



# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Acting 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

Edmund G. Brown, Jr.  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

May 26, 2011

In reply refer to:  
751314: jebesen

Terri Ely  
State of California  
Department of Boating & Waterways  
2000 Evergreen Street, Suite 100  
Sacramento, CA 95815

Dear Terri Ely:

**Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the Crown Cove Dock Project Water Quality Certification No. 10C-026**

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) for discharge to Waters of the U.S. for the **Crown Cove Dock Project**. A description of the project and project location can be found in the project information sheet, and location and site maps which are included as Attachments 1 through 6.

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.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

*California Environmental Protection Agency*

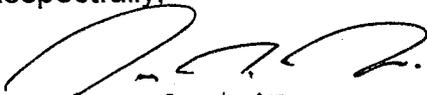
Teri Ely  
Crown Cove Dock Project  
10C-026

- 2 -

May 26, 2011

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Jody Ebsen at (858) 636-4146 or jebesen@waterboards.ca.gov.

Respectfully,

  
for *James G. Smith, AFO*  
DAVID W. GIBSON  
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 10C-026 for Crown Cove Dock project, with 6 attachments

cc: Refer to Attachment 2 of Certification 10C-026 for Distribution List.

Tech Staff Info & Use	
File No.	10C-026
WDID	9000002051
Reg. Measure ID	373669
Place ID	751314
Party ID	521967
Person ID	521968



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

**PROJECT:** Crown Cove Dock Project, 10C-026,  
WDID: 9 00002051

**APPLICANT:** Terri Ely  
State of California  
Department of Boating & Waterways  
2000 Evergreen Street, Suite 100  
Sacramento, CA 95815

CIWQS	
Reg. Meas. ID:	373669
Place ID:	751314
Party ID:	521967

**ACTION:**

<input checked="" type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

**PROJECT DESCRIPTION:**

The project is the construction of a new recreational dock in the Crown Cove inlet of South San Diego Bay by the State of California Department of Boating and Waterways. The Crown Cove Dock Project is located in the City of Coronado, California. The proposed dock has three main components: a concrete sidewalk, a gangway and a floating platform. The sidewalk will extend from the existing driveway to an accessible gangway; the gangway will be 8 ft. by 100 ft. and connect to a transition plate. The transition plate will connect to a 20 ft. by 30 ft. fiberglass floating platform held in place with two concrete piles. The decking material of the gangway will be constructed of 33 percent open space to allow light to pass through and avoid potential shading impacts on eelgrass. Permanent impacts to jurisdictional waters of the United States will be 0.00012 acre (2.8 sq. ft.) as a result of pile placement. In addition, up to 0.007 acre (312 sq. ft.) of eelgrass will be underneath the new gangway structure and may be impacted.

*California Environmental Protection Agency*

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

*Recycled Paper*



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## I. STANDARD CONDITIONS:

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

- A. 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).
- B. 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.
- C. 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.

## II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 10C-026 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, then this Certification expires.
- B. The California Department of Boating and Waterways must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generallorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generallorders/go_wdr401regulated_projects.pdf).
- C. The California Department of Boating and Waterways 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.
- D. During construction, the California Department of Boating and Waterways must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
- E. The California Department of Boating and Waterways must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  2. Access to copy any records required to be kept under the terms and conditions of this Certification.
  3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
  4. Sampling of any discharge or surface water covered by this Order.
- F. 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.
- G. 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.
- H. 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.
- I. To protect rare, threatened, or endangered species the California Department of Boating and Waterways must implement all Essential Fish Habitat (EFH) Conservation Measures included in the National Oceanic

and Atmospheric Administration's National Marine Fisheries Service project comment letter from May 2011.

### III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Prior to the start of the project, and annually thereafter, the California Department of Boating and Waterways must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMPs) implementation and maintenance.
- B. The California Department of Boating and Waterways must, at all times, maintain appropriate types and sufficient quantities of materials on-site 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.
- C. Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or the State or placed in locations that may be subjected to storm flows.
- D. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.
- E. No activities authorized under this Certification will be conducted within 1,000 yards of a *California least tern*, *Sterna antillarum browni*, breeding colony from April 1 through September 30.
- F. BMPs shall be utilized during the construction activities to prevent discharges of waste to waters of the United States and/or State. BMPs shall include measures for turbidity minimization and materials management, including use and **placement of silt curtains in a manner to avoid impacts to eelgrass during pile driving**. BMPs described in the Crown Cove Dock Project 401 Permit application, prepared by RBF Consulting dated March 1, 2010 shall be utilized.
- G. The use of creosote treated wood is prohibited. If other treated wood products are proposed for use in or over the water the applicant must submit a report for approval by the Executive Officer that shows how the

treated wood products will not adversely impact water or sediment of San Diego Bay.

