

California Regional Water Quality Control Board, San Diego Region

October 21, 2013

In reply refer to:
724789:lhonma

Mr. Nick Arther
Coronado Cays Homeowners Association
505 Grand Caribe Isle
Coronado, California 92118

Subject: Amendment No. 1 to Programmatic Water Quality Certification No. 08C-055 for the Coronado Cays Homeowners Association Boat Dock Removal and Replacement.

Mr. Arther:

Enclosed find Amendment No. 1 to Clean Water Act Section 401 Programmatic Water Quality Certification No. 08C-055 (Certification Amendment) for the **Coronado Cays Homeowners Association Boat Dock Removal and Replacement** (Project). The Certification Amendment shows changes in redline/strikeout format to indicate added and removed language. Programmatic Water Quality Certification No. 08C-055 has also been enclosed for your reference.

On November 7, 2008, the original Certification was issued to Larry Peterson, General Manager, Coronado Cays Homeowners Association. By letter dated April 9, 2013, the Coronado Cays Homeowners Association (Applicant) requested the Certification be extended an additional five years to November 2018.

The effective term of the original Certification is from November 7, 2008 through November 7, 2013. Based on the Applicant's request, the San Diego Water Board is amending the Certification to extend the term for an additional five years through November 1, 2018.

Any petition for reconsideration of this amended Programmatic Certification must be filed with the State Water Resources Control Board (State Board) within 30 days of certification action (23 CCR § 3867). If a petition is not filed with the State Board within 30 days, the Applicant will have accepted the changes to Certification No. 08C-055 and must comply with all the certification conditions. Failure to comply with all conditions of this certification may result in enforcement actions against the Applicant.

October 21, 2013

In the subject line of any response, please include the reference number 724789:lhonma. For questions or comments, please contact Lisa Honma by phone at (619) 521-3367, or by email at lhonma@waterboards.ca.gov.

Respectfully,



David W. Gibson,
Executive Officer
San Diego Regional Water Quality Control Board

DG:js:dtb:kdd:lbh

Enclosures:

Amendment No. 1 to Clean Water Act Section 401 Programmatic Water Quality Certification
No. 08C-055

Clean Water Act Section 401 Programmatic Water Quality Certification No. 08C-055 for the
Coronado Cays Homeowners Association Boat Dock Removal and Replacement, with
attachments.

cc: (via email)

Mike Miller
Coronado Cays Homeowners Association
dockmaster@cchoa.org

Mr. Ed Walton
Department Director/City Engineer
City of Coronado
ewalton@coronado.ca.us

Therese O. Bradford
US Army Corps of Engineers
Therese.O.Bradford@usace.army.mil

Ms. Kelly Fisher
California Department of Fish and Wildlife
kfisher@wildlife.ca.gov

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

U.S. EPA, OWOW, Region 9
75 Hawthorne St.
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

Tech Staff Info & Use	
File No.	08C-055
WDID	9 000001861
Reg. Measure ID	350737
Place ID	724789
Party ID	385061

California Regional Water Quality Control Board, San Diego Region

Amendment No. 1 to Clean Water Act Section 401
Programmatic Water Quality Certification No. 08C-055

PROJECT: Coronado Cays Homeowners Association Boat Dock Removal and Replacement, Programmatic Water Quality Certification No. 08C-055

APPLICANT: Larry Peterson, General Manager Coronado Cays Homeowners Association
505 Grand Carribe Isle
Coronado, CA 92118

WDID	9 000001861
CIWQS:	
Party No.	385061
Person No.	385067
Place No.	724789
Reg. M. No.	350737

The following changes have been made to Clean Water Act Section 401 Programmatic Water Quality Certification No. 08C-055, Coronado Cays Homeowners Association Boat Dock Repair and Replacement. Changes below are shown in redline/strikeout format to indicate added and removed language.

A. Page 1, ACTION has been modified as follows:

This Programmatic Certification will cover several hundred projects consisting of replacement of floating docks and gangways within the Coronado Cays Community. This Certification is valid ~~for 5 years from the date of issuance~~ until November 1, 2018.

B. Page 1-2, STANDARD CONDITIONS have been replaced or modified as follows:

Pursuant to section 3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions apply to all water quality certification actions:

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 Water Code and ~~section 3867 of Title 23 of the California Code of Regulations (23 CCR) Article 6 (commencing with section 3867 of 23 CCR).~~

2. This ~~e~~Certification action is not intended and ~~must shall~~ not be construed to apply to any discharge from any activity involving a hydroelectric facility ~~and~~ 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 that~~ application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification action is conditioned upon total payment of any fee required under chapter 28 (commencing with section 3830) of 23 CCR and owed by the applicant.

