

State Water Resources Control Board
Division of Water Quality --- Water Quality Certification Program

**Public Notice of Application for
Water Quality Certification**

June 19, 2015

Pursuant to federal law (Title 33, United States Code, Section 1341; Clean Water Act Section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian Tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Resources Control Board (State Water Board) has this responsibility for projects affecting waters within two or more Regional Water Board jurisdictions.

The following information is provided in satisfaction of the public notice requirements of California Code of Regulations, title 23, section 3858, which governs the State's Certification Program.

Project Name: Orange County Transportation Authority Renewed Measure M (M2) Freeway Program (Project)

Applicant: Orange County Transportation Authority (OCTA) and California Department of Transportation (Caltrans) are co-applicants; Information for both applicants is provided below:

Co - Applicant OCTA
Contact: Kia Mortazavi
Phone: (714) 560-5741
Email: kmortazavi@octa.net

Co - Applicant Caltrans – District 12
Contact: Sylvia Vega
Phone: (949) 724-2243
Email: sylvia_vega@dot.ca.gov

File Numbers: State Water Board File #: SB15002IN
U.S. Army Corps File #: SPL-2012-00830-VCL

Project Purpose: The Project is to serve as the basis for future regulatory permit applications for thirteen (13) capital freeway improvement projects covered by the renewed Measure M (M2) Natural Community Conservation Planning/Habitat Conservation Plan (NCCP/HCP or the Plan).

Project Description: According to OCTA's Long-Range Transportation Plan (2014), over the next 20 years, Orange County's population is projected to grow by over 13% and employment is

expected to grow by nearly 20%.¹ In 2006, Orange County voters approved the renewal of Measure M (M2), a transportation sales tax designed to raise money to improve the County's transportation system. At least 5%, or approximately \$329.9 million (in 2014 dollars), of the freeway program revenue will be allocated to mitigate the environmental impacts of freeway improvements under the OCTA Environmental Mitigation Program (EMP). The goals of the EMP are to engage in comprehensive, rather than piecemeal, mitigation to provide higher value environmental benefits such as habitat protection, wildlife corridors, and resource preservation in exchange for streamlined project approvals for the freeway program as a whole.

In January 2010, the OCTA Environmental Oversight Committee (EOC) and Board of Directors Committee approved the Master Agreement and Planning Agreement to establish the process, roles, responsibilities, and commitments for the preparation of the M2 NCCP/HCP, which will cover freeway projects within the M2 Freeway Program. The goal of this effort is to provide an effective framework to protect and enhance natural resources in Orange County while improving and streamlining the environmental permitting process for impacts of M2 freeway projects and activities on sensitive, threatened, and endangered species and their habitats.

Freeway projects covered by the M2 NCCP/HCP include 13 capital projects proposed by OCTA through its M2 transportation planning and project implementation process and described in the Transportation Investment Plan (TIP) at <http://www.octa.net/pdf/investmentplanb.pdf> (projects H and J are not included for potential authorization). Projects A, B, C, D, E, F-North, F-South, G-North, G-South, I, K, L, and M as shown in Table 1, are the freeway projects proposed for coverage under the M2 Freeway Program and are expected to be constructed during the next 15 – 20 years. Project activities may vary depending on project needs and design. Typical activities that are expected to be required for the proposed M2 Freeway Program include:

- Adding/widening/realigning lanes and/or shoulders/closed medians
- Widening bridges/placement of piers
- Bridge replacement
- Bridge retrofit
- Bank stabilization
- Replacement, extension, and/or installation of culverts
- Vertical realignment (safety)
- Curve realignment (safety)
- Construction of new interchange(s)
- Reconstruction of interchange(s)
- Installation/rehabilitation of landscaping material and associated irrigation
- Installation/rehabilitation/upgrade of right-of-way fence
- Installation of energy-dissipation structures
- Construction of retaining walls
- Construction/raising of sound walls
- Construction of drainage structures

¹ Orange County Transportation Authority. 2014. *Long-Range Transportation Plan (LRTP)—Outlook 2035: Because Mobility Matters*.