#### IV. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. The project will permanently impact 0.00012 acre (2.8 sq ft.) of waters of the United States due to pile placement. An additional 0.007 acre (312 square feet) of eelgrass that is underneath the proposed gangway may be potentially impacted by shading. Mitigation for a maximum of 0.007 acre (312 square feet) of eelgrass impacts will occur at a 1.2:1 ratio in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP) for any eelgrass impacts that are determined in post-construction eelgrass surveys. Mitigation will take place as described in the *Eelgrass (Zostera marina) Conceptual Eelgrass Mitigation Plan for the Crown Cove Dock Project* by RBF Consulting last revised May 16, 2011 (Mitigation Plan). The mitigation is summarized below:
1. The proposed eelgrass mitigation site shall be located immediately to the south and east of the proposed project. To create a site conducive to eelgrass growth, sandy beach habitat will be excavated at elevations between 0 and 1 feet MLLW and graded to an elevation consistent with the depths where eelgrass currently grows along the beach's perimeter (approximately -1.0 feet MLLW). The proposed mitigation must allow for the on site creation of up to 374 square feet of eelgrass habitat, mitigated at a 1.2:1 ratio in accordance with the SCEMP. The actual amount of impacts to eelgrass will be determined by post-construction monitoring.
  2. In addition, eelgrass mitigation will be provided to compensate for the loss of open water foraging habitat. This area will be mitigated at a ratio of 1:1. A minimum of 2,456 square feet of eelgrass from the project area will be transplanted to the mitigation site. In total, the creation area to mitigate for impacts to eelgrass caused by the structure and for the loss of open water foraging will provide up to 2,830 square feet of subtidal habitat.
- B. The California Department of Boating and Waterways must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. The California Department of Boating and Waterways must implement all necessary BMPs to control erosion and runoff from areas associated with this project.

- C. San Diego Water Board acceptance of the final mitigation plan applies only to the site and plan that mitigates for the Crown Cove Dock Project and must not be construed as approval of the mitigation site or plan for use by other current or future projects that are planning to use additional acreage at the site for mitigation.
- D. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, the California Department of Boating and Waterways is responsible for repair and replanting of the damaged area(s).
- E. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States and/or State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the United States and/or State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States and/or State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the United States and/or State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the United States and/or State (e.g., conservation easement).

## V. NOTIFICATION REQUIREMENTS:

- A. The California Department of Boating and Waterways must notify the San Diego Water Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the United States and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional BMPs or other measures that will be implemented to prevent future discharges.
- B. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms:

1. **Transfer of Property Ownership:** The California Department of Boating and Waterways must notify the San Diego Water Board of any change in ownership of the project area. Notification of change in ownership must include, but not be limited to, a statement that the California Department of Boating and Waterways has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the Executive Officer of the San Diego Water Board **within 10 days of the transfer of ownership.**
2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in Section IV of this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the California Department of Boating and Waterways will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the California Department of Boating and Waterways of this Certification in the event that a transferee fails to comply.

- C. The California Department of Boating and Waterways must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

## **VI. REPORTING REQUIREMENTS:**

- A. The California Department of Boating and Waterways must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the project has reached completion.