C. Page 3, A. GENERAL CONDITIONS No. 6. has been modified as follows:

This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. ~~Larry Peterson, The~~ General Manager (Coronado Cays HOA) must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within 10 days of the sale of the property.

D. Page 4, B. PROJECT CONDITIONS No. 7. Has been modified as follows:

Coronado Cays HOA shall conduct pre-construction ~~and Caulerpa taxifolia and~~ eelgrass surveys not more than ~~90 calendar days one year~~ prior to the start of in-water activities by a qualified biologist in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP) and provide it to the Regional Board prior to the start of such activities. Surveys should be conducted during an appropriate index period as determined by a qualified biologist (i.e., representing maximum eelgrass coverage). Surveys conducted during eelgrass dormancy will not be accepted.

E. Page 7, REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON has been modified as follows:

~~Jody Ebsen Lisa Honma~~
California Regional Water Quality Control Board, San Diego Region
~~9174 Sky Park Court 2375 Northside Drive~~, Suite 100
San Diego, CA ~~92123 92108~~
~~carias@waterboards.ca.gov~~ lhonma@waterboards.ca.gov

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No.1 to Certification No. 08C-055 issued on October 21, 2013.



David W. Gibson
Executive Officer
Regional Water Quality Control Board

21 Oct. 2013
Date



Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region



Arnold
Schwarzenegger
Governor

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>

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: Programmatic Certification for Coronado Cays Homeowners
Association Boat Dock Removal and Replacement (08C-055),
WDID 9000001861**

APPLICANT: Larry Peterson, General Manager

CIWQS Reg. Mes. ID: 350737 Place ID: 724789 Party ID: 385061

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" 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

This Programmatic Certification will cover several hundred projects consisting of replacement of floating docks and gangways within the Coronado Cays Community. This Certification is valid for 5 years from the date of issuance.

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

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



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, Coronado Cays Homeowners Association (HOA) must satisfy the following:

A. GENERAL CONDITIONS:

1. Coronado Cays HOA 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 (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification. 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 Regional Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.
2. During dock and gangway replacement, Coronado Cays HOA must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
3. Coronado Cays HOA must permit the Regional 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.
4. Coronado Cays HOA must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. 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 best management practice (BMPs) or other measures that will be implemented to prevent future discharges.

5. Coronado Cays HOA 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 U.S. and/or State.
 6. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. Larry Peterson, General Manager (Coronado Cays HOA) must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within **10 days** of the sale of the property.
 7. 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.
 8. In response to a suspected violation of any condition of this certification, the Regional 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 Regional 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.
 9. In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
- B. PROJECT CONDITIONS:**
1. Only projects within the jurisdiction of the City of Coronado are included in this Programmatic 401 Certification.

2. Individual projects within this Programmatic 401 Certification may increase or decrease the net square footage of a boat dock structure. However, this Programmatic 401 Certification relies on a "net zero" change in overwater shading (the changes in overwater coverage as a result of all dock replacements at the Coronado Cays will be zero or a decrease in overall coverage; an overall increase in overwater shading is not permitted). **A ledger describing shading credits, losses, and that ensures a zero balance will be maintained by a third party.**
3. Prior to the start of the project, and annually thereafter, Coronado Cays HOA must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
4. Coronado Cays HOA 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/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
5. Coronado Cays HOA shall use only clean construction materials suitable for use in the oceanic environment. Coronado Cays HOA shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the U.S./State. Upon completion of the authorized project, any and all excess material or debris shall be completely removed from the work area and disposed of an appropriate upland site.
6. BMPs shall be utilized during the construction activities to prevent discharges of waste to waters of the State/U.S. 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. **BMPs described in the Regional General Permit application, prepared by Anchor Environmental dated August 2008, shall be utilized.**
7. Coronado Cays HOA shall conduct pre-construction and *Caulerpa taxifolia* eelgrass surveys not more than **90 calendar days** prior to the start of in-water activities by a qualified biologist in accordance with the Southern California Eelgrass Mitigation Policy (SEMP) and provide it to the Regional Board prior to the start of such activities.
8. **No projects that would impact eelgrass are included in this 401 Certification.**

C. REPORTING:

1. Coronado Cays HOA must submit quarterly reports describing both work that was completed the previous quarter, and work that will be completed the following quarter. For upcoming projects, the report shall include:
 - A short description of the projects;
 - A map of existing and proposed conditions;
 - An eelgrass and *Caulerpa taxifolia* pre-construction survey;
 - A statement regarding the use and availability of banked shading credits.
2. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
3. All reports and information submitted to the Regional 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.
4. All applications, reports, or information submitted to the Regional 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 partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c. For a municipality, or a state, federal, or other public agency, by either a *principal executive officer or ranking elected official*.
5. A duly authorized representative of a person designated in Items 4.a. through 4.c. above may sign documents if:
 - a. The authorization is made in writing by a person described in Items 4.a. through 4.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 Regional Board Executive Officer.
6. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:

