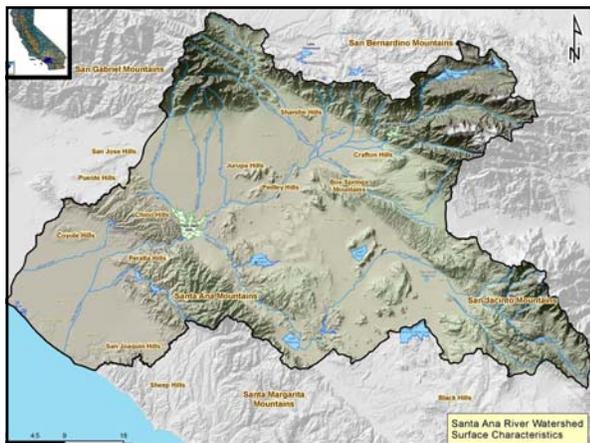


Mitigation Guidelines for Impacts to Waters of the State in the Santa Ana Region

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This Presentation ...

- The Santa Ana RWQCB, its jurisdiction, authority and purpose; why the Board regulates
- How Regional Boards regulate: Basin Plans and Water Quality Standards
- When SARWQCB staff calls for mitigation
- SARWQCB staff guidelines for mitigation



Santa Ana RWQCB

- Jurisdiction: defined in California Water Code – essentially, the Santa Ana River Watershed
- Authority:
 - By statute: California Water Code Division 7 “Porter Cologne Water Quality Act”
 - By regulation: 23 CCR and regional water quality control plan: “Basin Plan”
- Regional water quality management through planning, regulation, permitting, oversight and enforcement

THE SANTA ANA RIVER WATERSHED



RWQCB Basin Plans

- Framework of State water quality policies
- Establish **Beneficial Uses** – how waters are used
 - Present, potential, or intermittent
 - Tributary rule
- Establish **Water Quality Objectives** – the chemical, physical and biological conditions needed to support and protect Beneficial Uses
- **BU + WQOs + Anti-Degradation Policy = Water Quality Standards**
- List Region’s principle surface and ground waters, and their Water Quality Standards
- Implementation measures and monitoring

RWQCB required or conditioned Mitigation

- CWA Section 401 WQS certification
- Activities that adversely affect Beneficial Uses of Waters of the State
 - "Waters of the state" means any surface water or groundwater, including saline waters, within the boundaries of the state [CWC section 13050(e)]
- Adverse impacts to waters of the state not subject to other agencies' jurisdiction
- Impairment of waters and wildlife habitat directly supported by waters = **Violation of Water Quality Standards**

Examples: activities that may trigger mitigation...

- Filling in all or part of a water course
- Removing native riparian vegetation that supports BUs such as WILD and WARM
- Crossing a water course with a road fill and culvert, bridge or pipeline
- Flood control "improvements," e.g., armoring water course with poured-in-place concrete or rip-rap; storm drain outlets; culvert headwalls
- Hydro-modification – alteration of hydrology or hydrograph of water course that adversely affects its WQS

RWQCB staff mitigation guidelines...

- Basic principles:
 - **Avoid impacts** that affect water quality standards to the maximum extent possible
 - **Minimize impacts** that cannot be avoided
 - **All impacts must be mitigated**
- Permanent impacts v. temporary impacts
- Condition Assessments
- Compensate for loss of water quality-related ecological functions and services, i.e., BUs, with measures that restore, create, enhance
 - **At least 1:1 mitigation to impact ratio, by area and water course length.**

RWQCB staff mitigation guidelines...

- Mitigation ratio guidelines:
 - On site, in-kind = lowest mitigation ratio
 - On site, not in-kind = higher ratio
 - Off site, in-kind = ratio comparable to "on site, not in-kind"
 - Off site, not in-kind = highest mitigation ratio
 - WQS value and ecological condition of impact site and mitigation site is considered.
- Example: A site to be impacted that minimally supports applicable WQS may be mitigated at an off-site location of higher function at a ratio close to 1:1

RWQCB staff mitigation guidelines...

- Mitigation within same subwatershed as impact *is strongly preferred*
- Mitigation outside subwatershed impacted - subject to higher mitigation area / length ratio
- Mitigation Requirements
 - Habitat mitigation and monitoring plan
 - Mitigation implementation oversight by qualified professional
 - Perpetual protection of mitigation site by conservation easement or equivalent
 - Documentation: accepting mitigation obligation; monitoring and reporting

For further information....

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