Project Location and Affected Counties: The Project area bisects Orange County in a southeasterly direction, beginning at the Los Angeles County border to the north and ending near the vicinity of SR-73 in Mission Viejo to the south. Orange County is bounded roughly by the Los Angeles Basin to the northwest, the Pacific Ocean to the south and west, and the Santa Ana Mountains to the north, east, and southeast. Elevation ranges from around 20 feet above median sea level (AMSL) to approximately 660 feet AMSL. The project area is predominantly flat, with just the uppermost northern boundary occurring in the foothills of the Santa Ana Mountains.

The M2 Freeway Program projects within the scope of this application are located throughout Orange County, within the cities of Aliso Viejo, Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Garden Grove, , Huntington Beach, Irvine, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Long Beach, Los Alamitos, Mission Viejo, Orange, Placentia, Rossmoor, San Juan Capistrano, Santa Ana, Seal Beach, Tustin, Westminster, and Yorba Linda (Figure 1-1). The project area is located on the following U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle maps: Anaheim (USGS 1981), La Habra (USGS 1981), Lake Forest (El Toro) (USGS 1997), Los Alamitos (USGS 1981), Newport Beach (USGS 1981), Orange (USGS 1981), San Juan Capistrano (USGS 1981), Seal Beach (USGS 1981), Tustin (USGS 1981), and Yorba Linda (USGS 1981) and shown in (Figure 1-2).

Table 1: M2 Freeway Projects

| M2 Project | Segments | Latitude/Longitude ¹ | Miles ² |
|------------------------|---|---------------------------------|--------------------|
| Project A | N/A | 33.758942° N, -117.860865°W | 4.00 mi |
| Project B | N/A | 33.701636°N, -117.776810°W | 7.80 mi |
| Project C | N/A | 33.578487°N, -117.671779°W | 6.10 mi |
| Project D | I-5 to El Toro (N/A) | 33.614743°N, -117.707694°W | 0.67 mi |
| Project E | N/A | 33.766037°N, -117.937727°W | 2.11 mi |
| Project F South | Between I-405 and I-5 (to 17 th St.) (not including Alton Overcrossing) | 33.711723°N, -117.848595°W | 5.75 mi |
| Project F North | Between SR-22 and SR-91 | 33.808197°N, --117.831925°W | 5.78 mi |
| Project G South | Northbound Orangewood to Katella | 33.800319°N, -117.878108°W | 0.75 mi |
| Project G North | Lambert to Tonner, including Lambert Interchange | 33.936329°N, -117.877848°W | 1.80 mi |
| Project I | SR-57 to SR-55 | 33.850158°N, -117.846339°W | 3.30 mi |
| Project K ³ | N/A | 33.732734°N, -117.989593°W | 22.00 mi |
| Project L | N/A | 33.663738°N, -117.796673°W | 8.06 mi |

¹ Taken from approximately the middle of the project footprint.

² Approximate based on estimated project footprints.

³ Project M is included in the Project K footprint.

Impacts to Waters of the State: Permanent and temporary impacts may occur throughout the duration of the Project to the following feature categories: Named Earthen Features, Unnamed Earthen Ditches, Earthen Detention Basins, Named Concrete Channels, and Unnamed Concrete Features. An estimated summary of permanent impacts by watershed is shown in Table 2 and an estimated summary of temporary impacts by watershed is shown in Table 3. Project locations within hydrologic unit code (HUC) 10 sub-basins are shown in Figure 4-1b.

Potential impacted named water bodies include: Aliso Creek, Anaheim Barber City Channel, Bee Canyon Wash, Bolsa Chica Channel, Carbon Canyon Diversion Channel, Copa De Oro Channel, Coyote Creek, East Garden Grove Wintersburg Channel, El Modena/Irvine Channel, Fountain Valley Channel, Gisler Channel, Greenville Banning Channel, Heil Avenue Storm Channel, Lane Channel, Los Cerritos Channel, Mainway Drive Channel, Ocean View Channel, Oso Creek, Peters Canyon Channel, San Diego Creek, San Gabriel River, Santa Ana Delhi Channel, Santa Ana River, Santiago Creek, Seal Beach Boulevard Channel, Tonner Canyon, Westminster Avenue Channel, and Westminster Channel.

