APPENDIX A

RWQCB Water Quality Certification

2011 Batiquitos Lagoon Maintenance Dredging

Bidlog 2011-01

California Regional Water Quality Control Board
San Diego Region

Linda S. Adams
Secretary for Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
http:// www.waterboards.ca.gov/sandiego

Arnold Schwarzenegger
Governor

July 8, 2011

Certified Mail No. 7010 1060 0000 4952 7037

Mr. Edmund Pert, Regional Manager
South Coast Region V
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, California 92123

In reply refer to:
208841 : mporter

Dear Mr. Pert:

SUBJECT: Action on Request for Batiquitos Lagoon Maintenance Dredging Project, Water Quality Certification No. 10C-025

Enclosed is the Clean Water Act Section 401 Water Quality Certification (Certification) for the Batiquitos Lagoon Maintenance Dredging Project. A description of the project can be found in the project information attachment, project location map, and project site maps, which are included as Attachments 1 through 4.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

The heading portion of this letter includes a San Diego Water Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

If you have any questions regarding this notification, please contact Mike Porter directly at (858) 467-2726 or by email via mporter@waterboards.ca.gov.

Respectfully,

David W. Gibson
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 10C-025 for the Batiquitos Lagoon Maintenance Dredging Project, with 4 attachments.

E-copies:

Mr. Robert Smith
U.S. Army Corps of Engineers, Los Angeles District
San Diego Section, Regulatory Division
Robert.R.Smith@spl01.usace.army.mil

Mr. Warren Wong
California Department of Fish and Game
South Coast Region V
wwong@dfg.ca.gov

Mr. Eric Raffini
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region IX
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

cc: U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

Tech Staff Info & Use	
File No.	10C-025
WDID	9000002050
Reg. Measure ID	373649
Place ID	208841
Party ID	521945
Person ID	521946

California Regional Water Quality Control Board
San Diego Region

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Linda S. Adams
Acting Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

Action on Request
for
Clean Water Act Section 401 Water Quality Certification
for
Discharge of Dredged and/or Fill Materials

PROJECT: Batiquitos Lagoon Maintenance Dredging Project
Certification No. 10C-025

APPLICANT: Mr. Edmund Pert, Regional Manager
South Coast Region V
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, California 92123

CIWQS	
Party No.	521945
Place No.	208841
Reg. Measure. No.	373649

ACTION:

- ☐ Order for Low Impact Certification
- ☑ Order for Technically-conditioned Certification
- ☐ Enrollment in Isolated Waters Order No. 2004-004-DWQ
- ☐ Order for Denial of Certification
- ☐ Waiver of Waste Discharge Requirements
- ☑ Enrollment in SWRCB GWDR Order No. 2003-017 DWQ

PROJECT DESCRIPTION SUMMARY:

The project consists of the maintenance dredging of up to 300,000 cubic-yards of sand (in total, over 5 years) from flood shoals within the western and central basins of Batiquitos Lagoon; and the annual discharge of up to 118,000-cubic yards of dredged material (sand) on South Ponto Beach, south of the inlet to Batiquitos Lagoon. Work will be performed every two to three years as needed to maintain the tidal prism in accordance with the *1997 Batiquitos Lagoon Restoration Project*. Maintenance dredging of up to 20,000 cubic-yards of cobbles from the lagoon mouth will be placed within the western basin to stabilize erosive shoreline areas and provide plover chick accessible slopes from the W-2 tern colony down to the waters edge. This project is self-mitigating as it is planned recurrent maintenance of an existing mitigation area (See Attachment 2 for a complete project description.)

FINDING:

The January 11, 1999 enrollment in the California Regional Water Quality Control Board San Diego Region (San Diego Water Board) *Order No. 96-32, General Waste Discharge requirements for Maintenance Dredge/Fill Projects Conducted Within Navigable Waters Within the San Diego Region* is revoked. Project-germane elements of Order 96-32 are included in this water quality certification.

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).

2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the California Department of Fish and Game must satisfy the following:

A. GENERAL CONDITIONS:

1. Water Quality Certification No. 10C-025 expires 5 (five) years from the date of issuance.

2. The California Department of Fish and Game must maintain a copy of this certification, the application, and supporting documentation at the project site at all

times for review by site personnel and agencies during construction activities or monitoring.

3. Prior to the start of the project, the California Department of Fish and Game must educate all relevant personnel on the requirements in this certification, pollution prevention measures, and spill response.

4. The California Department of Fish and Game must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

5. The California Department of Fish and Game must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:

    a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
    b. Access to copy any records required to be kept under the terms and conditions of this Certification.
    c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
    d. Sampling of any discharge or surface water covered by this Order.

