CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

JARED BLUMENFELD SECRETARY FOR ENVIRONMENTAL PROTECTION

Application: Discharges of Dredged or Fill Material to Waters of the State

The State Water Resource Control Board (State Board) or Regional Water Quality Control Boards (collectively, Water Boards) have the authority to regulate the discharge of dredged or fill material under section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne). Dischargers that obtain a federal permit or license that authorizes impacts to waters of the U.S. (i.e., waters that are within federal jurisdiction), such as section 404 of the CWA and section 10 of the Safe Rivers and Harbors Act, must obtain certification from the Water Boards to ensure that the discharge does not violate state water quality standards or any other appropriate requirement of State law. When a discharge is proposed to waters outside of federal jurisdiction, the Water Boards regulate the discharge under Porter-Cologne through the issuance of Waste Discharge Requirements (WDRs). CWA section 401 Water Quality Certifications, WDRs, and waivers of WDRs are referred to as orders or permits.

The State Wetland Definition and Procedures for the Regulation of Discharges of Dredged or Fill Material to Waters of the State (Procedures) and the California Code of Regulations, title 23, section 3856 identify items that are required for a complete application in all cases. Additionally, the Procedures identify items that may be required for a complete application on a case-by-case or conditional basis. The State Water Board webpage links to the Procedures (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/procedures_conformed.pdf).

Water Board staff will review an application within 30 days of receipt and provide a completeness determination to the applicant. A completeness determination may include a request for additional information for a complete application. Application fees must be paid before an application is determined complete. See Application Section Thirteen for options on how to make a payment.

For more information on how applications will be processed, refer to the Implementation Guidance for the Procedures (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredge_fill/revised_guidance.pdf).

This application form outlines a broad range of items that may be required; however, as noted above, not all items are required in all cases. Use of this form is not required. Applicants may submit information that was submitted for a different federal or state permit to reduce duplicative submittals. In such cases, applicants should use the text boxes in this form to indicate the name, relevant section, and page number where relevant information is located. Finally, the level of detail submitted with this application should be commensurate with the size and the scope of the proposed discharge.

Applicants are encouraged to contact the appropriate Water Board to discuss the applicability of this application form, items required for a complete application, and/or the appropriate level of detail needed to obtain authorizations.

Applications for projects that cross regional board boundaries should be submitted to the State Board. All other applications should be submitted to the appropriate regional water quality control board.

A staff directory for the Water Board's Water Quality Certification Program is located on the program webpage (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf).

STOP: If you answer 'yes' to any of the following questions, do not complete this application. Instead, please contact the State Water Board's Division of Water Rights to obtain a copy of their water quality certification application:

- Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license?
- Does this project involve an appropriation of water?
- Does this project involve a diversion of water for domestic, irrigation, power, municipal, industrial, or other beneficial use?

Section One: Contact Information

Review **Section Twelve** Legally Responsible Person (LRP) eligibility and signature requirements before completing this application.

Applicant (Organization and Legally Responsible Person) Information	
Organization Name:	City of Menifee
LRP Name:	Carlos Geronimo
Title:	Principal Engineer
Street Address:	29844 Haun Road
City:	Menifee
State:	California
County:	Riverside
Zip Code:	92586
Telephone:	951-723-3722
Email:	cgeronimo@cityofmenifee.us

The LRP may assign a Duly Authorized Representative (DAR) to make decisions on their behalf and provide application information. If a DAR is assigned to this project, provide the assigned person's contact information below and assign the DAR in Section Twelve.

Duly Authorized Representative Information (Optional)	
Organization Name:	Dudek
DAR Name:	Tricia Wotipka
Title:	Senior Wetlands Permitting Specialist
Street Address:	2280 Historic Decatur Road, Suite 200
City:	San Diego
State:	California
County:	San Diego
Zip Code:	92106
Telephone:	760-479-4295
Email:	twotipka@dudek.com

Section Two: Project Information

Project Name or Title: Project Name should match all other agency permits and correspondence Bradley Road Bridge Project	
Project Street Address: Provide the project's physical location, not the mailing address Bradley Road between Potomac Drive and Rio Vista Drive (See Figures 1 – 3)	
City:	Menifee
State:	California
County:	Riverside
Zip Code:	92586
Latitude:	33.6925
Longitude:	-117.188611
Assessor's Parcel Number(s):	336-191-003; 336-191-002; 336-191-001; 336-190-008; 336-170-001; 336-281-006; 336-281-001; 336-170-002; 338-090-022; 338-131-001; 338-132-024; 338-132-023; 338-150-029; and 338-090-007
Section, Township, Range:	Sections 33 and 34 of Township 5 South and Range 3 West of the Romoland 7.5-minute U.S. Geological Survey (USGS) quadrangle map

Directions to the Project Site:

From the Santa Ana RWQCB office: Take CA-91 East/State Highway 91 East and merge onto CA-60 East toward I-215 South. Take McCall Boulevard exit and turn left onto Bradley Road. Drive south on Bradley Road approximately 1.8 miles to the project site.

Project Purpose and Overall Goal of Entire Activity:

Salt Creek is a wide, shallow, east-to-west trending flood control channel that directly discharges into Canyon Lake, an artificial freshwater lake located in the community of Canyon Lake off site and downstream of the proposed project. Additionally, Salt Creek was designed with steep, engineered channel banks and, in most areas along its length, is maintained for flood control purposes by the Riverside County Flood Control and Water Conservation District (District). Salt Creek was originally channelized and engineered to contain a 100-year storm event and reduce flooding; however, due to the lack of periodic maintenance and continuous sediment transport over the years, there are some areas along the creek that are no longer capable of maintaining 100-year flows within the channel banks.

Bradley Road crosses Salt Creek in a north-to-south direction, generally at equal elevation to Salt Creek. Due to this design characterization, Bradley Road is prone to flooding during rain events, which has historically presented hazards to motorists and resulted in the closure of the roadway. The City of Menifee (Applicant) is proposing to replace this low-flow crossing with an all-weather crossing (bridge), effectively raising the roadway out of the floodplain.

Project Description: Provide a full, technically accurate description of the entire project.

The Bradley Road Bridge Project (project) site is located in the City of Menifee, Riverside County, California (Figure 1; all figures are provided in Attachment C). The project site is located on the USGS Romoland 7.5-minute quadrangle; Sections 33 and 34 of Township 5 South, Range 3 West (Figure 2). The approximate geographic center of the site is 117°11′19″W, 33°41′33″N. This segment of Bradley Road is located between Potomac Drive to the north and Rio Vista Drive to the south, though the limits of work would extend beyond these streets, as shown on Figure 3.

Per a review of on-line data sources, the USGS National Hydrography Dataset (NHD) maps a "Canal/Ditch" feature (i.e., "blue-line stream") and the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) map "Freshwater Emergent Wetland" features and a "Riverine" feature, representing Salt Creek, through the center of the project site (USGS 2023; USFWS 2023). Per USGS NHD, Salt Creek within the project site continues west and drains into Canyon Lake. Flows from Canyon Lake continue into the San Jacinto River which drains into the Santa Ana River and eventually flows into Lake Elsinore (USGS 2023).

The proposed project would replace the existing low-flow crossing of Bradley Road at Salt Creek with a 335 foot-long by 64-foot-wide all-weather bridge to allow the conveyance of 100-year flows. The bridge would have a 12-foot median, two 12-foot travel lanes (one in each direction), 6-foot-10-inch shoulders on both sides, and 6-foot pedestrian sidewalks on both sides with metal railings. The bridge would consist of a three-span, cast-in-place, post-tensioned concrete box girders supported by two intermediate piers consisting of three columns each (six columns total), and two open-ended abutments. The two bridge abutments would be constructed north of the Rio Vista Drive intersection and south of the Potomac Drive intersection. The existing dual pipe culvert conveying flows from Salt Creek beneath Bradley Road would be removed. The bridge would be raised approximately 14 feet above Salt Creek at its highest point. Shielded, downward-facing lighting would be installed along the entire length of the bridge. Improvements to Bradley Road to the north and south of the proposed bridge would entail grade changes to ramp up/down to the proposed bridge abutments, including reconstruction of portions of neighboring private properties. Other project components include relocating an existing Southern California Gas Company natural gas line from within Bradley Road to a point just outside of the existing road footprint, within the bridge impact area; removing two existing barbed wire fences by hand using hand tools within the southern portion of Salt Creek to the east and west of Bradley Road; reconstructing the existing paved Class I bike path, herein referred to as the Salt Creek Trail, roadway approaches, and crossing of Bradley Road; and installing two permanent aggregate-based access ramps on the south side of Salt Creek, within the bridge footprint, in order to provide District staff long-term access to Salt Creek for future flood control maintenance purposes.