Materials to be Discharged into Waters of the State: Detailed information regarding fill materials to be discharged into waters of the state, including estimated volumes, would be provided in each of the 13 capital freeway improvement project's individual certification application. In general, materials proposed for discharge into waters of the state would be expected to include one or more of the following:

- Clean earthen fill material (backfill)
- Portland cement concrete or asphalt concrete
- Aggregate base material
- Rock slope protection (inert)
- Galvanized corrugated metal pipe(s)
- Rock-filled basket gabion
- Filter fabric
- Geotextile
- Prefabricated concrete box/arch culvert (or bridge footing/abutment, etc.)

No toxic or hazardous materials would be discharged into the aquatic ecosystem.

Table 2: Estimated Permanent Impacts Summary by Watershed

| Project Name/ Route | HUC 10 | HUC 8 | Waters of the U.S./ State (acres) | Waters of the U.S./ State Wetlands (acres) | Waters of the U.S./ State (linear feet) | Waters of the U.S./ State (cubic yards) |
|------------------------------------|--|--------------------|-----------------------------------|--|---|---|
| A/I-5 | Santiago Creek | Santa Ana | 0.21 | 0.00 | 183 | 1,694 |
| Project A Total | Santiago Creek | Santa Ana | 0.21 | 0.00 | 183 | 1,694 |
| B/I-5 | San Diego Creek | Santa Ana | 0.22 | 0.00 | 1,374 | 1,775 |
| Project B Total | San Diego Creek | Santa Ana | 0.22 | 0.00 | 1,374 | 1,775 |
| C/I-5 | Aliso Creek-Frontal Gulf | San Juan | 0.03 | 0.00 | 45 | 242 |
| C/I-5 | San Juan Creek | San Juan | 0.05 | 0.04 | 27 | 726 |
| Project C Total² | | San Juan | 0.08 | 0.04 | 72 | 968 |
| Project D Total | N/A | N/A | 0.00 | 0.00 | 0.00 | 0.00 |
| E/SR-22 | Bolsa Chica Channel - Frontal Huntington Harbor | Santa Ana | 0.26 | 0.00 | N/A | 2,097 |
| Project E Total | Bolsa Chica Channel - Frontal Huntington Harbor | Santa Ana | 0.26 | 0.00 | N/A | 2,097 |
| F North/ SR-55 | Lower Santa Ana River | Santa Ana | 0.0003 | 0.00 | 6 | 2 |
| F North/ SR-55 | Santiago Creek | Santa Ana | 0.003 | 0.14 | 25 | 1,153 |
| Project F North Total | | Santa Ana | 0.00033 | 0.14 | 31 | 1,155 |
| Project F South Total | San Diego Creek | Santa Ana | 0.00 | 0.00 | 0.00 | 0.00 |
| G South/ SR-57 | Lower Santa Ana River | Santa Ana | 0.62 | 0.00 | 69 | 5,001 |
| Project G South Total | Lower Santa Ana River | Santa Ana | 0.62 | 0.00 | 69 | 5,001 |
| G North/ SR-57 | Lower San Gabriel River | San Gabriel | 0.08 | 0.01 | 96 | 726 |
| Project G North Total | Lower San Gabriel River | San Gabriel | 0.08 | 0.01 | 96 | 726 |
| I/SR-91 | Lower Santa Ana River | Santa Ana | 0.24 | 0.00 | 409 | 1,936 |

