

Los Angeles Regional Water Quality Control Board

Catherine McCalvin
Environmental Planning and Conservation
Department Manager
United Water Conservation District
106 North 8th Street
Santa Paula, CA 93060

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7012.3460 0001 6366 0939

AMENDMENT OF WATER QUALITY CERTIFICATION FOR GEOTECHNICAL INVESTIGATIONS PROJECT AT THE FREEMAN DIVERSION (Corps' Project No. 2011-01044-AJS), SANTA CLARA RIVER, VENTURA COUNTY (File No. 12-079)

Dear Ms. McCalvin:

We are in receipt of your notification dated November 18, 2014, including a 'Geotech Project Description,' requesting an amendment of your Conditional Clean Water Act Section 401 Water Quality Certification for the subject project issued on October 3, 2012 (Certification 12-079).

Certification 12-079 permitted dewatering, grading, building of an equipment pad and drilling 6 borings from 40 to 70 feet total depth to support design of a fish passage facility. All the work described in, and permitted by, Certification 12-079 was completed in 2012. The United Water Conservation District is requesting to amend Certification 12-079 to repeat a similar, but smaller, project for an additional 4 boreholes. The additional boreholes will allow design of a fish passage facility of lower slope.

In response to your request, the Certification is modified as shown below. Additional text is shown underlined.

Under Attachment A, the following additional paragraphs are added to end of Item 6 *Project Description*, and will read:

6. Project
Description:

...
After completion of the above 6 boreholes, additional boreholes will be drilled to support the design of a 4% slope fish passage alternative. This new project area is within the Santa Clara River a maximum of 680 feet upstream of United's Freeman Diversion. Due to drought conditions, the project area consists of a dry riverbed with isolated areas of ponded water and no surface flow.

Equipment will cross the riverbed to access drilling sites. A rotary-wash, track-mounted drill rig will enter the riverbed, travel a maximum of 680 feet upstream, and drill 4 borings to depths extending approximately 10 feet into bedrock (anticipated total depths range from 30 to 50 feet). Upon completion of the drilling, excess drill spoils will be collected onsite and removed.

No grading will be conducted. Some areas of the project site have been colonized by early successional stage riparian vegetation. No more than 0.2 acres of early successional stage riparian vegetation will be cut back.

United anticipates the additional work will require three to five days.

Item 9, *California Environmental Quality Act Compliance*, will read:

9. California
Environmental
Quality Act
Compliance:

The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15304 Minor Alterations.

The proposed project with the additional boreholes under the November 2014 amendment continues to be Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15304, Minor Alterations. The United Water Conservation filed a Notice of Exemption for the additional boreholes on November 17, 2014.

Item 12 *Impacted Waters of the United States*, will read:

12. Impacted Waters
of the United States:

Federal jurisdictional wetlands: 0.25 temporary acres

Non-wetland waters (streambed): 2.10 temporary acres (450 linear feet)

Additional boreholes due to the November 2014 amendment:

Non-wetland waters (streambed): 293 temporary linear feet

Item 15 *Avoidance/ Minimization Activities*, In addition to the BMPs included in Item 15, the following BMPs will be added:

15. Avoidance/
Minimization
Activities:

...

- Equipment will be maintained prior to site entry. Every effort will be made to confine drill mud to the borehole and the circulation tank. After use, drill mud will be hauled off-site for disposal. Any spilled drill mud will be collected, and removed from the project site, to the extent feasible.
- Any non-native vegetation cut during project activities (tamarisk and sweetclover anticipated) will be removed from the site per United's general maintenance permit (CDFW Notification No. 1600-2013-0223-R5).
- The work site will be flagged and activities will be monitored to ensure that the footprint is minimized.
- All work will be conducted outside of the bird breeding season.
- A qualified biological monitor will be on-site to survey the area for sensitive or other native species prior to and during the project. The biological monitor will walk ahead of the drilling equipment and support vehicle to ensure no species are harmed during ingress and egress to the work site. If any state or federally listed species is observed, all work will cease, and the appropriate resource agencies will be notified. Any observed native wildlife species will first be allowed to leave the area of its own accord. If necessary to prevent harm to a species, it will be relocated to a nearby suitable habitat outside of the project area.

I have determined that the above-proposed modifications do not constitute a significant change in the nature or scope of the activities described for the project in your original application. Therefore, all of the proposed modifications are hereby incorporated into 401 Certification No. 12-079 and no additional action by this agency pursuant to Section 401 of the Clean Water Act is necessary. This determination is limited to the proposed modifications contained in your notification to this Regional Board and described herein, and does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie CarrilloZara, Section 401 Program, at (213) 576-6759.

Sincerely,



for Samuel Unger, P.E.
Executive Officer

NOV. 25, 2014
Date

Attached: Distribution List

DISTRIBUTION LIST

Sara Dowey
United Water Conservation District
106 N. 8th Street
Santa Paula, CA 93060

Ventura Coastkeeper
Attn: Jason Weiner
Associate Director and Staff Attorney
3875-A Telegraph Rd #423
Ventura, CA 93003

Jeff Humble (via electronic copy)
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Antal Szijj
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Paul Amato
U.S. Environmental Protection Agency,
Region 9
75 Hawthorne Street
San Francisco, CA 94105

David Simmons
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Darren Brumback
National Marine Fisheries Service
Southwest Regional Office
501 West Ocean Blvd., Suite 4200
Long Beach, CA 90802