- B. The California Department of Boating and Waterways must submit a Final Project Report to the San Diego Water Board **with 60 days following completion of the project**. The reports must include the following:
1. Date of construction initiation.
  2. Projected date of construction completion.
  3. Status mitigation site for the project.
  4. Final Project Report: As-built drawings no bigger than 11"X17."
- C. The California Department of Boating and Waterways must submit pre-construction *Caulerpa taxifolia* surveys prior to construction in accordance with the National Oceanic and Atmospheric Administration's (NOAA) *Caulerpa taxifolia* reporting protocol found online at <http://swr.nmfs.noaa.gov/hcd/caulerad.htm>.
- D. The California Department of Boating and Waterways must submit eelgrass surveys **prior to December 1 each year**. Surveys will be taken before construction commencement, after construction completion, and annually following construction completion in accordance with SCEMP and the Mitigation Plan.
- E. **If impacts to eelgrass are identified by the surveys**, the California Department of Boating and Waterways must provide the San Diego Water Board with a final Habitat Mitigation and Monitoring Report that identifies, at a minimum, the final planting plan, monitoring, and success criteria for the mitigation site. This plan shall be in substantial conformance with the conceptual Mitigation Plan.
- F. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted **prior to December 1 of each year**. Monitoring reports must include, but not be limited to, the following:
1. Names, qualifications, and affiliations of the persons contributing to the report.
  2. Date of initiation of mitigation installation and date mitigation installation was completed.
  3. Mitigation as-builts, including topography maps and planting locations.
  4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data.

5. Topographic complexity characteristics at each mitigation site.
  6. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results.
  7. Photodocumentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/StreamPhotoDocSOP.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf). In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.
  8. A Survey report documenting boundaries of mitigation area, including Geographic Information System (GIS) shape files (polygons) of the impact and mitigation areas (Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points). GIS metadata must also be submitted.
- G. 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.
- H. All reports and information submitted to the San Diego Water Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
- I. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
  2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  3. 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 may sign applications, reports, or information if:

- a. The authorization is made in writing by a person described 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.
- J. 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."

- K. The California Department of Boating and Waterways 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-094  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

## VII. CEQA FINDINGS:

- A. The California Department of Boating and Waterways 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 29, 2011, for a Mitigated Negative Declaration under CEQA Guidelines Title 14, California Code of Regulations. The California Department of Boating and Waterways has determined the project will not have a significant effect on the environment and mitigation measures were made a condition of the project.
- B. 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.

**VIII. PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

- A. 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 public comments were received.

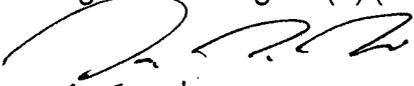
**IX. SAN DIEGO WATER BOARD CONTACT PERSON:**

Jody Ebsen  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
(858) 636-3146  
[jebsen@waterboards.ca.gov](mailto:jebsen@waterboards.ca.gov)

**X. WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the Crown Cove Dock Project (Project No. 10C-026) 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. 2003-0017-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 that 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 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 Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

  
 James G. Smith, AEO  
 for DAVID W. GIBSON  
 Executive Officer  
 Regional Water Quality Control Board

26 May 11  
 Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location Map
  4. Site Map
  5. Mitigation Map
  6. Checklist of Required Notifications and Reports

**ATTACHMENT 1  
PROJECT INFORMATION**

**Applicant:** State of California, Department of Boating and Waterways  
Attention: Terri Ely  
2000 Evergreen Street, Suite 100  
Sacramento, CA 95815  
Telephone: 916-263-8138  
Email: tely@dbw.ca.gov

**Applicant Representatives:** RBF Consulting  
Attention: Alex Jewell  
9755 Clairemont Mesa Blvd, Suite 100  
San Diego, CA 92124-1324  
Telephone: 858-614-5085  
Email: ajewell@rbf.com

**Project Name:** Crown Cove Dock Project

**Project Location:** Latitude: 32.635556  
Longitude: -117.140278

**Type of Project:** Dock Project

**Need for Project:** The dock will allow the Aquatic Center to expand its offered curriculum and provide instruction to a greater number of students.

**Project Description:** The project is the construction of a new recreational dock in the Crown Cove inlet of South San Diego Bay by the State of California Department of Boating and Waterways. The Crown Cove Dock Project is located in the City of Coronado, California. The proposed dock has three main components: a concrete sidewalk, a gangway and a floating platform. The sidewalk will extend from the existing driveway to an accessible gangway; the gangway will be 8 ft. by 100 ft. and connect to a transition plate. The transition plate will connect to a 20 ft. by 30 ft. fiberglass floating platform held in place with two concrete piles. The decking material of the gangway will be constructed of 33 percent open space to allow light to pass through and avoid potential shading impacts on eelgrass. Permanent impacts to jurisdictional waters of the United States will be 0.00012 acre (2.8 sq. ft.) as a result of pile placement. In addition, up to 0.007 acre (312 sq. ft.) of eelgrass will be underneath the new gangway structure and may be impacted.

