

Santa Ana Watershed Project Authority

Santa Ana Sucker Habitat Protection and Beneficial Use Enhancement Project (Project)

ADDENDUM NO. 1

The following addendum is being issued for the above referenced contract(s). Bidders are required to incorporate the information contained herein as if originally issued and included with the contract documents. Pursuant to Section 6 of the Bid Form, Bidders are required to acknowledge receipt of this addendum and confirm all associated impacts from this addendum are included in the Bid. Failure to acknowledge this addendum in the Bid Form will render the Bid non-responsive and will not be considered.

PART 1: RESPONSE TO QUESTIONS

Questions were received on the Engineer's Estimate. The Engineer's Estimate is \$118,571.25.

PART 2: REVISIONS TO SPECIFICATIONS

1. Specifications Front End Documents, Table of Contents, Appendices, Page 4 shall be revised to add the following:

“Appendix C – Owner Acquired Permits

C1 – Notification of Lake or Streambed Alteration No. 1600 – 2018-0017-R6

C2 – Draft Clean Water Act Section 401 Water Quality Certification and Order”

2. Specifications SECTION 002200 EARTHWORK; Part 2 PRODUCTS, Item 2.01 (H) Habitat Structure Materials shall be revised to include the following:

“If a contractor chooses not to use the pre-approved source material provided by the Owner and instead proposes to substitute another rock material for any or all of the gradation classes specified, then all substitute materials will require owner approval. The owner may at their sole discretion approve or reject any proposed substituted material. If substitute materials are rejected, then the contractor will be required to use the owner's source materials specified in the contract documents. All substitute materials must be smooth and rounded (non-angular) stone and rock native to the Santa Ana River. No recycled building materials or blasted or crushed angular rock material will be allowed.”


3. Specifications Appendix A - Draft Initial Study/Mitigated Negative Declaration Response to Comments and Mitigation Monitoring and Reporting Program, Table 2, Page 3 – 9, Mitigation Measure T-3 shall be revised to read as follows:

“T-3: Prior to hauling of materials through the City of Jurupa Valley or Riverside, the Contractor will apply for and receive a haul permit.”

4. Add Attached Appendix C - Owner Acquired Permits, C1 Notification of Lake or Streambed Alteration No. 1600-2018-0017-R6.
5. Add Attached Appendix C – Owner Acquired Permits, C2 Draft Clean Water Act Section 401 Water Quality Certification and Order

Dated: June 18, 2018

By: 
Ian Achimore
Project Manager

By: 
Nathan Scheevel, P.E.
Project Engineer



Attachments:

Appendix C1: Notification of Lake or Streambed Alteration No. 1600 – 2018-0017-R6
Appendix C2: Draft Clean Water Act Section 401 Water Quality Certification and Order



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



June 1, 2018

Ian Achimore
Santa Ana Watershed Project Authority
11615 Sterling Avenue
Riverside, CA 92503

Subject: Notification of Lake or Streambed Alteration No. 1600-2018-0017-R6
Santa Ana Sucker Habitat Protection and Beneficial Use Enhancement Project

Dear Mr. Achimore:

The Department had until April 26, 2018 to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you or inform you that an Agreement is not required. The Department did not meet that date. As a result, by law, you may now complete the project described in your notification without an Agreement.

Please note that pursuant to Fish and Game Code section 1602(a)(4)(D), if you proceed with this project, it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that notification received and approved by the Department in writing prior to April 26, 2018. This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify the Department before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of Fish and Game Code section 1602.

Your project is located in the Santa Ana River, tributary to the Pacific Ocean, approximately 55 feet upstream of the Van Buren Boulevard Bridge, in City of Jurupa Valley, County of Riverside, Latitude 33°57'49", Longitude -117°27'53". Your project includes the construction of a partially submerged rock groin habitat structure for habitat enhancement of Santa Ana Sucker. The rock groin will be approximately 20 feet long and 4 feet wide, and will be placed 5 feet into the riverbank and 15 feet into the low-flow channel. The subgrade base of the groin will be composed of riprap, and a combination of boulders and graded cobble will be placed over the riprap. The habitat structure will include aprons of pebbles, rock, and cobble, large boulders, and anchored logs and branches. A temporary coffer dam will be constructed around the perimeter of the habitat structure site for the duration of the installation. Staging areas and road access will be prepared prior to the start of project implementation. Temporary project impacts are limited to 0.3 acre of riparian habitat within the Santa Ana River, as described in