Construction is estimated to last approximately 18 months starting February 1, 2025. The potential construction phases and equipment that will be utilized is outlined in Table 1 below. During construction, Bradley Road would be shut down within the project limits and traffic would be detoured away from the work area.

Table 1. Estimated Project Construction Phasing

Construction Phase and Duration	Potential Equipment
Grubbing/Land Clearing, 5 days	1 crawler tactor, 2 excavators
Grading/Excavation, 4 months	2 or 3 loaders, 2 compactors, road grader, trucks
Bridge Construction, 9 months	Cranes, bidwell machine, drills, vibrators, saws, air compressors, trucks (pick up, flat bed), concrete trucks
Drainage/Utilities/Subgrade, 5 months	Road grader, loader, backhoe, skid steer, saws, air compressors, trucks, nail guns
Paving, 10 days	Paving machine, 2 steel drum rollers, rubber tire roller, sweeper, trucks

Project Size: Total size of the entire project area for all work/activities/construction that will be performed to meet the final goal: 4.23 acres

Is this a linear project (for example a powerline, pipeline, highway, etc.)? Yes ☒ **No** ☐

If yes, indicate length of project from end-to-end in feet: 1,078 feet

Anticipated Project Start and End Dates:

Construction Start Date: 2/3/2025

Construction End Date: 12/31/2026

Estimated Construction Duration: 18 to 22 months

Will any ground disturbance take place during the wet season months?

Yes ☒ **No** ☐

Additional Information: Additional information may include documentation relevant to pre-application consultations which may help inform application processing.

The Santa Ana Regional Water Quality Control Board (RWQCB) issued Section 401 Water Quality Certification for the Project on March 27, 2020 under (SARWQCB WDID #332019-10). This certification authorized the same project as described in the current request for Water Quality Certification with the exception of the following. Since the prior authorization was issued in 2020, the project witnessed a minor design modification in order to ensure District staff had long-erm access to Salt Creek for maintenance and management purposes. As a result, the project now includes the installation of two permanent aggregate-based access ramps on the south side of Salt Creek in order to provide District long-term access to Salt Creek for future maintenance. Construction of the two access ramps would incur additional, minimal impacts to ephemeral, non-wetland waters of the United States and state totaling 0.01 acre. The Applicant's mitigation proposal has also changed to account for uncertainties and possible credit unavailability at the Riverpark Mitigation Bank, which was the Applicant's preferred mitigation choice. However, since issuance of the original 401 certification, the demand for Riverpark Mitigation Bank credits has exceeded supply and the bank currently has more potential buyers of credits than what is anticipated to be released with Phase C. There will be additional credit releases from other phases in the bank based upon achieving habitat re-establishment success criteria. The Bank Sponsor cannot at this time estimate when the IRT will authorize those releases. To account for this uncertainty we have presented an additional option to compensate for permanent impacts to waters of the state, as discussed in Section 11 of this application.

Please see the permitting package for documents referenced throughout this application regarding the proposed project (Attachments B through G).

In addition to responding to the questions above, provide a project map with a scale of at least 1:24000 (1" = 2000') and of sufficient detail to show:

- The boundaries of the lands owned or to be utilized by the applicant in carrying out the proposed activity, including grading limits, proposed land uses, and the location, dimensions and type of any structures erected (if known) or to be erected.

- All aquatic resources that may qualify as waters of the state, within the boundaries of a project, and all aquatic resources that may qualify as waters of the state outside of the boundary of the project that could be impacted by the project.

A map verified by the Corps may satisfy this requirement if it includes all potential waters of the state.

Note that a map in electronic format (e.g., GIS shapefiles) may be required.

Section Three: Agency Contact Information

Attach copies of any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents or submitted application, if not finalized) associated with construction, operation, maintenance, or other actions relevant to the project. If a draft or final document is not available, a list of all remaining agency regulatory approvals being sought should be included. (CCR § 3856 (e).)

Federal Permit(s) or Completed Federal Applications

U.S. Army Corps of Engineers

☐ Not Applicable
District: ☒ Los Angeles ☐ Sacramento ☐ San Francisco
☐ Individual Permit
☐ Letter of Permission
☒ Which Nationwide Permit Number has been applied for, if any? Nationwide Permit 14
For Nationwide Permits, select one of the following: ☐ Non-Reporting, or ☒ Reporting
☐ Corps File No.
☐ Regional General Permit / Number
☐ Other Permit Name:

Corps Contact Information	
Name:	Miriam Yemane
Telephone:	(213) 452-3411
Email:	Miriam.Yemane@usace.army.mil

U.S. Fish and Wildlife Service

☒ Not Applicable
☐ Biological Assessment
☐ Biological Opinion
☐ Incidental Take Permit

U.S. Fish and Wildlife Contact Information
Name:
Telephone:
Email:

National Marine Fisheries Service

☒ Not Applicable

☐ Biological Assessment

☐ Biological Opinion

National Marine Fisheries Service Contact Information
Name:
Telephone:
Email:

State Permit(s) or Completed State Application(s)

List permits for activities related to waters whether applied for or approved, e.g., California Department of Fish and Wildlife (CDFW) Lake or Streambed Alteration Agreement (Fish and Game Code sections 1600-1608), CESA section 2081 Incidental Take Permit, Construction Stormwater Enrollment, Coastal Development Permit, etc.

State or Local Permit Number	File Date	Tracking Number
☒ CDFW Lake and Streambed Alteration Agreement (Fish and Game Code section 1600)	Click or tap to enter a date.	EPIMS Notification Number 40173
☐ CDFW Incidental Take Permit (Fish and Game Code section 2081)	Click or tap to enter a date.	
☐ CDFW Consistency Determination (Fish and Game Code section 2080)	Click or tap to enter a date.	
☐ State Water Board Construction Stormwater General Permit Enrollment	Click or tap to enter a date.	
☐ California Coastal Commission (Development Permit)	Click or tap to enter a date.	
☐ California Coastal Commission (Consistency Determination)	Click or tap to enter a date.	
☐ Bay Conservation and Development Commission (Development Permit)	Click or tap to enter a date.	
☐ Bay Conservation and Development Commission (Consistency Determination)	Click or tap to enter a date.	
☐ Central Valley Flood Protection Board	Click or tap to enter a date.	
☐ Other:	Click or tap to enter a date.	

State or Local Agency Contact Information: Provide additional contacts, as needed
Agency Name:
Contact Name:
Telephone:
Email:

Agency Name:
Contact Name:
Telephone:
Email:

Section Four: Special Status Species

If known, provide information about the presence of species identified as rare, threatened, or endangered under state or federal law. Attach all biological assessments, surveys, formal consultation determination letters, and mitigation proposals, as applicable.

Are you aware of any rare, threatened, or endangered species at this site? Yes ☐ No ☒

Species Habitat and/or Name	Biological Assessment Prepared?	Survey Conducted? (Yes/No)	Dates Survey Conducted
	Yes ☐ No ☐	Yes ☐ No ☐	Click or tap to enter survey date.
	Yes ☐ No ☐	Yes ☐ No ☐	Click or tap to enter survey date.
	Yes ☐ No ☐	Yes ☐ No ☐	Click or tap to enter survey date.

Was the project planned in accordance with an approved Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP)? Yes ☒ No ☐

If yes, list the HCP or NCCP name: Western Riverside County Multiple Species Habitat Conservation Plan

Section Five: California Environmental Quality Act and/or National Environmental Policy Act Compliance

Unless an exemption applies, the Water Boards must comply with the California Environmental Quality Act (CEQA). Although not required for a complete application, final CEQA documentation must be provided to the Water Board with ample time to properly review before an Order may be issued. (CCR § 3856 (f).)

The Water Boards will determine whether a project qualifies for a CEQA exemption during review of the project information. Identify below if applicable the relevant categorical or statutory exemption number you believe applies.

If you do not know whether a CEQA exemption applies to the proposed project, submit the application with as much information as possible.