6. The California Department of Fish and Game must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.

7. The California Department of Fish and Game shall report any noncompliance which may endanger human health or the environment. Any such information shall be provided orally to the Executive Officer within **24 hours** from the time the California Department of Fish and Game becomes aware of the circumstances. A written submission shall also be provided within **five days** of the time the California Department of Fish and Game becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. The California Department of Fish and Game shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the California Department of Fish and Game to achieve compliance with the conditions of this Certification. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Certification.

9. The California Department of Fish and Game shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Certification, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

10. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

11. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the San Diego Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

12. In response to any violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

13. The California Department of Fish and Game must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of each dredge, fill, and discharge event.

B. PROHIBITIONS:

1. Discharges of dredged material and dredge material return water in a manner and to lands that have not been specifically described in the application and for which valid waste discharge requirements are not in force are prohibited.

2. Dredging, storage, or disposal of dredged material and return water in a manner that create a pollution, contamination or nuisance, as defined by California Water Code Section 13050 is prohibited.

3. Dredging, storage, or disposal of dredged material and return water in a manner that causes a violation of any San Diego Water Board's Water Quality Control Plan (Basin Plan) or California Ocean Plan (Ocean Plan) prohibition as applicable, is prohibited.

4. The discharge of materials of petroleum origin in sufficient quantities to be visible is prohibited.

5. Discharged dredged material containing biostimulatory substances in concentrations that exceed natural background levels is prohibited.

6. Discharged dredged material containing hazardous waste or materials is prohibited.

7. No more than 118,000 cubic yards of dredged material may be placed on the beach annually.

8. No more than 20,000 cubic yards of cobbles may be placed in the western basin.

9. No more than 300,000 cubic yards may be dredged over 5 years, starting from the date of issuance of Water Quality Certification 10C-025.

10. The sediment must not form a hardpan after placement. The sediment that will be placed on the beach must have no negative aesthetic impact on the receiving beach and be compatible with the grain size envelope represented at the receiver beach. Testing procedures for this determination are to be based on the composite envelope approach developed by the Sand Compatibility and Opportunistic Use Program (SCOUP) (Moffatt & Nichol 1999)

11. The sand used for replenishment must not contain more than 25 percent of fine grained particles. Fine-grained particles are defined as particles that are smaller than 0.074 millimeters diameter or pass through the #200 sieve.

12. The sediment discharge must be free of trash and debris.

C. OPERATIONS:

1. Sediment shall be tested and determined suitable by both the Corps and EPA in accordance with the document, " Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Inland Testing Manual" dated Feb., 1998 or shall be determined by the Corps to be suitable for Tier 1 exclusion under the Inland Testing Manual procedures.

2. Sediment shall be removed or disposed in a manner that will not cause significant water quality degradation.

3. If dewatering is conducted as part of the dredging, transportation, or disposal projects, and if the dredged sediment is not suitable for nearshore disposal or beach replenishment, a sediment dispersal control device such as a double silt curtain shall be installed around any point source discharge of the return water to surface waters.

4. Sediment shall not be deposited in a location that may cause significant adverse effects to aquatic life, fish, shellfish, or wildlife or may harm the beneficial uses of the receiving waters, or does not create maximum benefit the people of the State.

5. If beach replenishment activities occur during grunion spawning season (March 1 – May 31), the California Department of Fish and Game will submit to the San Diego Water Board a Grunion Protection Plan prior to the start of dredge activities.

6. The project shall not cause significant adverse impacts upon a federal sanctuary, recreational area, or other waters of significant national importance.

7. A Water Quality Management Plan, that specifies Best Management Practices (BMPs) for dredge and disposal activities will be submitted to the San Diego Water Board prior to initiating dredge activities. The Plan shall also be kept on site during construction activities, and updated as necessary to protect water quality.

8. The California Department of Fish and Game shall conduct *Caulerpa taxifolia* surveys in accordance with National the Oceanic and Atmospheric Administration's (NOAA) *Caulerpa taxifolia* reporting protocol found online at http://swr.nmfs.noaa.gov/hcd/caulerad.htm.

MONITORING AND REPORTING PROGRAM

D. MONITORING PROVISIONS

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitoring discharge. All samples shall be taken at the monitoring points specified in this Monitoring and Reporting Program and, unless

otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the Executive Officer.

2. Monitoring must be conducted according to United States Environmental Protection Agency test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act as amended, unless other test procedures have been specified in this Monitoring and Reporting Program and approved by Executive Officer by amendment to this Certification.

3. All laboratory analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services or a laboratory approved by the Executive Officer.

4. If the California Department of Fish and Game monitors any pollutant more frequently than required by this Monitoring and Reporting Program, using test procedures approved under 40 CFR, Part 136, or as specified in this Monitoring and Reporting Program, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the California Department of Fish and Game's monitoring report. The increase in frequency of monitoring shall also be reported.

5. The California Department of Fish and Game shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Monitoring and Reporting Program, and records of all data used to complete the application for this Certification. Records shall be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the San Diego Water Board Executive Officer.