Conserving California's Wildlife Since 1870

Figure 4 of the Supplemental Information (SI) accompanying the Notification. All temporary impacts associated with the access road and staging area will be restored using pole cuttings and natural recruitment. No permanent impacts shall occur. You have proposed the following avoidance and minimization measures, as described in conservation measures BIO-1 through BIO-12 in the SI: vegetation removal activities shall be conducted outside of the migratory bird season (March 15 to September 15); a preconstruction nesting bird and special status wildlife survey will be performed prior to commencement of project activities; all excavation activities shall be conducted outside of spawning season for Santa Ana Sucker and Arroyo chub; a program will be implemented to avoid impacts to native fish; all areas of access will be delineated; and all avoidance areas will be flagged. Annual monitoring reports will be submitted to CDFW. Your project term ends on April 25, 2023.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include, but are not limited to, the state and federal Endangered Species Acts and Fish and Game Code sections 5650 (water pollution) and 5901 (fish passage).

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. If you have any questions regarding this matter, please contact Claire Ingel at (909) 484-3979 or Claire.Ingel@wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager
Inland Deserts Region

Santa Ana Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: April 13, 2018

Program Type: Restoration

Project Type: Ecological Aquatic/Stream/Habitat Restoration

Project: Santa Ana Sucker Habitat Protection and Beneficial Use Enhancement Project (Project)

Applicant: Santa Ana Watershed Project Authority
Applicant Contact: Mr. Ian Achimore
Senior Watershed Manager
Santa Ana Watershed Project Authority
11615 Sterling Avenue
Riverside, California 92503
Phone: (951) 354-4223
Email: iachimore@sawpa.org

Applicant's Agent: Dan Bott
Principal Planner - Orange County Water District
18700 Ward Street
Fountain Valley, California 92708
Phone: (714) 378-3256
Email: dbott@ocwd.com

Water Board Staff: Jason Bill
Environmental Scientist
3737 Main Street, Suite 500
Riverside, California 92501
Phone: (951) 782-3295
Email: Jason.Bill@Waterboards.ca.gov

Water Board Contact Person:

If you have any questions, please call Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) Staff listed above or (951) 782-4130 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Santa Ana Watershed Project Authority (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on January 29, 2018. The application was deemed complete on January 31, 2018.

II. Public Notice

The Santa Ana Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from January 31, 2018 to the effective date of the Order. The Santa Ana Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to construct a partially submerged rock groin structure in the Santa Ana River to enhance habitat for the Federally Endangered Santa Ana Sucker (*Catostomus santaanae*).

IV. Project Description

The proposed habitat structure would include a rock groin that would be approximately 20 feet in length and 4 feet in width. The rock groin would extend approximately 5 feet into the riverbank and approximately 15 feet into the river's low flow channel. Rip rap would be used to construct the subgrade base and a combination of boulders and well graded cobbles would be used to construct the above grade portion of the groin. That habitat structure would also include aprons of well graded pebbles, rocks and cobbles fanning out from the upstream and downstream sides of the groin. The aprons would be slopped to promote bedload movement off of and around the habitat structure. Approximately 3 large boulders would be positioned to provide cover for native fish and groin stability. Logs and branches would be anchored to the river bank to provide shade and additional cover for native fish species.

Construction of the habitat structure would require the use of multiple pieces of equipment over four phases of construction. The overall construction of the habitat structure would take approximately 1 month once field work begins.

Phase 1 will include developing site access and site preparation would be the first task performed in the field. All access to and from the site would occur along Van Buren Boulevard. An existing service access road that, on the upstream side, runs parallel to the Van Buren Boulevard Bridge would be improved to move equipment. The access road starts near the northeast side of the Van Buren Crossing and runs parallel to the bridge to the south, adjacent to the upstream edge of the Santa Ana River's low flow channel. The existing access road would be widened and regraded to allow for the delivery of equipment and materials to the work area. The existing access road would be widened from 8 feet to approximately 30 feet to allow for trucks to pass one another. A short section of the access road would be filled to provide a smooth grade transition near the northern bridge abutment. Fill material would be cut from the existing road surface and from a borrow area adjacent to the access road and staging area. The access road would terminate at the staging area located next to the Santa Ana River low flow channel. The staging area and the widened portions of the access road would be cleared and grubbed. All biomass and other debris from the clearing and grubbing would be exported from the project site. Once the project is complete the impacted habitat would be restored. Phase 1 is expected to take approximately 1 week to complete using 1 water truck, 1 bulldozer, 1 excavator, three 10-wheel dump trucks and 1 pad foot roller.