| Project Name/ Route | HUC 10 | HUC 8 | Waters of the U.S./ State (acres) | Waters of the U.S./ State Wetlands (acres) | Waters of the U.S./ State (linear feet) | Waters of the U.S./ State (cubic yards) |
|------------------------|---|------------------|-----------------------------------|--|---|---|
| Project I Total | Lower Santa Ana River | Santa Ana | 0.24 | 0.00 | 409 | 1,936 |
| K/I-405 | Lower San Gabriel River | San Gabriel | 0.48 | 0.00 | 1169 | 3,872 |
| K/I-405 | Bolsa Chica Channel – Frontal Huntington Harbor | Santa Ana | 0.04 | 0.00 | 49 | 323 |
| K/I-405 | Lower Santa Ana | Santa Ana | 0.17 | 0.00 | 290 | 1,371 |
| Project K Total | | | 0.69 | 0.00 | 1,508 | 5,566 |
| L/I-405 | San Diego Creek | Santa Ana | 0.17 | 0.01 | 1,653 | 1,452 |
| Project L Total | San Diego Creek | Santa Ana | 0.17 | 0.01 | 1,653 | 1,452 |
| Total | | | 2.57 | 0.20 | 5,395 | 22,370 |

Table 3: Estimated Temporary Impacts Summary by Watershed

| Project Name/ Route | HUC 10 | HUC 8 | Waters of the U.S./State (acres) | Waters of the U.S./State Wetlands (acres) | Waters of the U.S./State (linear feet) | Waters of the U.S./State (cubic yards) |
|------------------------|--------------------------|------------------|----------------------------------|---|--|--|
| A/I-5 | Santiago Creek | Santa Ana | 0.36 | 0.00 | 300 | 2,904 |
| A/I-5 | Lower Santa Ana River | Santa Ana | 0.30 | 0.00 | 1,583 | 2,420 |
| A/I-5 | San Diego Creek | Santa Ana | 0.02 | 0.00 | 1,252 | 161 |
| Project A Total | | Santa Ana | 0.68 | 0.00 | 3,135 | 5,485 |
| B/I-5 | San Diego Creek | Santa Ana | 0.60 | 0.00 | 8,881 | 4,840 |
| Project B Total | San Diego Creek | Santa Ana | 0.60 | 0.00 | 8,881 | 4,840 |
| C/I-5 | Aliso Creek-Frontal Gulf | San Juan | 0.004 | 0.00 | 43 | 32 |
| C/I-5 | San Juan Creek | San Juan | 0.05 | 0.00 | 108 | 484 |
| Project C Total | | San Juan | 0.54 | 0.00 | 151 | 516 |