6. Records of monitoring information shall include:

   (a) The date, exact place, and time of sampling, measurements, or observations;
   (b) The individual(s) who performed the sampling, measurements, or observations;
   (c) The date (s) analyses were performed;
   (d) The individual(s) who performed the analyses;
   (e) The analytical techniques or method used; and,
   (f) The results of such analyses.

7. All monitoring instruments and devices which are used by the California Department of Fish and Game to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy.

E. RECEIVING WATER MONITORING

Within 30 days from project completion, the California Department of Fish and Game shall submit a Final Monitoring Report that contains the results of the monitoring activities required below. Unless indicated otherwise, when no materials are being disposed directly on the beach, no beach monitoring is required.

1. The California Department of Fish and Game shall keep records of, and report on, the following:

    a. Calculations of the daily volume (in cubic yards) of dredge material, the location from which the material was removed, and the location where the material was disposed.

    b. The total volume (in cubic yards) of dredged material removed during the project and the total volume (in cubic yards) of material deposited at the final disposal location.

2. Visual observations shall also be made daily, recorded and submitted as part of the required reports. The following observations shall be made and recorded:

    a. Speed and direction of the currents:
    b. Tidal stage;
    c. Appearance of rubbish or refuse (including cans, bottles, paper, plastic, etc.), garbage, trash or any other solid waste;
    d. Appearance of oil or other materials of petroleum origin;
    e. Discoloration and extent of any visible turbidity plume; and,
    f. Odors.

3. Weekly dredge sampling shall occur at three sampling stations during the first month of dredging. Station A is at 500 feet updrift of the dredging activities. Station B is inside any visual plume at the dredging site. Station C is between 100 and 250 feet downdrift and inside any visual plume if possible. At these stations, turbidity samples shall be collected, or a turbidity meter shall be used, or a Secchi disc may be used during dredging activities to assess turbidity. Turbidity assessment frequency may be reduced with the approval of the Executive Officer through an amendment to Certification No. 10C-025.

4. Once per dredge cycle, a grab sample of the receiving water shall be collected within the visible turbidity plume at the near-shore disposal site and analyzed for the listed constituents:

    a. Copper
    b. Hydrogen sulfide.

5. Whenever visual observations note potential release of oil or grease, a surface grab sample shall be collected within the area of observed surface sheen and analyzed for polar and nonpolar oil and grease (or TRPH) and reported in the Final Monitoring Report. Sampling frequency may be reduced with the approval of the Executive Officer through an amendment to Certification No. 10C-025.

6. Qualitative (visual) turbidity monitoring by an onshore observer from a high vantage point shall be conducted during each week of dredging activity. If visual monitoring indicates project-related-turbidity greater than ambient at a distance of one-half mile from the discharge site (either offshore or downcoast), then the monitor:

   a. shall evaluate littoral conditions (wind, tide, wave climate, and littoral drift) to determine if the plume distribution is likely of a short term nature;
   b. shall evaluate effectiveness of discharge site BMPs and opportunities to modify shore placement methods to further reduce sediment discharge during periods of strong long-shore movement, and;
   c. shall immediately advise the San Diego Water Board of the conditions noted.

7. Whenever dredged materials are being deposited directly onto the beach, water samples shall be taken weekly within 100 feet down current of each dredged material disposal point and sampled for Total Coliform, Fecal Coliform, and Enterococcus (TFE). If any water sample is found to contain bacteria in levels that exceed Ocean Plan Bacterial Water-Contact Standards, the Department of Health Services of the applicable County shall be notified immediately and the San Diego Water Board shall be notified in accordance with A.7 above. In such cases, advisory signs will be posted, and weekly sampling shall be conducted until the bacterial levels no longer exceed Ocean Plan Bacterial Water-Contact Standards or construction is halted. Sampling frequency may be reduced with the approval of the Executive Officer through an amendment to Certification No. 10C-025.

8. Alternative turbidity monitoring through the use of satellite or aircraft multi-spectral imagery is encouraged. If this option is chosen, submit a plan for review by the San Diego Water Board before collecting or purchasing such data.

E. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.

2. All reports and information submitted to the San Diego Water Board must be submitted in both paper and electronic media. The requested electronic format is the Portable Document Format (PDF) that is Optical Character Recognition (OCR) compatible.

3. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

    a. For a corporation, by a responsible corporate officer of at least the level of vice president.

    b. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

    c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

4. A duly authorized representative of a person designated in Items 3.a. through 3.c. above may sign documents if:

    a. The authorization is made in writing by a person described in Items 3.a. through 3.c. above.

    b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

    c. The written authorization is submitted to the San Diego Water Board Executive Officer.

5. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:

    "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

6. California Department of Fish and Game must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

    Executive Officer
    California Regional Water Quality Control Board
    San Diego Region
    Attn: 401 Certification; Project No. 10C-025
    9174 Sky Park Court, Suite 100
    San Diego, California 92123

7. Required Reports: The following list summarizes the reports, including spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Unauthorized Discharges	A.7. Report noncompliance.	Within 24 hours and 5 days of discharge.
Commencement of Discharges	A.13. Notify prior to discharge.	5 Days prior to discharge.
Final Project Report	E. Submit a Final Monitoring Report.	With 30 days of project completion.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

1. The California Department of Fish and Game is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)),and filed a Notice of Determination on March 11, 2010, for a Mitigated Negative Declaration under CEQA Guidelines Title 14, California Code of Regulations. The California Department of Fish and Game has determined the project will not have a significant effect on the environment and mitigation measures were made a condition of the project.

2. The San Diego Water Board has reviewed the lead agency's Mitigated Negative Declaration and also finds that the project as proposed will not have a significant effect on the environment with conditioned mitigation measures and therefore determines that issuance of this Certification is consistent with the Mitigated Negative Declaration.

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On April 6, 2010 receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No comments were received from the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Mike Porter
San Diego Region Water Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-467-2726
mporter@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Batiquitos Lagoon Maintenance Dredging Project** (Certification No. 10C-025) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water board Order No. 2003-017-DWQ, "Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)," which requires compliance with all conditions of this Water Quality Certification. Please note enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan

David W. Gibson
Executive Officer
Regional Water Quality Control Board

7-8-2011
Date

Attachments:

1. Distribution List
2. Project Information
3. Location Maps
4. Site Maps

ATTACHMENT 1
DISTRIBUTION LIST

E-copies:

Mr. Robert Smith
California Department of Fish and Game of Engineers, Los Angeles District
San Diego Section, Regulatory Division
Robert.R.Smith@spl01.usace.army.mil

Mr. Warren Wong
California Department of Fish and Game
South Coast Region V
wwong@dfg.ca.gov

Mr. Eric Raffini
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region IX
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

Cc: U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

ATTACHMENT 2

PROJECT INFORMATION

Water Boards

Project Identifiers	
WDID No:	9 000002050
Reg. Meas. ID:	373649
Place ID:	208841
Party ID:	521945
USACOE No:	200601718-RRS
Other File No:	10C-025

PROJECT INFORMATION	
Details	
Application Received Date:	03/18/2010
Application Completed Date:	04/14/2010
Additional Info Completed Date:	09/29/2010
Applicant:	California Department of Fish and Game, South Coast Region Mr. Edmund Pert, Regional Manager 4949 Viewridge Avenue San Diego, California 92123 Telephone: 858-467-4210 Facsimile: 858-467-4299 E-mail: epert@dfg.ca.gov
Applicant Representative(s):	Mr. Warren Wong, Associate Wildlife Biologist California Department of Fish and Game South Coast Region 4949 Viewridge Avenue San Diego, California 92123 Telephone: 858-467-4249 Facsimile: 858-467-4299 E-mail: wwong@dfg.ca.gov
Project Title:	Batiquitos Lagoon Maintenance Dredging Project
Regulating Water Board:	R9
Type of Project:	1, 2, and 4.

Project Description:

2010 Batiquitos Lagoon Maintenance Dredging Project. (*Project description from the application.)*

Batiquitos Lagoon was dredged in 1997 to restore the tidal prism by the Port of Los Angeles to mitigate impacts of a wetlands fill project at the Port of Los Angeles. As part of the project, a maintenance program was established to keep the lagoon mouth open and the maximum tidal prism functioning within the lagoon. The project consists of removing flood sand bars from the western and central basins and placing the beach quality sand in the near shore area to provide habitat for grunion and as a side benefit to the public for recreational opportunities. The project also includes the removal of cobble from the channel under the Pacific Coast Highway to maintain the opening, placing cobble from the channel mouth around the western basin to provide rocky shoreline habitat and to reduce erosion of the basin shoreline and nesting islands, and the replacement and minor extension of fencing surrounding nesting areas for site security (Figure 1).

Purpose and need: The creation of subtidal habitat and the introduction of eelgrass *(Zostera marina)* and cordgrass *(Spartinafoliosa)* for fish and wildlife habitat, the improvement of quality of salt marsh, and the improvement of quality nesting habitat for threatened and endangered species. These purposes all rely on the continued good water quality and tidal action of an open lagoon mouth. The purpose of the initial mitigation project was to create fisheries habitat and improve the quality of the existing salt marsh habitat within the lagoon. Allowing the lagoon mouth to close would potentially eliminate the eelgrass and cordgrass habitat, and would reduce the water quality significantly for other beneficial purposes. This maintenance dredging project addresses the need by continuing to keep the mouth open and tidal prism at the maximum extent possible.