Federal Agency/Permit:	U.S. Army Corps of Engineers, Letter of Permission, Robert Smith
Other Required Regulatory Approvals:	California Coastal Commission, Coastal Development Permit, Diana Lilly
California Environmental Quality Act (CEQA) Compliance:	A Mitigated Negative Declaration was file March 29, 2011, SCH# 2010011063, California Department of Boating and Waterways acted as the lead agency
Receiving Water:	San Diego Bay, Coronado HA, 910.10
Affected Waters of the United States:	Permanent impacts to jurisdictional waters of the United States will be 0.00012 acre (2.8 sq. ft.) as a result of pile placement. In addition, up to 0.007 acre (312 sq. ft.) of eelgrass will be underneath the new gangway structure and may be impacted.
Related Projects Implemented/to be Implemented by the Applicant(s):	None
Compensatory Mitigation:	<p>Eelgrass impacts determined from post-construction surveys will be mitigated at a 1.2:1 ratio. Up to 374 square feet of eelgrass habitat will be created on-site.</p> <p>The loss of 2,456 square feet of open water foraging habitat will be mitigated at a 1:1 ratio with eelgrass habitat. A potential total of 2,830 square feet of eelgrass habitat will be created on-site.</p> <p>The mitigation plan is described in the <i>Eelgrass (Zostera marina) Conceptual Eelgrass Mitigation Plan for the Crown Cove Dock Project</i> by RBF Consulting last revised May 16, 2011</p>
Mitigation Location:	Latitude: 32.635556 Longitude: -117.140278
Best Management Practices (BMPs):	Construction BMPs include silt curtains during pile driving and the immediate removal of construction debris.

**Public Notice:** On April 6, 201, receipt of the project application was posted on the San Diego Water Board's website to serve as appropriate notification to the public. No comments were received.

**Fees:** Total Due: \$640.00  
Total Paid: \$640.00 (check No. 25001078)

**CIWQS:** Regulatory Measure ID: 373669  
Place ID: 751314  
Party ID: 521967

**ATTACHMENT 2  
DISTRIBUTION LIST**

Robert Smith  
U.S. Army Corps of Engineers, Regulatory Branch  
San Diego Field Office  
[Robert.R.Smith@usace.army.mil](mailto:Robert.R.Smith@usace.army.mil)

State Water Resources Control Board, Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

U.S. Environmental Protection Agency, Region 9  
Wetlands Regulatory Office  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

David Zoutendyk  
U.S. Department of the Interior  
Fish and Wildlife Service  
[david\\_zoutendyk@fws.gov](mailto:david_zoutendyk@fws.gov)

Alex Jewell  
RBF Consulting  
[ajewell@rbf.com](mailto:ajewell@rbf.com)

# Attachment 3 Location Map



Regional Context Map



Local Context Map

SOURCE: Google Earth 2007.