Document Type	Status (In Preparation, Complete, or Under Revision)	Date Completed or Expected Completion Date
Scoping Document	N/A	N/A
Initial Study	Completed (MND Section 3 {Initial Study Checklist})	2/24/2017
Negative Declaration	N/A	N/A

Notice of Preparation	N/A	N/A
Mitigated Negative Declaration	Completed	2/24/2017
Environmental Document	N/A	N/A

Does the project meet a statutory or categorical CEQA exemption?
No ☒ **Yes, proposed statutory exemption number:** **Yes, proposed categorical exemption number:**

Section Six: Aquatic Resource Information

Attach any aquatic resource delineation reports and maps for all aquatic resources that may qualify as waters of the state, including those outside of federal jurisdiction. Water Board staff will verify the presence or absence of waters of the state outside of federal jurisdiction during the application review process. (CCR § 3856 (h)(7).) The Water Boards may require supplemental field data from the wet season to substantiate dry season delineations (Procedures section IV.A.2.a).

Aquatic Resource Delineation Report Information	
Was an aquatic resource delineation report prepared? Yes ☐ **No** ☒	
Report Title:	An Aquatic Resource Delineation Report was not prepared for the proposed project; however, previous iterations of the project authorized by the RWQCB in 2020 and by the Corps in 2021 processed a Preliminary Jurisdictional Determination. The results of this delineation were more recently incorporated into the *Natural Environmental Study (Minimal Impacts) for Bradley Road Bridge* (NESMI).
Delineation Date(s):	10/22/2015; 8/12/2016; 7/25/2022
Name of Person who Prepared the Report (Delineation):	Tricia Wotipka
Title of Person who Prepared the Report (Delineation):	Senior Wetlands Permitting Specialist
Organization/Company who Prepared the Report (Delineation):	Dudek

Was the report verified by the U.S. Army Corps of Engineers? Yes ☒ No ☐

If yes, enter verification date and submit a copy of the verification with this application: 9/16/2021

Are there waters outside of federal jurisdiction?

Yes ☐ No ☒

Receiving waters and groundwater potentially impacted by any project are protected in accordance with the applicable water quality control plans (https://www.waterboards.ca.gov/plans_policies/#plans) (Basin Plans) for the regions and other plans and policies (http://www.waterboards.ca.gov/plans_policies). If known, list impacted hydrologic unit(s) in the impacted Regional Water Quality Control Board's Basin Plan. The Basin Plans include 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.

The Lahontan Regional Water Quality Control Board prohibits discharge to lands within the Walker, Carson, Lake Tahoe, Little Truckee, and Truckee River Hydrologic Basins unless specific prohibition exemption criteria are met. For projects in this region, in addition to this application, complete the applicable prohibition criteria form for projects discharging to the Lake Tahoe Hydrologic Basin (https://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/docs/att3.doc) or the Little Truckee or Truckee River (https://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/docs/att4.doc) Hydrologic Basins.

Hydrologic Information

Was the project developed in accordance with a watershed plan? Yes ☒ No ☐

If yes, what is the name of the watershed plan name? Attach the plan, or a link to the plan, if feasible: Western Riverside County Multiple Species Habitat Conservation Plan

How many waterbodies would be impacted by the project activity? One (Salt Creek)

If the project impacts more than one waterbody, attach the information below for each impacted waterbody; an excel spreadsheet or table may be used for projects with multiple impact sites.

Does the impacted waterbody have a name? Yes ☒ No ☐

Name of the impacted waterbody; if unnamed, name of the nearest downstream named waterbody:

The name of the impacted waterbody is Salt Creek.

Basin plan hydrologic unit(s), and if included in a basin plan, the hydrologic area and hydrologic subarea, if known:

The impacted feature is included in the Santa Ana Basin Plan. The project is within the Santa Ana Basin, the San Jacinto Hydrologic Unit, Perris Hydrologic Area, and the Menifee Hydrologic Subarea.

Does the proposed project do any of the following?	
Discharge to an Area of Special Biological Significance (ASBS), Marine Protected Area (MPA), or Outstanding National Resource Water (ONRW)?	**Yes** ☐ **No** ☒
Discharge to a waterbody listed as impaired on the Clean Water Act 303(d) list?	**Yes** ☒ **No** ☐
Discharge to a waterbody with a total maximum daily load (TMDL)?	**Yes** ☒ **No** ☐

Section Seven: Impact Quantities and Classification

List temporary and permanent **fill/excavation** impacts to waters of the state according the aquatic resource type in the tables below. Round acres to at least the hundredth place (0.01); round cubic yards and linear feet to the nearest whole number.

Fill/Excavation Temporary Impacts

Lake/Reservoir

Acres	
Cubic Yards	
Linear Feet	

Stream Channel

Acres	**0.80**
Cubic Yards	**N/A**
Linear Feet	**2,737**

Ocean/Bay/Estuary

Acres	
Cubic Yards	
Linear Feet	

Vernal Pool

Acres	
Cubic Yards	
Linear Feet	

Riparian Zone

Acres	
Cubic Yards	
Linear Feet	

Wetland

Acres	
Cubic Yards	
Linear Feet	

Classification System Name (if known):	Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979)
Classification(s):	R6 – Riverine, Ephemeral

Fill/Excavation Permanent Impacts

Lake/Reservoir

Acres	
Cubic Yards	
Linear Feet	

Stream Channel

Acres	**0.21**
Cubic Yards	**8,000**
Linear Feet	**735**

Ocean/Bay/Estuary

Acres	
Cubic Yards	
Linear Feet	

Vernal Pool

Acres	
Cubic Yards	
Linear Feet	

Riparian Zone

Acres	
Cubic Yards	
Linear Feet	

Wetland

Acres	
Cubic Yards	
Linear Feet	

Classification System Name (if known):	Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979)
Classification(s):	R6 – Riverine, Ephemeral

List temporary and permanent **dredge/extraction** impacts to waters of the state according the aquatic resource type in the tables below. Round acres to at least the hundredth place (0.01); round cubic yards and linear feet to the nearest whole number**.**

Dredge/Extraction Temporary Impacts

Lake/Reservoir

Acres	
Cubic Yards	
Linear Feet	

Stream Channel

Acres	
Cubic Yards	
Linear Feet	

Ocean/Bay/Estuary

Acres	
Cubic Yards	
Linear Feet	

Vernal Pool

Acres	
Cubic Yards	
Linear Feet	

Riparian Zone

Acres	
Cubic Yards	
Linear Feet	

Wetland

Acres	
Cubic Yards	
Linear Feet	

Classification System Name (if known):
Classification(s):

Dredge/Extraction Permanent Impacts

Lake/Reservoir

Acres	
Cubic Yards	
Linear Feet	

Stream Channel

Acres	
Cubic Yards	
Linear Feet	

Ocean/Bay/Estuary

Acres	
Cubic Yards	
Linear Feet	

Vernal Pool

Acres	
Cubic Yards	
Linear Feet	

Riparian Zone

Acres	
Cubic Yards	
Linear Feet	

Wetland

Acres	
Cubic Yards	
Linear Feet	

Classification System Name (if known):
Classification(s):

Additional Direct and Indirect Impact Information

Direct Impact Description: Describe the nature and extent of temporary and permanent impacts to waters of the state. Attach map(s) that clearly depict the anticipated area of direct impact.

As detailed in the Project Description, the proposed project would replace the existing low-flow crossing (i.e., Bradley Road) at Salt Creek with an all-weather bridge and include improvements to Bradley Road to the north and south of the proposed bridge. Additionally, the proposed project would relocate the existing Southern California Gas Company natural gas line, install two aggregate-base access ramps, remove existing fencing within Salt Creek by hand using hand tools, and reconstruct portions of the Salt Creek Trail (outside of RWQCB jurisdiction).

As shown in Figure 6, the proposed work outlined above would result in permanent impacts to approximately 0.21 acre of ephemeral, non-wetland waters of the United States and state due to the construction of the aggregate-base access ramps, bridge abutments, and rock slope protection needed to support and stabilize the bridge. Additionally, the proposed project would result in temporary impacts to approximately 0.80 acre of ephemeral, non-wetland waters of the United States and state in order to allow construction-related access within Salt Creek and the relocation of the existing natural gas utility line. Grading would require approximately 3,500 cubic yards of cut and 8,000 cubic yards of fill. Figure 5 shows the aquatic resource impact area in detail. Further information regarding the aquatic resource delineation conducted for the proposed project is detailed in the *Natural Environmental Study (Minimal Impacts) for Bradley Road Bridge* (NESMI).