Once site access and the staging area have been established Phase 2 would begin. The in-stream work area would be prepared and the foundations would be constructed. A temporary coffer dam would be constructed around the perimeter of the habitat structure site. The coffer dam would be approximately 2 to 3 feet high and 100 feet long, tying into the north-east and north-west riverbank located upstream and downstream of the habitat feature footprint. Sediment excavated from the foundation footprints would be used to help build the coffer dam. Temporary dewatering would be required to complete the foundation excavation and would be discharged back into the Santa Ana River or used as dust control on-site. The bottom of the foundation would be approximately 2 feet below the existing river bed invert. The rip rap foundation material would be placed in 2 locations within the habitat structure footprint. One foundation pad 8 feet wide x 20 feet long x 1 foot thick would be constructed under the groin footprint and another pad, generally circular in shape, 9 feet in diameter and 1 foot deep would be constructed under the downstream boulder feature. The groin foundation would also be excavated into the riverbank approximately 5 feet from the toe of the riverbank slope. The excavation would be "benched back" or shored to provide worker safety. All rip rap would be moderately tamped into place by using the excavator bucket. Once the foundations have been constructed then a portion of the subgrade would be backfilled with native material up to the top of the foundations. A total volume of 10 cubic yards (CY) of rip rap would be imported and 10 CY of sediment would be exported from the site. This phase would be expected to last 1 week and would include 1 low ground pressure bulldozer, 2 excavators (one long-reach), 1 water truck, 1 wheel loader, 1 trash pump and 2 10-wheel dump trucks.

Phase 3 includes the placement and construction of all the material gradation classes. A total volume of approximately 80 CY of rock material would be imported and an equivalent volume of material would be exported off site. The boulders would be placed first, followed by the groin structure, then the transition aprons, then the invert aprons, followed by backfilling and then placement of the habitat branches. This phase is expected to last 1 week and would include 1 low ground pressure bulldozer, 2 excavators (one long-reach), 1 water truck, 1 wheel loader, 1 trash pump and 4 10-wheel dump trucks. Placement of the boulders and shaping of the groin would be done under supervision of the applicant, engineer and/or their representative to assure that the as-built geometry meets the design intent and is functional.

Site restoration and de-mobilization would be Phase 4 of the project. The riverbed would be re-graded to its pre-project condition and any excess material would be exported off-site. The staging area and borrow area would be re-graded so that the contours transition smoothly into the adjacent ground surfaces. The staging area, borrow area and the shoulders of the access road would be restored with riparian vegetation. After the contractor has removed all equipment, materials and debris from the work area, staging area and access road, then the contractor will finish grade and compact the access road. This phase is expected to last 3 days and will include 1 low ground pressure bulldozer, 1 motor grader, 1 water truck, 1 wheel loader, 1 smooth drum roller and 1, 10-wheel dump truck.

V. Project Location

The work will take place in the Santa Ana River, 55 feet upstream of the Van Buren Boulevard Bridge, in the City of Jurupa Valley, Riverside County, in the Section 25 of Township 2 South, Range 6 West, of the United States Geological Survey Riverside West 7.5-minute topographic quadrangle map (33.9636° N/ -117.4650° W).

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of Santa Ana Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies which may be accessed online at:

http://www.waterboards.ca.gov/plans_policies/.

The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

Receiving Water: Santa Ana River, Reach 3

Existing or Potential Beneficial Uses: Agricultural Supply (AGR), Groundwater Recharge (GWR), Water Contact Recreation (REC1), Non-contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), Rare, Threatened or Endangered Species (RARE), and Spawning, Reproduction, and Development (SPWN).

VII. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Table 1.

Table 1: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact ¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY ²	LF	Acres	CY	LF	Acres	CY	LF
Riparian Zone	0.2	--	--						
Stream Channel	0.1	--	--						

VIII. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation described in section XII.H. for temporary impacts that have temporal loss and/or degradation of ecological condition.

