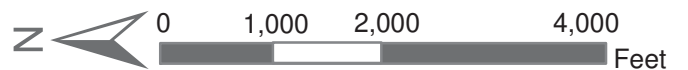


GLENN LUKOS ASSOCIATES

Exhibit 2

**TRAMPAS DRAINAGE
SEGMENT RESTORATION**
Vicinity Map

Adapted from USGS Canada Gobernadora and San Clemente, CA quadrangles

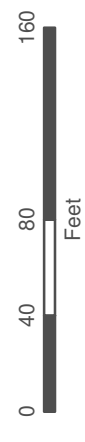




Permanent Impact

Corps/RWQCB Non-Wetland Waters (0.43 ac. Permanent Impact)

Corps/RWQCB Wetland Waters (0.66 ac. Permanent Impact)



1 inch = 80 feet

TRAMPAS DRAINAGE SEGMENT RESTORATION

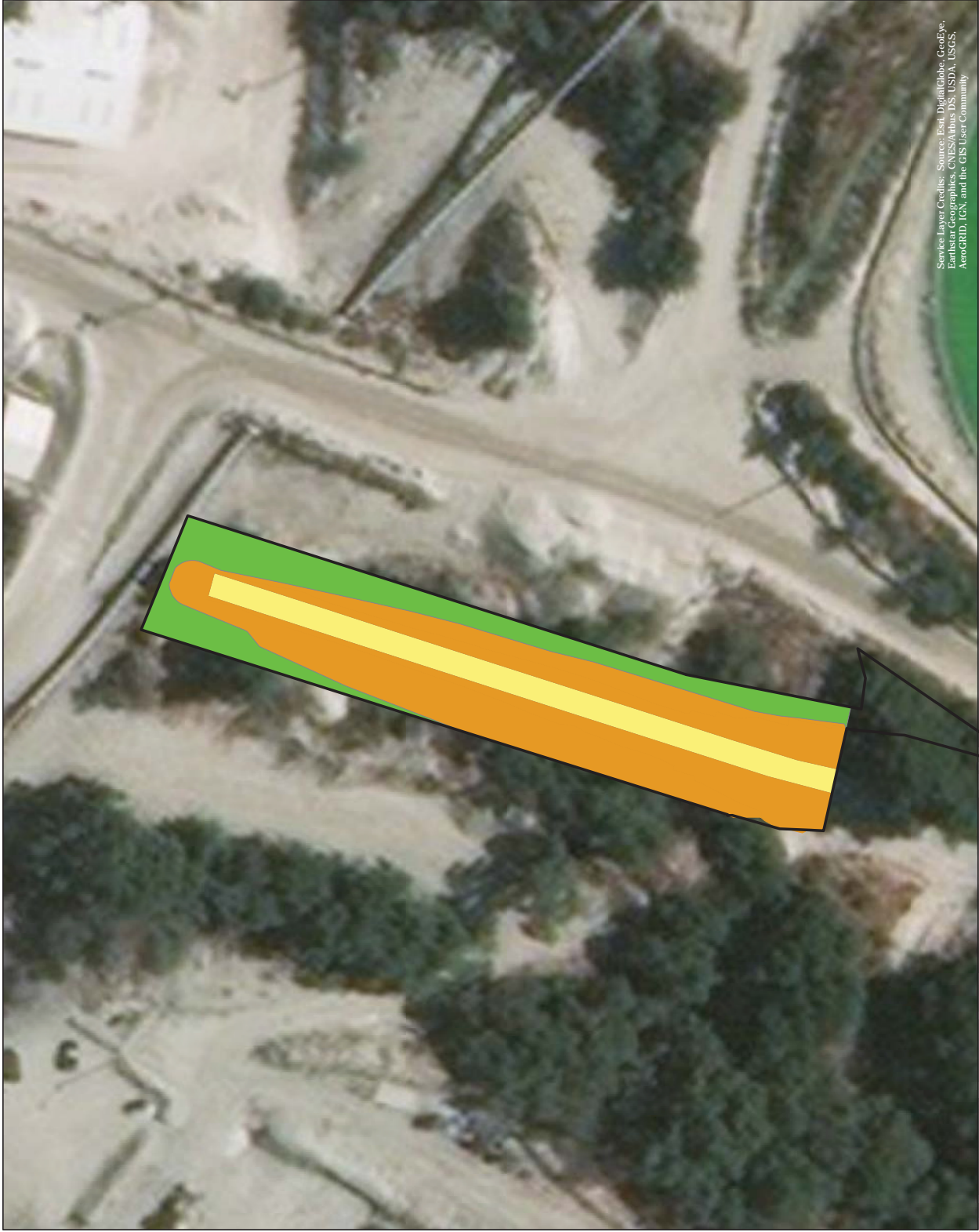
Corps/RWQCB Impact Areas



GLENN LUKOS ASSOCIATES

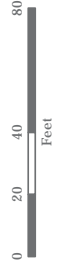
Exhibit 3

Service Layer Credits: Source: Esri, DeLorme, GeoEye, Earthstar Geographics, CNRS/Airbus/DigitalGlobe, USGS, AeroGRID, IGN, and the GIS User Community



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- Impact Area
- Slopes and Bank (Oak Reestablishment)
- Channel (Herbaceous Establishment)
- Top of Bank (Oak Reestablishment)



1 inch = 40 feet

TRAMPAS DRAINAGE SEGMENT RESTORATION

Restoration Area



GLENN LUKOS ASSOCIATES

Exhibit 4

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