Indirect Impact Description: Indirect impacts could be those that are reasonably foreseeable outside of the direct impact area, or that occur later in time, that may have an adverse effect on water quality. Examples of indirect impacts could include fluctuating or disturbed water levels, climate change adaptation, and disturbed habitat connectivity corridors.

Describe potential impacts to water quality from the project discharge. For example, describe increased turbidity, settleable matter, or other pollutants that may affect beneficial uses associated with the proposed project area. Attach map(s) that clearly depict the anticipated area of indirect impact, as feasible.

Construction of the proposed project would involve ground-disturbing activities for grading and excavation that could result in sediment discharge in stormwater runoff. Additionally, construction would involve the use of oil, lubricants, and other chemicals that could be discharged from leaks or accidental spills. These potential sediment and chemical discharges during construction would have the potential to impact water quality in receiving water bodies. Operation of the proposed project over the long-term would not directly produce water or wastewater discharge. Sediment, oils, and other debris from vehicles may collect on the proposed bridge and be discharged during rain events. Such potential indirect discharges would not be substantially different when compared to the existing condition.

Per USGS NHD, Salt Creek within the project site continues west and drains into Canyon Lake. Flows from Canyon Lake continue into the San Jacinto River which drains into the Santa Ana River and eventually flows into Lake Elsinore (USGS 2023). The Santa Ana RWQCB Basin Plan identifies intermittent beneficial uses of Salt Creek for water contact recreation (REC1), non-contact water recreation (REC2), warm water ecosystem (WARM), and wildlife habitat (WILD).

Potential indirect impacts to the intermittent beneficial uses outlined above will be minimized with the implementation of appropriate Best Management Practices (BMPs), as outlined below in Section 8 and the *Natural Environmental Study (Minimal Impacts) for Bradley Road Bridge* (NESMI,

Dudek 2022; Attachment D). Furthermore, per the *Addendum No. 1 to the Final Bradley Road Bridge Mitigated Negative Declaration* (MND, Dudek 2022; Attachment E), implementation of BMPs identified in the project's Storm Water Pollution Prevention Plan (SWPPP) would further minimize adverse effects to water quality and erosion.

Cumulative Impacts: Provide a brief list/description, including estimated adverse impacts, of any projects implemented by the applicant within the last five years or planned for implementation by the applicant within the next five years that are in any way related to the proposed activity or that may impact the same receiving water body(ies) as the proposed activity. For purposes of this item, the water body extends to a named source or stream segment identified in the relevant Basin Plan. (CCR § 3856(h)(8).)

The Applicant has not implemented/constructed any projects within the past 5 years that impacted Salt Creek or its tributaries. However, the Applicant does intend on replacing another low-flow, at grade road crossing where Murrieta Road crosses Salt Creek. The proposed Murrieta Road Bridge project is located along Murrieta Road between Park City Avenue and Camino Del Sol Norte. The project will consist of roadway widening and a new bridge spanning the length of Salt Creek for a length of approximately 470 feet. The bridge will consist of a 4-lane bridge with pedestrian sidewalks and a signalized trail crossing. This project will investigate the horizontal and vertical alignment to meet 100-year flood limits, scouring analysis, etc. The proposed bridge will follow current Caltrans Standards and Specifications for design and construction. However, the Murrieta Road Bridge Project is in its infancy and it's not at the stage where a project application has been filed, or where environmental review has been commenced to implement the proposal as a "project". Further, this project is not under active environmental review for development, approved for construction, under construction, or completed. In addition, this project is not funded, such that it is "ready" to be submitted as a project application; therefore, this proposal is not "ready" to be the subject of environmental review at this time. Furthermore, this project does not have any set design or construction plans in place for study purposes; as a result, there is uncertainty as to design, location, configuration, timing, impacts, and other factors. It is presumed that, similar to the proposed project, direct, permanent impacts to Salt Creek resulting from the Murrieta Road Bridge Project would be less than 0.5 acre.

Depending on the quantity of new or replaced impervious surface area resulting from the project, a post-construction stormwater control plan and/or an operations and maintenance plan may be required to mitigate potential post-construction stormwater impacts. The plan may include drainage maps, detailed designs for Low Impact Development or other post-construction stormwater treatment and control measures, and design calculations. Contact Water Board staff for specific criteria.

Does the proposed project create or replace impervious surface? Yes ☒ **No** ☐

If yes, provide the total impervious surface area created or replaced in square feet: **104,544 square feet**

Section Eight: Avoidance and Minimization Measures

Applicants must describe actions that have been taken (or will be taken) to avoid and minimize impacts to waters of the state (Procedures section IV.B.a.). Unless an exemption applies, an applicant must submit an alternatives analysis to demonstrate that the propose project is the least environmentally damaging practicable alternative (LEDPA; Procedures section IV.A.1.h. and IV.B.). In cases where the Corps requires an alternatives analysis, the Water Boards will defer to the Corps'

determination except in certain circumstances. For guidance on how to prepare an alternatives analysis or to determine if an exemption may apply, reference the Procedures Implementation Guidance (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredge_fill/revised_guidance.pdf).

Alternatives Analysis
Has an alternatives analysis been prepared? Yes ☒ No ☐
Does the U.S. Army Corps of Engineers require an alternatives analysis for this project? **Yes ☐ No ☒** If yes, submit alternatives analysis documentation consistent with that provided to the Corps.
If an alternatives analysis is not provided, indicate which Procedures section IV.A.1.g exemption applies and include any relevant supporting information, if needed (e.g., watershed plan, relevant permit number, etc.): Not applicable.
Check which Procedures section IV.A.1.h alternatives analysis tier applies to the project: Water Board staff will evaluate the project information to verify the appropriate alternatives analysis tier: **Tier 1 ☐** **Tier 2 ☐** **Tier 3 ☒**

Avoidance and Minimization Measures
Describe the efforts to avoid and minimize direct impacts to waters of the state including actions/BMPs to be implemented during construction to avoid and minimize impacts including, but not limited to, preservation of habitats, erosion control measures, project scheduling, flow diversions, etc. A description may include actions or methods proposed for erosion control, including winterization strategies to stabilize bare soils and revegetation proposals. A map may be included to indicate the approximate location and area of soil, land, and vegetation disturbance, and proposed erosion and sediment control best management practices. Reference the Procedures' state supplemental Dredge or Fill Guidelines, subpart H for potential actions to minimize adverse impacts to waters of the state.

Direct Impact Avoidance and Minimization:

The measures outlined below would be implemented during the proposed project construction activities to avoid and minimize direct impacts on water quality and RWQCB-jurisdictional aquatic resources.

As outlined and detailed in the *Natural Environmental Study (Minimal Impacts) for Bradley Road Bridge* (NESMI, Dudek 2022) provided in Attachment D, **BIO-1** will ensure that (1) vehicles and equipment will not be operated in ponded or flowing water except as described in the permits; (2) water containing mud, silt, or other pollutants from grading (i.e., raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products) or other activities such as soil sites do not enter jurisdictional waters or be placed in locations that may be subject to high storm flows; and (3) no equipment maintenance occur within jurisdictional water and no petroleum products or other pollutants from the equipment enter these areas or any off-site watercourse under any flow. Additionally, a qualified biologist will conduct a training session for project personnel prior to construction. The training shall include a discussion of the general provisions of applicable environmental regulations, the need to adhere to the provisions of the regulations, the penalties associated with violating the provisions of the regulations and the access routes to and project site boundaries within which the project activities must be accomplished (see **BIO-3** of the NESMI). Lastly, a qualified biologist shall monitor clearing and grubbing, grading, excavation, and soil movement activities during construction to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat outside the project footprint (see **BIO-2** of the NESMI).

Per the *Addendum No. 1 to the Final Bradley Road Bridge Mitigated Negative Declaration* (MND, Dudek 2022), provided in Attachment E, implementation of BMPs identified in the project's Storm Water Pollution Prevention Plan (SWPPP) would further minimize adverse effects to water quality and erosion, ensure that water quality standards are met, and that stormwater runoff from the construction work areas do not cause degradation of water quality in receiving water bodies. Some of the SWPPP BMPs include use of silt screening or fiber filtration rolls, appropriate handling and disposal of contaminants, pesticide application restrictions, litter control and pickup, and vehicle and equipment repair and maintenance in designated areas.