| Project Name/ Route | HUC 10 | HUC 8 | Waters of the U.S./State (acres) | Waters of the U.S./State Wetlands (acres) | Waters of the U.S./State (linear feet) | Waters of the U.S./State (cubic yards) |
|------------------------------|--|--------------------|----------------------------------|---|--|--|
| Project D Total | N/A | N/A | 0.00 | 0.00 | 0.00 | 0.00 |
| E/SR-22 | Bolsa Chica Channel – Frontal Huntington Harbor | Santa Ana | 0.57 | 0.00 | 4,693 | 4,598 |
| Project E Total | Bolsa Chica Channel – Frontal Huntington Harbor | Santa Ana | 0.57 | 0.00 | 4,693 | 4,598 |
| F North/ SR-55 | Lower Santa Ana River | Santa Ana | 0.10 | 0.00 | 2,318 | 807 |
| F North/ SR-55 | Santiago Creek | Santa Ana | 0.61 | 0.16 | 161 | 6,211 |
| Project F North Total | | Santa Ana | 0.71^a | 0.16^a | 2,479^a | 7,018^a |
| F South/ SR-55 | San Diego Creek | Santa Ana | 1.01 | 0.00 | 6,036 | 8,147 |
| Project F South Total | San Diego Creek | Santa Ana | 1.01 | 0.00 | 6,036 | 8,147 |
| G South/ SR-57 | Lower Santa Ana River | Santa Ana | 0.71 | 0 | 82 | 5,727 |
| Project G South Total | Lower Santa Ana River | Santa Ana | 0.71 | 0 | 82 | 5,727 |
| G North/ SR-57 | Lower San Gabriel River | San Gabriel | 0.13 | 0.003 | 2,381 | 1,073 |
| Project G North Total | Lower San Gabriel River | San Gabriel | 0.13 | 0.003 | 2,381 | 1,073 |
| I/SR-91 | Lower San Gabriel River | San Gabriel | 0.25 | 0.00 | 250 | 2,017 |
| I/SR-91 | Lower Santa Ana River | Santa Ana | 2.48 | 0.00 | 1,028 | 20,005 |
| Project I Total | | | 2.73 | 0.00 | 1,278 | 22,022 |
| K/I-405 | Lower San Gabriel River | San Gabriel | 0.06 | 0.00 | 93 | 484 |
| K/I-405 | Bolsa Chica Channel – Frontal Huntington Harbor | Santa Ana | 1.35 | 0.00 | 3,131 | 10,890 |
| K/I-405 | Lower Santa Ana | Santa Ana | 4.39 | 0.00 | 1,701 | 35,413 |
| Project K Total | | | 5.80 | 0.00 | 4,925 | 46,787 |
| L/I-405 | San Diego Creek | Santa Ana | 1.23 | 0.01 | 16,384 | 10,003 |
| Project L Total | San Diego Creek | Santa Ana | 1.23 | 0.01 | 16,384 | 10,003 |
| Total | | | 14.22 | 0.17^a | 50,425 | 116,216 |

Public Review Period: State Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by email or mail during a 30-day comment period that begins at 8:00 a.m. on Monday, June 22, 2015 and ends at 5:00 p.m. on Wednesday, July 22, 2015. Written comments should be submitted to the following address:

State Water Resources Control Board Staff Contact:

Brian Dailey, *Environmental Scientist*
Division of Water Quality
Water Quality Certification and Wetlands Unit
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Telephone: (916) 341-5462

Fax: (916) 341-5584 (ATTN: *Brian Dailey*)

Email: Brian.Dailey@waterboards.ca.gov

Note: No regulatory decision on the application is implied or intended in this public notice.

KEEP INFORMED OF PROJECT MILESTONES

To be informed of milestones in the development of this proposed Water Quality Certification, any interested persons should enroll in the State Water Board's 401 Program e-mail notification service. Click the SUBSCRIBE button under the "Quick Links" section of the 401 Program Webpage at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml

Select "CWA 401 Certification and Wetlands Program." By enrolling in this list, you will receive notices for all current 401 project applications, including the project announced in this notice. You will need a valid e-mail address to use this service. If you do not have internet access or do not wish to participate in the Lyris list, contact the staff person named in the notice to express your interest in receiving notices by other means.