IX. California Environmental Quality Act (CEQA)

¹ Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

² Cubic Yards (CY); Linear Feet (LF)

On December 19, 2017, the Santa Ana Watershed Project Authority, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2017101064) for the Project and filed a Notice of Determination (NOD) at the SCH on December 21, 2017.

X. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XI. Fees Received

An application fee of \$200 was received on January 29, 2018. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

XII. Conditions

The Santa Ana Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 1.

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment [X], including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment [X], which must be signed by the Permittee or an authorized representative.

1. Project Reporting

- a. Annual Reporting:** The Permittee shall submit an Annual Report each year on January 19. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. Project Status Notifications

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.
- b. Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and

permittee-responsible mitigation. This request shall be submitted to the Santa Ana Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Santa Ana Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.

- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,³ and no further Project activities will occur. This request shall be submitted to Santa Ana Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Santa Ana Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

3. Conditional Notifications and Reports: The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials⁴

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - Lastly follow the required OES procedures as set forth in:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf
- ii. Following notification to OES, the Permittee shall notify Santa Ana Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. Within five (5) working days of notification to the Santa Ana Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Santa Ana Water Board of any event causing a violation of compliance with

³ Completion of post-construction monitoring shall be determined by Santa Ana Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

⁴ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. In-Water Work

- i. The Permittee shall notify the Santa Ana Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Santa Ana Water Board staff.

d. Modifications to Project

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Santa Ana Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Santa Ana Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.

C. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Santa Ana Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
3. **In-Water Work or Diversions:** During planned work in water or stream diversions any discharge(s) to waters of the state shall conform to the following water quality standards:
 - a. Oil and Grease. Waste discharges shall not result in deposition of oil, grease, wax, or other material in concentrations which result in a visible film or in coating objects in the water, or which cause a nuisance or adversely affect beneficial uses.
 - b. Oxygen. The dissolved oxygen content of surface waters shall not be depressed below 5mg/L for waters designated WARM, as a result of controllable water quality factors. In addition, waste discharges shall not cause the median dissolved oxygen concentration to fall below 85% of saturation or the 95th percentile concentration or fall below 75% of saturation within a 30-day period.

- c. pH. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges.
- d. Turbidity. Increases in turbidity which result from controllable water quality factors shall comply with the following: where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%, where natural turbidity is between 50 and 100 NTU, increases shall not exceed 10 NTU, and where natural turbidity is greater than 100 NTU, increases shall not exceed 10%. Measurements of turbidity shall be taken 100 ft. downstream of project activities.
- e. Temperature. The temperature of waters designated WARM shall not be raised above 90 °F June through October or above 78 °F during the rest of the year as a result of controllable water quality factors.

Sampling shall be conducted in accordance with Table 2 sampling parameters.⁵

Table 2: Sample Type and Frequency Requirements			
Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L & % saturation	Grab	Once per day during in-water work
pH	Standard Units	Grab	Once per day during in-water work
Turbidity	NTU	Grab	Once per day during in-water work
Temperature	°F (or as °C)	Grab	Once per day during in-water work

Baseline sampling shall be conducted at least at one location within the project boundary for each phase. All other sampling shall take place at a minimum of two locations, the sample locations shall be upstream and downstream of the construction area at approximately 100 feet downstream. Results of the analyses shall be submitted to the Santa Ana Water Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal.

D. Standard

⁵ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Santa Ana Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Santa Ana Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Santa Ana Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, 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 Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Santa Ana Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Santa Ana Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The project shall comply with the local regulations associated with the Santa Ana Water Board's Municipal Stormwater Permit issued to Riverside County and co-permittees under NPDES No. CAS618033 and Waste Discharge Requirements Order No. R8-2010-0033.
7. **Construction General Permit Requirement:** The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment A of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Santa Ana Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission 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 are kept.
 2. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 4. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s lake and streambed alteration agreement to the Santa Ana Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction Dewatering

1. Construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Water Board Order No. R8-2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at:

http://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2015_orders.shtml.