Indirect Impact Avoidance and Minimization:

The measures outlined in the *Natural Environmental Study (Minimal Impacts) for Bradley Road Bridge* (NESMI, Dudek 2022; Attachment D) and *Addendum No. 1 to the Final Bradley Road Bridge Mitigated Negative Declaration* (MND, Dudek 2022; Attachment E), described further above, would also avoid and minimize indirect impacts on RWQCB-jurisdictional aquatic resources.

Additionally, the following mitigation measure per the MND would ensure further minimization of indirect impacts on RWQCB-jurisdictional aquatic resources:

MM-BIO-3: To minimize potential indirect impacts to jurisdictional waters, the following shall be implemented during construction to the satisfaction of the City of Menifee Community Development Department:

BMPs shall be implemented to avoid indirect impacts to jurisdictional waters, including:

A. Vehicles and equipment shall not be operated in ponded or flowing water except as described in the permits.
B. Water containing mud, silt, or other pollutants from grading or other activities shall not be allowed to enter jurisdictional waters or be placed in locations that may be subjected to high storm flows.
C. Spoil sites shall not be located within locations that may be subject to high storm flows, where spoils might be washed back into drainages.
D. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil, or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from project-related activities, shall be prevented from contaminating the soil and/or entering avoided jurisdictional waters.
E. No equipment maintenance shall occur within jurisdictional waters and no petroleum products or other pollutants from the equipment shall be allowed to enter these areas or enter any off-site state-jurisdictional waters under any flow.

Water Quality Monitoring, Diversions and Dewatering

Does the proposed project include any dewatering, work in standing or flowing water, and/or constructing diversions of water?

Yes ☐ **No** ☒

If yes, a water quality monitoring plan to monitor compliance with water quality objectives of the applicable water quality control plan may be required.

Describe the water diversion and dewatering plan, or indicate where information is located within an attachment (Procedures section IV.A.2.c):
If there are proposed discharges of water to surface waters, include receiving water body name, estimated volume, flow rates and proposed management measures; if there are discharges to detention ponds or upland treatment facilities (such as temporary settling basins, filters bags, storage and/or treatment containers, etc.) then include their location and indicate if detention pond or treatment facility is on-site or off-site; if there are stream-channel diversions, include estimated flow rates, diversion system capacity, location, including upstream diversion points and downstream discharge point, and a diversion plan that provides measures to prevent erosion and turbidity, maintain fish passage, etc.

Not applicable.

Excavations to construct the proposed bridge will be completed above the regional groundwater table. As such, the Applicant anticipates dewatering, if it is needed, will be limited to preventing surface water from entering excavations and limited dewatering of seasonally perched groundwater. The Applicant does not anticipate needing to acquire a dewatering permit at this time as they intend to either phase construction to occur during the dry season or low flow by means of diking/diversion of surface water and use of dewatering trenches, ditches, and/or sumps.

Section Nine: Ecological Restoration and Enhancement Projects (EREPs)

Is this application for a project that meets the definition of an Ecological Restoration and Enhancement Project (Procedures section V)?

Yes ☐ **No** ☒

Applications for Ecological Restoration and Enhancement Projects require an assessment plan with the following information (Procedures section IV.A.2.e):

☐ Project objectives
☐ Description of performance standards used to evaluate attainment of objectives
☐ Protocols for condition assessment
☐ The timeframe and responsible party for performing condition assessment
☐ Assessment schedule
☐ A draft restoration plan for restoring temporarily impacted areas to pre-project conditions, if a draft restoration plan is not provided as part of a binding stream or wetland enhancement or restoration agreement

Section Ten: Restoration of Temporary Impacts

If temporary impacts are proposed, applicants are required to submit a draft restoration plan for a complete application. Temporary impact restoration includes activities that are undertaken to restore the temporarily impacted area to pre-project conditions. A draft restoration plan should outline design, implementation, assessment, and maintenance activities. When active restoration is proposed, components of a draft restoration plan should include project objectives, plans for grading impacted areas to pre-project contours, a planting palette with plant species native to the area, seed collection locations, an invasive species management plan. Maintenance and assessment components of a draft restoration plan often includes performance measures, performance standard descriptions, attainment objectives, and timing proposed to reach attainment objectives. When passive restoration is proposed, a draft restoration plan should include an explanation of how passive restoration will restore the area to pre-project conditions, assessment components, and an estimated date for expected restoration.

If the draft restoration plan is part of a larger document, identify the specific section and page number where the requested information may be found in the attached document in the text box provided. If restoration of temporary impacts will occur through natural ecological processes, provide that information in the text box below.

Restoration Plan

Is a restoration plan attached? Yes ☐ No ☒

Describe the restoration plan and/or indicate where information is located within an attachment:

The Applicant proposes to restore all temporarily impacted streambed to pre-construction contours and conditions at a 1:1 mitigation ratio by removing all temporary structures and any supportive material as soon as reasonably possible, by completely removing temporary fills, such as diversion structures, upon work completion, and by recontouring the streambed, as needed. Temporary impacts to vegetated areas would be restored with erosion control methods, such as hydroseeding, hand-seeding, and replanting native plant species with some combination thereof to best mimic the pre-construction baseline environmental conditions. The Applicant will develop a native hydroseed mix that shall be applied to the temporarily disturbed areas following construction and monitored for a 24-month period to confirm germination to the satisfaction of the City of Menifee Community Development Department. Additionally, the project was designed to avoid and minimize adverse effects to RWQCB-jurisdictional aquatic resources, as further detailed in Section Eight (Avoidance and Minimization Measures) further above. The *Natural Environmental Study (Minimal Impacts) for Bradley Road Bridge* (NESMI, Dudek 2022) will be implemented to avoid and minimize potential adverse environmental effects that may be caused by the proposed project.

Section Eleven: Compensatory Mitigation

Compensatory mitigation means the restoration, establishment, enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved (Procedures Appendix A, Subpart J § 230.92). **When compensatory mitigation is required, a draft compensatory mitigation plan is required for a complete application.**

Proposed Compensatory Mitigation

Complete this table for each aquatic resource type proposed as compensatory mitigation; if more than two aquatic resource types will be provided, attach additional tables to your application.

Proposed Compensatory Mitigation Type, Choose one of the following:

☒ **Mitigation Bank** ☐ **In-Lieu Fee Program** ☐ **Permittee Responsible**

Mitigation Aquatic Resource Type. Choose one of the following aquatic resource type(s):

☐ **Lake/Reservoir** ☐ **Ocean/Bay/Estuary** ☐ **Riparian Zone**

☒ **Stream Channel** ☐ **Vernal Pool** ☐ **Wetlands**

Mitigation Method and Quantity for the Selected Mitigation and Resource Type:

Unit	Establishment	Re-establishment	Rehabilitation	Enhancement	Preservation	Unknown

Acres	**0.63**
Linear Feet	**N/A**

Proposed Compensatory Mitigation

Complete this table for each aquatic resource type to be provided as compensatory mitigation; if more than two aquatic resource types will be provided attach additional tables to your application.

Proposed Compensatory Mitigation Type. Choose one of the following:

☐ **Mitigation Bank** ☐ **In-Lieu Fee Program** ☐ **Permittee Responsible**

Mitigation Aquatic Resource Type. Choose one of the following aquatic resource type(s):

☐ **Lake/Reservoir** ☐ **Ocean/Bay/Estuary** ☐ **Riparian Zone**

☐ **Stream Channel** ☐ **Vernal Pool** ☐ **Wetlands**

Mitigation Method and Quantity for the Selected Mitigation and Resource Type:

Unit	Establishment	Re-establishment	Rehabilitation	Enhancement	Preservation	Unknown
Acres						
Linear Feet						

Draft Compensatory Mitigation Plan

Using a watershed approach, a draft compensatory mitigation plan should be provided and be consistent with the requirements listed in Procedures Appendix A, Subpart J, and contain the items listed in section IV.A.2.b of the Procedures.

For mitigation bank or in-lieu fee program proposals, only the first three items below are required (i, ii, and iii). For permittee responsible mitigation, items one through seven are required. Item eight (climate change assessment) is required on a case-by-case basis; you may contact Water Board staff to determine if a climate change assessment will be required for your proposed mitigation project.

Indicate the attached document name and page number where each draft compensatory mitigation plan item may be found:

i. A watershed profile for the project evaluation area for both the project activity and the proposed compensatory mitigation location (section IV.A.2.b.i).