Project Elements -

Element 1: Sand Dredging from Western and Central Basins

Approximately 300,000 cubic yards of sand has entered the lagoon mouth and been deposited in two shoals, one in the western basin and one in the central basin adjacent to the railroad trestles. The western basin deposit extends to a depth of 6.5 feet, to the as built conditions of the lagoon. The central basin deposit extends to depths of up to 15 feet or more, depending on the distance east of the railroad tracks. Those closer to the tracks are deeper because of the direction of deposition from west to east. The source of sand is near shore material moving with long shore currents.

The Batiquitos Lagoon Restoration Project created a permanently open mouth which captures sand from the near shore area. The open condition of the mouth allows the sand passing in front of the mouth on a rising tide to be drawn into the lagoon and deposited in the shoals around the railroad trestles. Removing the material and replacing it in the near shore area will allow that material to continue to move along the coast.

The removal of the shoals from the western and central basins of the lagoon will restore much of the lost tidal prism needed to maintain the health of the lagoon. Current reduction of tidal prism is modifying the range of habitats found in the lagoon, and is likely contributing to the increased sedimentation of the eastern basin. The proposed near shore disposal of the beach quality sand will provide sandy shoreline habitat for grunion, and have a secondary benefit of increasing sandy beaches for recreational purposes (Figure 2).

The dredging of sand will be accomplished by an air quality certified suction dredge or electric dredge removing material from the sand deposit in the western and central lagoon basins, and pumping it to the South Ponto beach near shore area, adjacent to the lagoon mouth and extending to the south approximately one kilometer (0.62 miles).

The amount of material to be dredged over five years is approximately 300,000 cubic yards, with the exact amount to be determined during focused surveys of this material. The amount of sand to be placed on the beach will be limited to 118,000 cubic yards annually.

The dredged material has been tested for grain size distribution and was found to be 95% sand and is compatible with existing material on the beaches. The South Ponto beach and near shore area is covered with previously dredged material from the lagoon.

A pipeline would be placed along the upper section of South Ponto Beach, then along the edge of the bluff to the discharge point one kilometer south of the lagoon mouth. As the area at the discharge point fills with sand, the pipeline would be removed section by section to allow sand to build along the shoreline.

The work would all be completed between September 15 and March 1 to avoid the California least tern and Western snowy plover nesting seasons, which would also avoid the high use periods on the beaches (Memorial Day to Labor Day).

Long term maintenance of the lagoon flood shoals will involve removing up to 300,000 cubic yards of sandy material from the western and central basins over a five year period.

Element 2: Cobble Removal from Lagoon Mouth

Removal of cobble from the lagoon mouth will improve tidal action within the lagoon to restore needed water movement. Placement of the cobble material along portions of the shoreline of the western basin will provide rocky shoreline habitat for shorebirds and invertebrates, and also protect nesting areas from eroding and filling in the lagoon basins (Figure 3).

Cobble removal would be accomplished by a clamshell dredge mounted on a barge or by land-based excavating equipment. The material would be loaded on the barge with the clamshell dredge on it and transported to the disposal locations within the lagoon or placed along the base of bluffs to the north of the lagoon for the enhancement of rocky shoreline habitat. The rocky shoreline habitat would also help to prevent erosion of the finer materials around the lagoon by absorbing wave energy which enters through the mouth of the lagoon or is generated by wind within the lagoon. This would help to prevent loss of vegetated mudflats, nesting areas, and upland areas, while also slowing the sedimentation of low marsh from the erosion of the other habitat types.

Element 3: Replacement and Extension of Fencing around Nesting Areas

Replacement of fencing around the nesting areas and minor extensions of the fences will protect threatened and endangered species from illegal trespass. The trespass is currently occurring because of deteriorating fence materials and changes within the lagoon topography which have extended shorelines and created openings around the ends of original fences (Figures 3 and 4).

New 6-feet tall chain link fencing will be installed to replace existing fencing on all sites, and on the nesting site would continue around the entire site. The fence on WI would be placed on the slope to keep the top of the fence below the level of the nesting site to prevent it interfering with the nesting activity, but would help prevent trespass and predators from entering the site. Additionally, a fence would extend out an additional 100 feet on the W2 nesting site, also to prevent trespass and reduce predation.

Water Boards

Temporary fencing placed on the eastern nesting site (E2) in past years to prevent trespass and reduce predation on endangered species would be replaced with permanent fencing as the temporary fencing was too easy for vandals and trespassers to knock over and gain access. The new fencing would extend 500 feet on the western side of the site and 300 feet on the eastern side to the extreme low tide line.

Element 4: Staging Areas

The staging areas for the dredge operations will be located on the E I nesting site for launch into the eastern basin for the work on the central basin. The W2 nesting site will be used for launches into the western basin for work in that basin. All materials will be removed from the staging areas following completion of the project (see Figure 1).