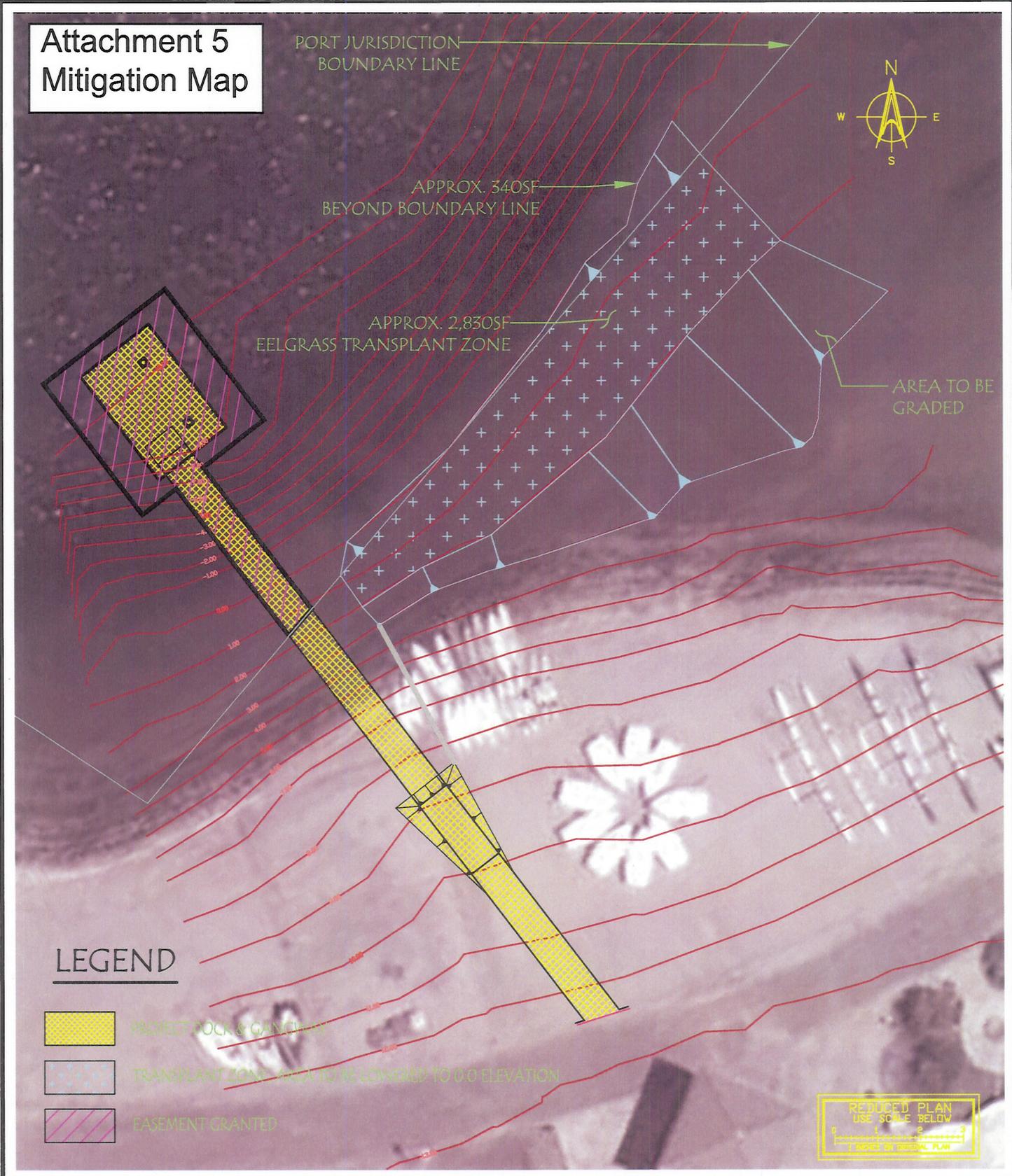
Not to Scale

## Regional/Local Vicinity Map Crown Cove Dock - Initial Study

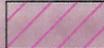
Figure 1



# Attachment 5 Mitigation Map



## LEGEND

-  PROJECT DOCK & GANGWAY
-  TRANSPLANT ZONE, AREA TO BE LOWERED TO 0.0 ELEVATION
-  EASEMENT GRANTED

REDUCED PLAN  
USE SCALE BELOW  
0 1 2 3  
FEET OF ORIGINAL PLAN

SCALE 1" = 30'	EELGRASS MITIGATION PLAN	DEPARTMENT OF
DATE MAY 2011	<b>SILVER STRAND SB CROWN COVE DOCK</b>	
SHEET NUMBER 1 of 1		

## Attachment 6 Checklist of Required Notifications and Reports

### Required Notifications: 401 Certification No. 09C-003

Notification Requirement	Required Notification Period	Required Condition(s) To Be Met	Date Notified
Unauthorized Discharge	Within 24 Hours of Discharge	V.A	
Transfer of Certification Responsibility	Within 10 Days of Transfer	V.B	
Dredge or Fill Commencement	5 Days Prior to Commencement	V.C	

### Required Reports and Submittals: 401 Certification No. 09C-003

Required Report	Due Date	Required Condition(s) To Be Met	Report Received
Project Annual Report	August 1 <sup>st</sup> , Annually	VI.A	
Final Annual Project Report	August 1 <sup>st</sup> After Project Completion	VI.B	
Pre-construction Caulerpa Studies	Prior to construction commencement	VI.C	
Eelgrass surveys	December 1 <sup>st</sup> , Annually	VI.D	
Final Habitat Mitigation and Monitoring Report	Prior to start of mitigation	VI.E	
Mitigation and Monitoring Annual Reports	December 1 <sup>st</sup> , Annually	VI.F	
Final Mitigation and Monitoring Annual Report	December 1 <sup>st</sup> After Mitigation Success	VI.F	