The Applicant proposes to mitigate for direct, permanent impacts to 0.21 acre of ephemeral, non-wetland waters of the state through the purchase of 0.63 acre of non-wetland waters of the U.S. ephemeral or intermittent stream enhancement credits at a 3:1 mitigation ratio from the Soquel Canyon Mitigation Bank. The Soquel Canyon Mitigation Bank (Bank) is located within Soquel Canyon Creek and unnamed tributaries to Soquel Canyon Creek, all tributary to the Santa Ana River, within the City limits of Chino Hills, in the southwestern corner of San Bernardino County, and in unincorporated Orange County, California. The majority of the Bank occurs within San Bernardino County (306 acres) while 7 acres occurs within unincorporated Orange County. The Bank encompasses the following assessor's parcel numbers (APNs) within San Bernardino County: 1033-021-07, 1033-131-03, 1033-131-04, 1033-011-02, 1033-011-03, 1033-011-04, 1033-021-02, and 1033-021-03; and within Orange County: 312-051-02. Its southern boundary is the Chino Hills State Park, a premier natural open space area near the junction of San Bernardino, Orange, Riverside and Los Angeles Counties. The State Park is a critical link in the Puente-Chino Hills biological corridor, encompassing over 14,000 acres of oaks, sycamores, and rolling grassy hills stretching nearly 31 miles from the Santa Ana Mountains to the Whittier Hills. The Bank drains into the San Gabriel, Lower Los Angeles and Santa Ana River watersheds, resulting in a large service area that includes portions of Orange, San Bernardino, Riverside, and Los Angeles Counties. The proposed Bradley Road Bridge project appears to lie within the tertiary service area of the Soquel Canyon Mitigation Bank.

Enhancement activities associated with the Bank included installation and maintenance of fencing and signage to protect and conserve the Bank; removal of nonnative vegetation; removal of trash, and debris; and installation of best management practices (e.g., silt fencing, straw wattles) for sediment erosion control, where necessary. Restoration activities included those listed for enhancement and also included the installation of native plant species. Vegetation removal was be performed using hand tools, mechanical cutters and shredders, and herbicides. No earth-moving and/or grading activities to establish the Bank was proposed.

The Bank generates waters of the United States stream enhancement credits by converting non-native vegetative communities to native types, reducing/eliminating invasive seed sources and, enhancing habitats for protected species. These activities repair and ultimately improve habitat for federally listed species, including least Bell's vireo and California coastal gnatcatcher. Enhancement is also achieved by excluding cattle and managing invasive species in existing natural communities.

These activities will serve to improve hydrologic conditions, restore connectivity between adjacent areas of preserved land and natural habitats, and restore and improve wildlife movement corridors, which would result in a net gain in functions and services of aquatic resources within the watershed.

The Riverpark Mitigation Bank continues to be a mitigation option for the preferred project; however, given the fact that the community demand for credits has exceeded supply for the current phase release (i.e., Phase C), the timing of future credit releases will not likely align with the construction schedule for the proposed project. On April 19, 2023, the Bank Sponsor informed the Applicant that future credit releases are likely expected to occur in 2024; however, the credit release is based on achieving habitat restoration success criteria as established by the resource agencies. Therefore, the Riverpark Mitigation Bank staff are unable to estimate a reliable schedule at this time.

ii. An assessment of the overall condition of aquatic resources proposed to be impacted by the project and their likely stressors, using an assessment method approved by the Water Boards (section IV.A.2.b.ii).

The existing Bradley Road alignment crosses Salt Creek, a wide, shallow, east–west trending flood control channel that directly discharges into Canyon Lake, an artificial freshwater lake located in the community of Canyon Lake located off site and downstream of the proposed project. Additionally, Salt Creek is a blue-line stream that has been designed with steep, engineered channel banks and, in many areas, is a maintained and managed floodplain. Salt Creek was originally channelized and engineered to retain flows up to a 100-year storm event and reduce flooding, although, due to the lack of periodic maintenance and continuous sediment transport over the years, there are some areas along the length of the creek that are no longer capable of maintaining 100-year flows within the banks. Bradley Road crosses Salt Creek in a north-to-south direction, generally at an equal elevation to Salt Creek. Within the project area, Salt Creek is routinely mowed by District staff for flood control management and is characterized as a disturbed, ruderal floodplain dominated largely by non-native herbs, grasses, and forbs. Salt Creek within the project area contains an active low-flow channel, defined by incised channel banks, ranges in width from 3 feet to 5 feet and is mapped as open channel with a sandy bottom intermixed with small river cobble. The active floodplain boundary, where water overtops the main, active low-flow channel during larger rain events, is approximately 500 feet wide, on average, and extends from the toe of the southern levee to the toe of the north levee. The main, active low-flow channel supported clearly discernible channel morphology (i.e., clear bed and bank) with evidence of channel incision, shelving, drainage patterns, and drift lines. Salt Creek was originally channelized and engineered to retain flows up to a 100-year storm event and reduce flooding, although, due to the lack of periodic maintenance and continuous sediment transport over the years, there are some areas along the creek that are no longer capable of maintaining 100-year flows within the banks. As shown on Figure 5, Bradley

Road crosses Salt Creek in a north-to-south direction, generally at an equal elevation to Salt Creek. Due to this design characterization, the present Bradley Road is a stressor to Salt Creek and is prone to flooding during rain events, creating unstable, erosive conditions along the road shoulder.

iii. A description of how the project impacts and compensatory mitigation would not cause a net loss of the overall abundance, diversity, and condition of aquatic resources, based on the watershed profile. If the compensatory mitigation is located in the same watershed as the project, no net loss will be determined on a watershed basis. If the compensatory mitigation and project impacts are located in multiple watersheds, no net loss will be determined considering all affected watershed collectively. The level of detail in the plan shall be sufficient to accurately evaluate whether compensatory mitigation offsets the adverse impacts attributed to the project (section IV.A.2.b.iii).

The intent of the Soquel Canyon Mitigation Bank is to improve and restore wetland hydrology to Soquel Canyon Creek and complete associated habitat restoration and enhancement activities, resulting in the creation of a largescale mitigation bank on parcels totaling 313 acres. Overall, the Soquel Canyon Mitigation Bank is designed as a restoration and enhancement project to improve natural floodplain/riverine habitats within the watershed. Goals of the mitigation bank include re-establishing native habitat in areas that have experienced severe degradation due to prolonged cattle grazing and agricultural uses as well as removing non-native invasive species and restoring native vegetation. This serves to improve hydrologic conditions, significantly reduce the upstream invasive species seed sources, preserve connectivity between adjacent areas of preserved land and natural habitats, and preserve wildlife movement corridors, and would result in a net gain in functions and services following restoration activities. In comparison, the aquatic resources in the project site are unvegetated, ephemeral in nature, and highly disturbed by persistent anthropogenic influences including routine vegetation management and a considerable amount of trash deposition and pedestrian uses. The mitigation proposed is anticipated to fully compensate for proposed permanent impacts to waters of the state.

iv. Preliminary information about ecological performance standards, monitoring, and long-term protection and management, as described in the state supplemental dredge or fill guidelines (section IV.A.2.b.iv).
v. A timetable for implementing the compensatory mitigation plan (section IV.A.2.b.v.)
vi. If the compensatory mitigation plan includes buffers, design criteria and monitoring requirements for those buffers (section IV.A.2.b.vi).
vii. If compensatory mitigation involves restoration or establishment as the form of mitigation, applicants shall notify, as applicable, state and federal land management agencies, airport land use commission, fore control districts, flood control districts, local mosquito-vector control district(s), and any other interested local entities prior to initial site selection. These entities should be notified as early as possible during the initial compensatory mitigation project design stage (section IV.A.2.b.vii). (Applicants are not required to submit documentation for this requirement.)
viii. If applicable, an assessment of reasonably foreseeable impacts to the compensatory mitigation associated with climate change, and any measures to avoid or minimize those potential impacts (section IV.A.2.b.viii).