Location	
City:	**Carlsbad**
County:	**San Diego**
Cross Streets:	**I-5 and La Costa Avenue**
Section, Township, Range:	**S33 T12S R4W**
Zip code:	**92024**
Directions:	**I-5 and La Costa Avenue, Carlsbad.**
Latitude(s) and Longitude(s):	**33.08820, -117.30854**

Public Notice

Water Board Public Notice: Information regarding this project was noticed on the San Diego Water Board's website from April 6, 2010 to October 1, 2010.

__X__ No Comments were received. _____ Comments were responded to in writing.

Fees

Application Fee Provided: A certification fee of $640.00 was submitted on June 3, 2010 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e). An additional fee of ___N/A_____ (IF APPLICABLE) to offset additional design impacts was received on ___N/A_____ as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e).

Hydrologic Information	
Receiving Water(s):	**Batiquitos Lagoon**
Hydrologic Unit(s):	**Carlsbad hydrologic unit, San Marcos hydrologic subunit, Batiquitos hydrologic subarea (904.51)**
Water Body Type(s):	**Wetland**

Water Boards

Designated Beneficial Use(s)													
	AGR		COMM		FRSH	X	MIGR	X	RARE		SPWN		
	AQUA		CUL		GWR		MUN	X	REC-1		WARM		
	ASBS	X	EST		IND		NAV	X	REC-2		WET		
X	BIOL		FISH		LWRM		POW		SAL	X	WILD		
	COLD		FLD	X	MAR		PRO		SHELL		WQE		

Candidate, Sensitive, or Special Status Species

California least tern, Western snowy plover, brown pelican, Belding's savannah sparrow, light-footed clapper rail, peregrine falcon, white-tailed kite, burrowing owl, California grunion, black-tailed jackrabbit, coast horned lizard, Leopold's rush, vernal barley, seaside calandrina, and beach sand verbena.

Other Permits/Licenses/Agreements/Plans

Federal (Type and Permit/License Number):

ACOE, CWA § 404, No. 200601718-RRS, ISSUED 2006.

State (Type and Permit/License/Agreement Number):

1 - California Coastal Commission, Coastal Development Permit – Lee McEachern, PENDING.

2 - California State Lands Commission, Encroachment Permit – Darrin Smith, PENDING.

Other County, City, etc. (Type and Permit/License Number):

None required.

Any Required Documents or Plan Submittals (SWPPP, Mitigation & Monitoring, etc.)

Required monitoring per San Diego Water Board Order No. 96-32 for Maintenance Dredging.

NEPA and/or CEQA Compliance

Document type:	Notice of Exemption – Batiquitos Maintenance Dredging,
Lead Agency:	California Department of Fish and Game
Date completed:	March 11, 2010
State Clearinghouse Number:	SCH No. 2010028118

Water Boards

IMPACTS

Describe Potential Water Quality Impacts:

1 - Minor, excess water column turbidity from dredging sand and cobbles.
2 - Potential excess surf and nearshore turbidity from placement of dredged sand on beaches.

Water quality impacts are unlikely due to dredged sand containing less than 10% fine-grained particles and nearly matching the grain size distribution of existing sediment on the receiving beaches. Placement of cobbles will have a negligible impact on turbidity.

Final Project Impacts (Fill)*

Waterbody Type	Permanent			Temporary		
	Acres**	Linear Feet	Cubic Yards	Acres**	Linear Feet	Cubic Yards
Lake						
*Ocean***	36.254	6,567	118,000			
Riparian						
Streambed						
Vernal Pool						
*Wetland****	1.662	1,927	20,000			

* Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal waterbody types.
** Provide acres to three decimal places (e.g., 0.006).
****** Indicates beach sand replenishment.**
******* Indicates placement of cobble on lagoon shoreline.**

Final Project Impacts (Dredge*/Excavation)**

Waterbody Type	Permanent			Temporary		
	Acres***	Linear Feet	Cubic Yards	Acres***	Linear Feet	Cubic Yards
Lake						
Ocean						
Riparian						
Streambed						
Vernal Pool						
Wetland ⌑	47.300	2,787	118,000			

* For projects that will occur annually please provide the total volume to be dredged for the entire certification period (typically 5 years).
** Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal waterbody types.
*** Provide acres to three decimal places (e.g., 0.006).
⌑ Indicates dredging in a lagoon.

Impact Comparison*

	Fill				Dredge			
	Permanent		Temporary		Permanent		Temporary	
	Initial	Final	Initial	Final	Initial	Final	Initial	Final
*Impacts (Acres)***		37.916				47.300		

* Include impacts to both federal and non-federal waters.
** Provide acres to three decimal places (e.g., 0.006).

ATTACHMENT 3

LOCATION MAP

ATTACHMENT 4

SITE MAPS

SEE 1127 MAP

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SAN DIEGO CO.