Good Site Management “Housekeeping”

2. A Storm Water Pollution Prevention Plan (SWPPP) will be developed by the construction contractor prior to project implementation. The SWPPP will include measures to prevent sediment from entering the watercourse during construction.
3. Effective perimeter control BMPs must be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste must be contained and protected against wind and exposure to storm water at all times, unless being actively handled. Chemical, fuel, and lubricant containers must be kept closed and protected from damage or upset at all times, unless being actively used. Dirt and landscaping material stockpiles must have effective erosion control BMPs in place to prevent their transport in storm water or directly into the channel and must not be located in any WOTUS. Discharges of wastewater from the Project site are prohibited.
4. Substances resulting from Project-related activities that could be harmful to aquatic life, including but not limited to petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, Portland cement concrete or asphalt concrete, and washings and cuttings thereof, must not be discharged to soils or waters of the State. All waste concrete must be removed from the Project site.
5. Motorized equipment must not be maintained or parked in or near any stream crossing, channel, or lake margin in such manner that petroleum products or other pollutants from the equipment might enter these areas under any flow conditions. Vehicles must not be driven, or equipment operated on-site in waters of the State onsite, except as necessary to complete the proposed Project.
6. Prior to construction activities, the Applicant must delineate the work area with brightly colored fencing or other methods to ensure temporary impacts to WOTUS and waters of the State of California do not exceed the limits authorized in this Certification.

Hazardous Materials

7. During construction activities project will be required to comply with local, State and Federal laws and regulations regarding the handling and storage of hazardous substances.

Invasive Species and Soil Borne Pathogens

8. BMPs to stabilize disturbed soils must include the use of native plant species whenever feasible.

Special Status Species

9. All vegetation removal activities will be conducted outside of the migratory bird season from March 15 to September 15.
10. All excavation activities within the wetted channel will occur outside of the Santa Ana Sucker and Arroyo Chub spawning season from March to July.

11. Prior to surveys or construction activity, the project will submit the name and resumes of the qualified biologist conducting surveys. A qualified biologist in regards to Santa Ana Suckers includes those individuals that hold a section 10(a) (1) (A) Recovery Permit. In regards to Arroyo Chubs, a biologist is considered qualified if they have conducted a minimum of 30 hours of field activities with Arroyo Chubs under the supervision of a qualified biologist.
12. Prior to construction activities within the wetted channel, a qualified biologist will conduct a preliminary survey of the affected water body noting habitat and any fish that are present. If native fish are present seining will be conducted to remove and relocate native fish.
13. If capture and relocation of native fish is necessary, such capture will be achieved through use of one or more of the following methods; fine mesh (2 to 4 millimeter), knot-less seine nets, fine mesh (2 to 4 millimeter) knot-less hoop nets, modified hoop nets, or similar traps or dip nets of 0.20 inch or finer mesh. The survey methods will be selected so as to minimize potential injury or mortality to native fish. Care will be taken to keep native fish in water as much as possible. Larval fishes will be kept submerged in a dip net until species is identified and released.
14. All captured native fish will be placed in ice chests filled with Santa Ana River water. The ice chest will be kept shaded at all times. The water temperature in the ice chests and condition of captured native fish will be closely monitored. Any native fish removed from the site will be relocated in suitable habitat downstream of the project site.
15. Prior to activities that may involve handling of native fish, the qualified biologist will ensure that the hands of all participants are free of sunscreen, lotion or insect repellent.
16. The qualified biologist will be present during the construction of the coffer dam to split flows between the Santa Ana River and the in-stream work area sediment removal channel.

H. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts to waters of the state in accordance with the Resource Agency Permit Supplemental Information dated January 29, 2018 and incorporated herein by reference.
2. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

Table 3: Required Project Mitigation Quantity for Temporary Impacts ⁶			
Aquatic	Mit.	Units	Method ⁸

⁶ For Staff use only: Record quantities in CIWQS table side B for mitigation for temporary impacts and for permanent degradation of ecological condition; ecological restoration/enhancement projects.

Table 3: Required Project Mitigation Quantity for Temporary Impacts ⁶								
Resource Type	Type ⁷		Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zone	PR	Acres			0.3			

XIII. Water Quality Certification

I hereby issue the Order for the Santa Ana Sucker Habitat Protection and Beneficial Use Enhancement Project, 332018-02 certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act 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).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

DRAFT

Hope A. Smythe
Executive Officer
Santa Ana Water Quality Control Board

Date

(footnote continued from previous page)

⁶ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

⁷ Mitigation type for onsite restoration of temporary impacts is Permittee Responsible (PR).