Compensatory Mitigation Contact Information	
Name of Mitigation Bank or In-Lieu Fee Program:	Soquel Canyon Mitigation Bank (SCMB)
Service Area:	The service area for the SCMB is as follows: • Santa Ana River (Counties of Los Angeles, San Bernardino, and Orange) (HUC 18070203) • Lower Los Angeles River (County of Los Angeles) (HUC 1807010504) • San Gabriel River (Counties of Los Angeles, San Bernardino, and Orange) (HUC 18070106) • Bolsa Chica Channel (County of Orange) (HUC 1807020100) • San Diego Creek (County of Orange) (HUC 1807020401)
Contact Name:	Nate Bello
Contact Phone:	(877) 445-8699
Contact Email:	bankmanager@landveritas.com
Mitigation Location County:	San Bernardino County, Unincorporated Orange County

Mitigation Site Latitude:	Not applicable.
Mitigation Site Longitude:	Not applicable.

Section Twelve: Legally Responsible Person Attestation and Optional Duly Authorized Representative Assignment

The attestation below must be signed by the Legally Responsible Person (LRP).

1) **LRP eligibility is as follows:**

   a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

      i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function; or

      ii. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

   c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. This includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the U.S. EPA).

Legally Responsible Person Attestation

I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in accordance with a process designed to assure that qualified personnel properly gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Carlos Geronimo

X

Legally Responsible Person's Signature

2) **DAR assignment is as follows (optional):**
   a. The authorization shall specify that a person designated as a DAR has responsibility for the overall operation of the regulated facility or activity, such as a person that is a manager, operator, superintendent, or another position of equivalent responsibility, or is an individual who has overall responsibility for environmental matters for the company.

Optional Duly Authorized Representative (DAR) Assignment
I hereby authorize Tricia Wotipka, Dudek, to act on my behalf as the DAR in the processing of this application, and to furnish upon request, supplemental information in support of this permit application. Carlos Geronimo X _____ Legally Responsible Person's Signature

Section Thirteen: Fee Information

Fee amounts are determined according to the Cal. Code Regs., tit. 23, § 2200(a)(2) fee schedule (https://govt.westlaw.com/calregs/Document/IEEE14760D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.DefaDef) and are subject to change.

Submit the Application Fee based on the activity type and according to the appropriate fee category. Application fees are required to determine an application complete. Additional Project and/or Annual Fees may be imposed upon application review.

An excel fee calculator (https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xlsm) may be used to estimate fees for budgeting purposes only.

Fees may be paid online or by check. Information on how to make an online payment is available at the State Water Board's webpage (https://www.waterboards.ca.gov/make_a_payment/). If fees are paid online prior to application submission, attach payment receipt to this application. Make checks, money orders, and cashier checks payable to the State Water Resources Control Board. Mailed payments should be attached to the application and remitted to the appropriate Water Board. See the Staff Directory (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wqc_staffdir.pdf) for a list of State and Regional Water Board addresses.

Table for Internal Use Only	
Date Received	**Reg Measure ID**
WDID No.	**ECM Handle**
Check No.	**Check Amount**
Place ID	

FY 22/23 Water Quality Certification Dredge and Fill Application Fee Calculator (effective 11/28/22)

Scroll down to see instructions below and use this calculator to estimate Water Quality Certification application fees

This calculator is publicly available for informational purposes only and estimates fees in accordance with the fiscal year 2022-2023 water quality fee schedule. Applicants may use the calculator to generate estimates for project budgeting. The State Water Board does not guarantee the accuracy of estimates generated by the calculator. The final fee amount **will be determined by Water Boards staff** in accordance with California Code of Regulations, Title 23, section 2200(a)(3). The State Water Board reserves the right to modify the calculator at any time.

Click here for a link to the current regulations.

Important note: This calculator may not be applicable to federal dischargers.

Please contact the State Water Board's Wetlands Permitting and Planning Manager with any questions

***Combination Project**: Check box for a combination deep water dredging and fill project; which are subject to both Category A and B fees.* ☐

	Discharge Size	Rounded Discharge Size	Application Fee	Category A Project Fee or Amendment Fee	Annual Fee
Category A Fill & Excavation Discharges (Fee Code 84) ***Note: discharge size equals the sum of temporary and permanent impacts***					
Discharge Area Acres x $24,366	1.52	**1.52** *Rounded to two decimal places*	**$2,734**	**$34,302**	**$2,297**
Category B* Dredging Discharges (Fee Code 86)					***Estimated annual fee***
Expected Annual Dredge Quantity Cubic Yards x $0.60		**0** *Rounded to whole number*	**$0**	**$0**	**$0**

***Category B Projects are billed annually and based on the quantity of material dredged during the previous fiscal year**

Flat Fee Categories - Check ONE applicable box		Application Fee		Annual Fee
Category C (Fee Code 85)				
Sand Mining, In-Stream Gravel Mining and Beach Nourishment Discharges	☐	**$0**	-	**$0**
Category D (Fee Code 85)				
Ecological Restoration and Enhancement Projects	☐	**$0**	-	**$0**
Category E (Fee Code 87)				
Low Impact Discharges	☐	**$0**	-	**$0**
Category F (Fee Code 85)				
Emergency Projects authorized by a General Order	☐	**$0**	-	**$0**

Category G Amended Orders - Check applicable box, Step 5 below		
(1) All Category (D) Ecological and Restoration and Enhancement Projects, regardless of amendment type.	☐	**Annual fee applicable per discharge category above.**
(2) Administrative amendments including, but not limited to, ownership changes, typographic edits, or time extensions that do not result in a temporal loss of resource function. Amendments in this category require no technical analysis or additional compensatory mitigation.	☐	
(3) Amendment results in change(s) in impact character, location, or volume of the discharge; or a time extension that results in temporal loss of resource function, according to the following criteria: -Amendment increases the active certification's impact quantity by less than 50 percent, **and** -Amendment does not require a change to the mitigated aquatic resource type.	☐	
(4) Amendment requires a supplemental CEQA analysis, **or** Amendment results in change(s) in impact character, location, or volume of the discharge, or a time extension that results in a temporal loss of resource function, according to the following criteria: -Amendment increases the active certification's impact quantity by more than 50 percent, **or** -Amendment requires a change to the mitigated aquatic resource type.	☐	

Category H (Fee Code 19) Note: Maximum fee not applicable to this category			
(H) Wildfire Mitigation by Electrical Corporations, Electric Utilities, and Electrical Cooperatives	☐		**$0**

Total Fees

Application Fee Due with application	$2,734
Category A Project Fee or Amendment Fee Due prior to certification or amendment	$34,302
Sum of Fees Due Prior to Authorization *Note to dischargers seeking an amendment to an existing order: Sum does not include any previously paid fee amounts*	$37,036
Annual Fee Invoiced annually (unless maximum $237,190 fee reached)	$2,297

General instructions

Terms defining the measurement of a "discharge":

Discharge of **"dredged material"** is measured by the volume of material removed in deep water dredging activities;
Discharge of **"fill material"** is measured by the physical area of placement of fill material into a waterbody;
Discharge of **"excavation material"** is measured by the physical area within a waterbody where earth-moving activities occur.

Generally, fees are determined by the size or volume of discharge to a water body. Fees for fill and/or excavation projects are based on discharge area in acres. Fees for deep water dredging are based on the volume of dredged material removed in cubic yards. For further explanation, see (A) and (B) below. However, your project may qualify for a flat fee category. If so, the project fee will be based on the fee for that category instead of size or volume (see (C) through (G) below). Amended orders may or may not be subject to fees depending on the complexity of analysis required. Follow the steps below to determine the fee associated with your project. Please contact Water Boards staff with further questions regarding how to use the calculator, **click here** for a link to the staff directory.

Step 1 Determine the Fee Category for your project:

Fee Based on Fill or Excavation Discharge Size Within the Waterbody

(A) Do your project activities add fill material (soil, rocks, concrete, culverts(s), pier pilings, etc.) or excavate soil or other materials within a waterbody?
Fill refers to replacing any portion of a water with dry land, or to changing the bottom elevation or grade of any portion of a water. Fill material includes rock, sand, clay, plastics, construction debris, wood chips, overburden from mining, or other construction activities, and materials used to create any structure or infrastructure within waters (culverts, pilings, etc.).

Excavation refers to removing sediment or soil in shallow waters or under no-flow conditions where impacts to beneficial uses are best described by the area of the excavation. It typically is done for purposes other than navigation. Examples include earth-moving work such as trenching for utility lines; channel reconstruction; embankment construction; removing sediment to increase channel capacity; and other flood control and drainage maintenance activities (e.g. debris removal, vegetation management and removal, detention basin maintenance and erosion control of slopes along open channels and other drainage facilities).