ZIP

MAP

BATIQUITOS LAGOON

SAN DIEGO FRWY

LA COSTA AV

LEUCADIA

ENCINITAS

PACIFIC OCEAN

LEUCADIA STATE BEACH

ENCINITAS BEACH COUNTY PARK

STONE STEPS

SEASIDE GARDENS PARK

MOONLIGHT STATE BEACH

H STREET VIEWPOINT PARK

ORPHEUS PARK

PAUL ECKE SPORTS PARK

QUAIL BOTANICAL GARDENS

ENCINITAS RANCH GOLF COURSE

LEUCADIA BLVD

ENCINITAS BLVD

COAST HWY 101

T12S

T13S

92024

SEE 1146 MAP

SEE 1167 MAP

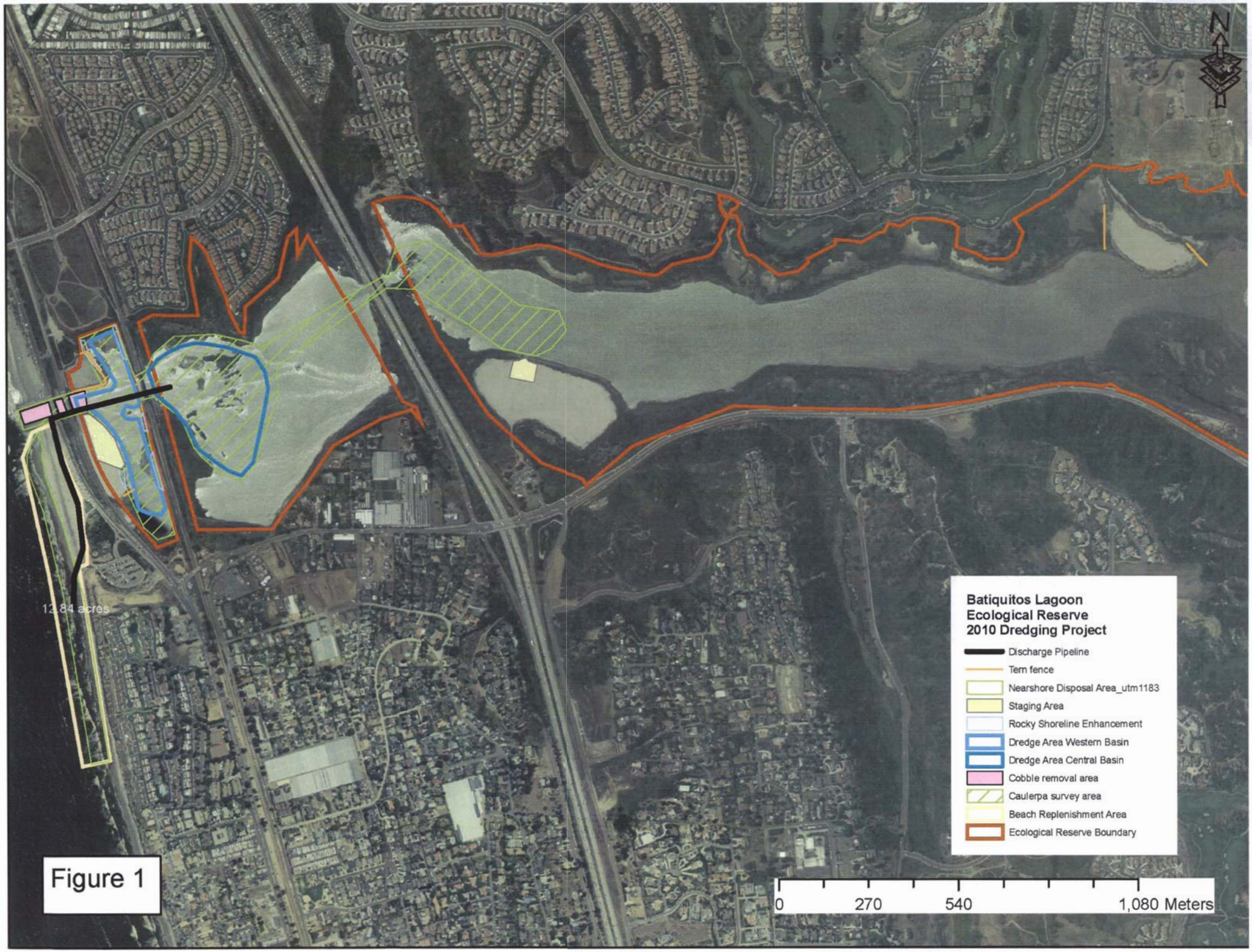
N
12.84 acres
Batiquitos Lagoon
Ecological Reserve
2010 Dredging Project
Discharge Pipeline
Tern fence
Nearshore Disposal Area_utm1183
Staging Area
Rocky Shoreline Enhancement
Dredge Area Western Basin
Dredge Area Central Basin
Cobble removal area
Caulerpa survey area
Beach Replenishment Area
Ecological Reserve Boundary
0
270
540
1,080 Meters