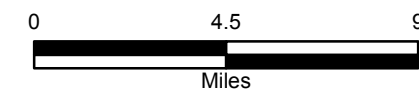
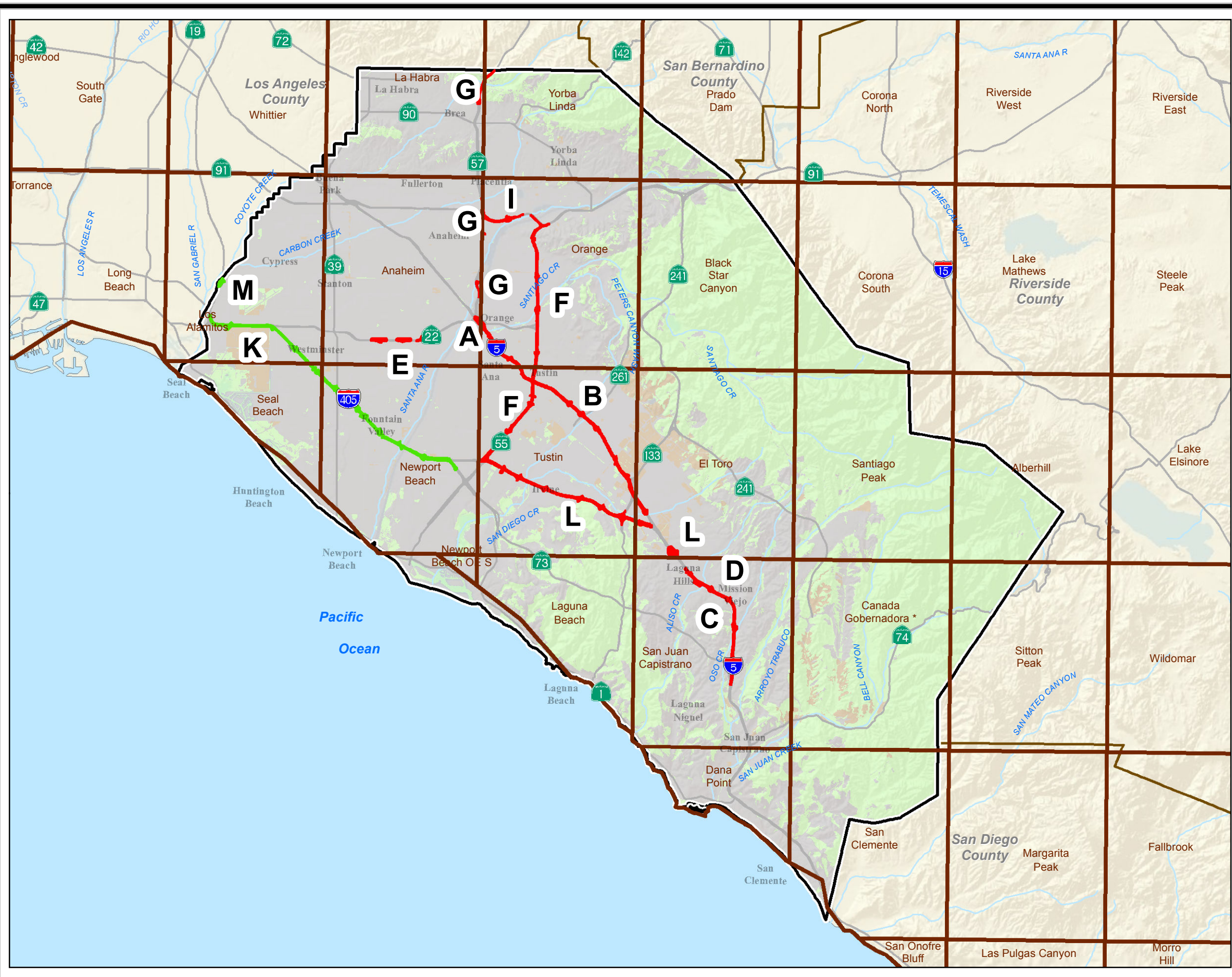
You can enroll or un-enroll at any time. The State Water Board will not disclose your name or e-mail information to any outside parties, and will not use this information for any other purpose.



OCTA M2 NCCP

Figure 1-2 USGS 7.5 Minute Quadrangles

- Legend**
- █ Study Area
 - █ M2 Projects Delineated Separately
 - USGS Quadrangle
 - Natural Habitats
 - Agriculture
 - Developed





OCTA M2 Freeway Program

Figure 4-1b HUC 10 Subbasins

Legend

- Study Area
- M2 Projects Delineated Separately
- HUC 10 Subbasin**
- Aliso Creek-Frontal Gulf of Santa Catalina
- Bolsa Chica Channel-Frontal Huntington Harbour
- Lower San Gabriel River
- Lower San Jacinto River
- Lower Santa Ana River
- Newport Bay-Frontal Pacific Ocean
- San Diego Creek
- San Juan Creek
- San Mateo Creek
- Santiago Creek
- Temescal Wash

Source: Watershed Boundary Delineation (WBD) Project 2008 (USGS, USACE, NRCS, BLM).