Fees Based on Discharge of Dredged Material

(B) Is your project deep water dredging? (except Sand Mining - see (C) below)
Dredging generally refers to removing sediment in deeper water to increase depth and typically occur to facilitate navigation. The impacts to beneficial uses are best described by the volume of the discharge removed. Dredge volumes are expressed in cubic yards.

Fee Based on Flat Fee Categories

Does your project qualify for one of the following flat fee categories? **To qualify for a flat fee category, the entirety of all project activities must be included within a single flat fee category**, i.e., the project cannot include other components involving activities not included within the flat fee category.

(C) Sand Mining, In-Stream Gravel Mining and Beach Nourishment Discharges
Aggregate extraction in surface waters where source material is free of pollutants and the dredging operation will not violate any basin plan provisions and beach nourishment projects.

(D) Ecological Restoration and Enhancement Projects
The project meets the definition of an "Ecological Restoration and Enhancement Project" set forth in the State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State, adopted by the State Water Board on April 2, 2019:

Ecological Restoration and Enhancement Project means the project is voluntarily undertaken for the purpose of assisting or controlling the recovery of an aquatic ecosystem that has been degraded, damaged or destroyed to restore some measure of its natural condition and to enhance the beneficial uses, including potential beneficial uses of water. Such projects are undertaken:

1) in accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the real property interest owner or the entity conducting the habitat restoration or enhancement work and:
a. a federal or state resource agency, including, but not limited to, the U.S. Fish and Wildlife Service, Natural Resources Conservation Service, Farm Service Agency, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Forest Service, U.S. Bureau of Land Management, California Department of Fish and Wildlife, California Wildlife Conservation Board, California Coastal Conservancy or the Delta Conservancy;
b. a local agency with the primary function of managing land or water for wetland habitat purposes; or
c. a non-governmental conservation organization; or

2) by a state or federal agency that is statutorily tasked with natural resource management. These projects do not include the conversion of a stream or natural wetland to uplands or stream channelization. It is recognized that Ecological Restoration and Enhancement Projects may require ongoing maintenance or management to maximize fish, wildlife, habitat, or other ecological benefits, or filling gullied stream channels and similar rehabilitative activities to re-establish stream and meadow hydrology. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during rehabilitation activities are not considered a conversion to another aquatic habitat type. These projects also do not include actions required under a Water Board Order for mitigation, actions to service required mitigation, or actions undertaken for the primary purpose of land development.

(E) Low Impact Discharges
Projects may be classified as low impact discharges if they meet all of the following criteria:
1. The discharge size is less than all of the following: (a) for fill, **0.1 acre, AND 300 linear feet**, and (b) for dredging, 25 cubic yards.
2. The discharger demonstrates that: (a) all practicable measures will be taken to avoid impacts; (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable; and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal.
3. The discharge will not do any of the following: (a) directly or indirectly destabilize a bed of a receiving water; (b) contribute to significant cumulative effects; (c) cause pollution, contamination, or nuisance; (d) adversely affect candidate, threatened, or endangered species; (e) degrade water quality or beneficial uses; (f) be toxic; or (g) include "hazardous" or "designated" material.

(F) Emergency Projects Authorized by a Water Board General Order
RGP 8 Corps' Sacramento District
RGP 5 Corps' San Francisco District
RGP 63 Corps' Los Angeles District

(G) Amended Orders (go to Step 4)

(H) Wildfire Mitigation by Electrical Corporations, Electric Utilities, and Electrical Cooperatives
Dredge or fill activities conducted by electrical corporations, electric utilities, and electrical cooperatives pursuant to a wildfire mitigation plan prepared in accordance with Public Utilities Code, section 8386(b) or section 8387(b)(1). This annual fee covers all dredge or fill activities conducted by the electrical corporations, electric utilities, and electrical cooperatives pursuant to a wildfire mitigation plan, and is in lieu of the project-specific dredge or fill fees in section 2200(a)(3)(A)-(G) for dredge or fill activities conducted pursuant to a wildfire mitigation plan. Annual fee is assessed as $40.00 per mile of overhead electrical lines identified as high risk or high threat in the wildfire mitigation plan.

Step 2

If you have determined that your project qualifies for a flat fee category (C through H) check the applicable box to calculate fees.

Step 3

A. Is your project a fill/excavation project?

If your project is a fill/excavation project, calculate your fee based on the size of the discharge area in acres. For projects with multiple impact sites, sum the individual discharge quantities and enter the total in the calculator. For projects impacting multiple water features sum discharge quantities for all features. In addition, fees are based on the sum of both permanent and temporary impacts. The size of the discharge area shall be rounded to two decimal places (0.01 acre = 436 square feet). Category A discharges are subject to the sum of the Application fee and Project fee; the Application fee is due at the time of application and the project fee is due prior to issuance of the certification; additional annual fees are assessed from the date of certification until project completion.

B. Is your project a dredging project? Your dredging fee will be based on the actual amount of material dredged from the waterbody. Therefore, annual active discharge invoices are sent for the previous fiscal year's dredging amount. Invoice amounts will be based on the fee schedule current for that fiscal year. Please submit your application fee amount as shown in the calculator above. You may estimate your upcoming annual active discharge fee using the current fee calculator. However, this will only be an estimate because fees are subject to change annually as approved by the State Water Board.

Combination fill/excavation and dredging Projects (A and B)
Does your dredging project also include a discharge of fill material? These projects typically include dredging material from one part of a waterbody and depositing the dredged material into a different location in the waterbody. These projects are subject to both Category A and Category B fees.

Step 4

Are you requesting an amendment to a previously issued water quality certification or WDR? Fees for amended orders are based on the increased quantity of discharge and the level of technical analysis required evaluate project changes, therefore Water Board staff will determine which category your amendment is subject. Water Board staff will determine the fee for amendments based on the fee schedule and will request the applicant to submit the appropriate fee.

Fees based on amendments are categorized as follows:

(1) All Category (D) Ecological and Restoration and Enhancement Projects, regardless of amendment type. **No fee required**

(2) Administrative amendments including, but not limited to, ownership changes, typographic edits, or time extensions that do not result in a temporal loss of resource function. Amendments in this category require no technical analysis or additional compensatory mitigation. **No fee required**

(3) Amendment results in change(s) in impact character, location, or volume of the discharge; or a time extension that results in temporal loss of resource function, according to the following criteria:

-Amendment increases the active certification's impact quantity by **less than 50 percent**, and
-Amendment does not require a change to the mitigated aquatic resource type.

Additional standard fee assessed per increased amount of discharge(s). The minimum fee is $2,734. For category A or B projects, enter discharge quantities for increased impacts quantities. For flat fee categories, select the appropriate category.

(4) Amendment requires a supplemental CEQA analysis, or Amendment results in change(s) in impact character, location, or volume of the discharge, or a time extension that results in a temporal loss of resource function, according to the following criteria:

-Amendment increases the active certification's impact quantity by **more than 50 percent**, or
-Amendment requires a change to the mitigated aquatic resource type.

Additional standard fee assessed per total amount of discharge(s). The minimum fee is $2,734. For category A or B projects, enter discharge quantities for all project impacts, including quantities previously certified. For flat fee categories, select the appropriate category.

Dischargers that have met the project fee cap will be assessed the minimum fee for each amendment of previously-issued WDR or water quality certification.

Step 5

See **Total Fees** for a breakdown of fees owed.

Step 6

Fee Types & Due Dates

Projects are subject to fees at three separate times throughout the life of a project. Application and Project Fees are determined according to the fee schedule in effect on the date of application submittal. Annual fees are determined according to the fee schedule in effect on the date of billing:

1) Application Fee: Amount due with the initial application.

2) Project Fee: Amount due prior to certification (applies to Category A only).

3) The Annual Fee amount is invoiced annually: All projects are subject to an Annual Fee each fiscal year or portion of a fiscal year that the certification is active (from the effective date of the order until the regional board or state board issues a Notice of Project Complete Letter to the discharger). The Water Boards fiscal year begins on July 1 and ends on June 30. Dischargers will be invoiced their first Annual Fee beginning in November/December of the year following the Effective Date of certification. Dischargers will be invoiced for an Annual Fee each year until the project is completed. The annual fee for category (A) fill and excavation discharges will be $2,297 for the first five fiscal years following the effective date of the order, then $365 beginning with the sixth fiscal year until the Notice of Completion is issued to the discharger. The annual fee for category (B) dredging discharges will be invoiced after the annual dredge volume has been determined.