Figure 1

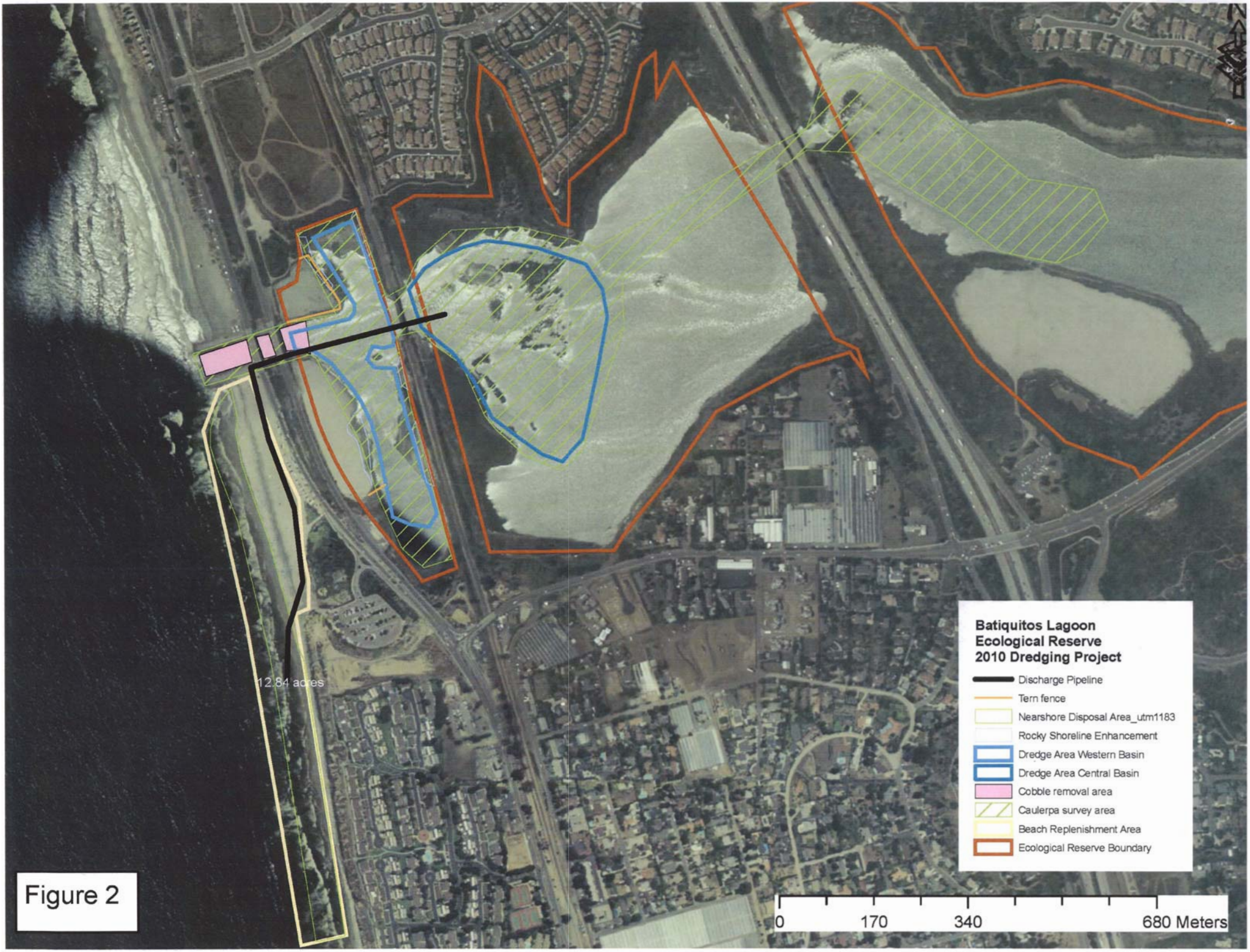
Batiquitos Lagoon
Ecological Reserve
2010 Dredging Project
Discharge Pipeline
Tern fence
Nearshore Disposal Area_utm1183
Rocky Shoreline Enhancement
Dredge Area Western Basin
Dredge Area Central Basin
Cobble removal area
Caulerpa survey area
Beach Replenishment Area
Ecological Reserve Boundary
12.84 acres
0
170
340
680 Meters

Figure 2

CARLSBAD
HIGHWAY 101
CARLSBAD
N
Batiquitos Lagoon
Ecological Reserve
2010 Dredging Project
Tern fence
Rocky Shoreline Enhancement
Dredge Area Western Basin
Dredge Area Central Basin
Cobble removal area
Ecological Reserve Boundary
0
65
130
260 Meters

Figure 3

N
Batiquitos Lagoon
Ecological Reserve
2010 Dredging Project
Tern fence
Rocky Shoreline Enhancement
Dredge Area Western Basin
Dredge Area Central Basin
Cobble removal area
Ecological Reserve Boundary
0
37.5
75
150 Meters

Figure 4