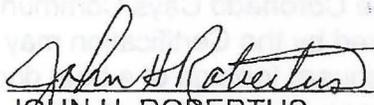
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Jody Ebsen
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-627-3931
carias@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Coronado Cays Homeowners Association Boat Dock Removal and Replacement (Project No. 08C-055)** 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 Regional 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 Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

7 Nov 2008
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Aerial Photo of Coronado Cays

that will be completed the following quarter. For upcoming projects, the report shall include:

- A short description of the projects;
- A map of existing and proposed conditions;
- An eelgrass and *Caulerpa taxifolia* pre-construction survey;
- A statement regarding the use and availability of banked shading credits.

Federal Agency/Permit: U.S. Army Corps of Engineers §404 Individual Permit

Other Required Regulatory Approvals: Coastal Development Permit (City of Coronado)

California Environmental Quality Act (CEQA) Compliance: Categorically exempt. Type and section number: Replacement and Reconstruction, section 15302, Class 2 (City of Coronado)

Receiving Water: San Diego Bay

Dredge Volume: None

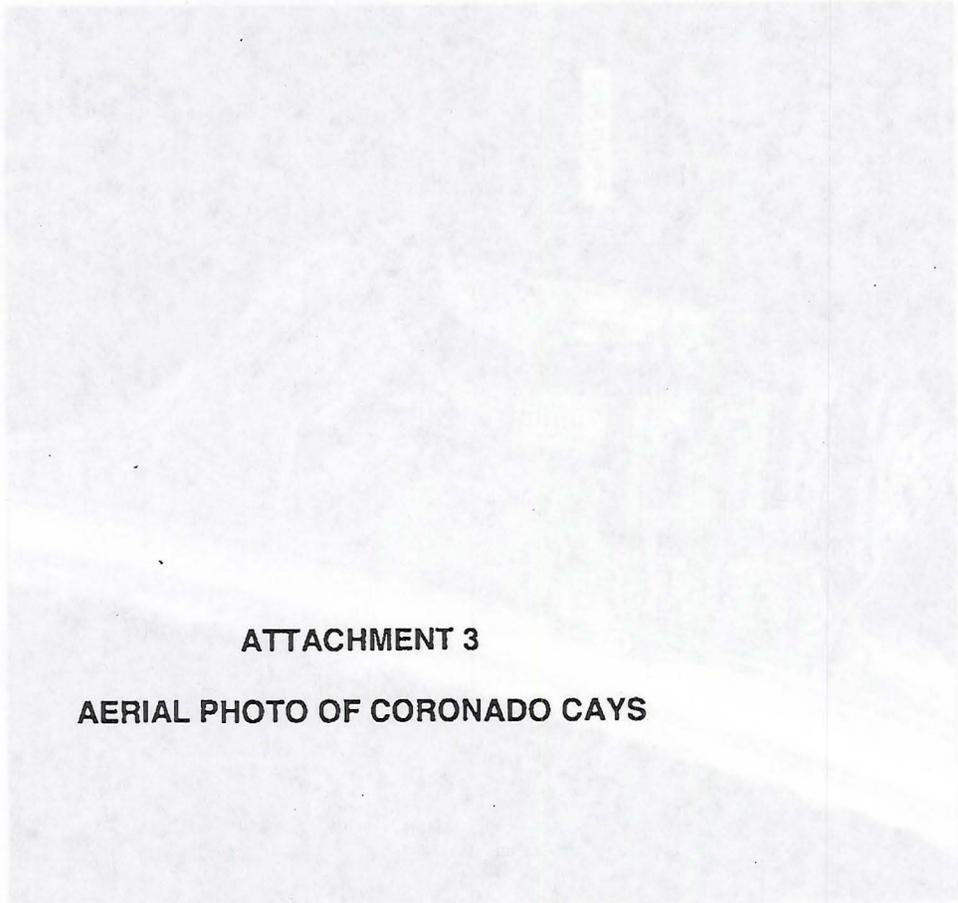
Related Projects Implemented/to be Implemented by the Applicant(s): None

Compensatory Mitigation: No mitigation is necessary since there are no permanent impacts to water quality or habitat anticipated, and a net increase in overwater shading is not permitted.

Public Notice: August 19, 2008

Fees: Total Due: \$2500.00
Total Paid: \$2500.00 (check No. 2461)

CIWQS: Regulatory Measure ID: 350737
Place ID: 724789
Party ID: 385061
Party ID: 385067

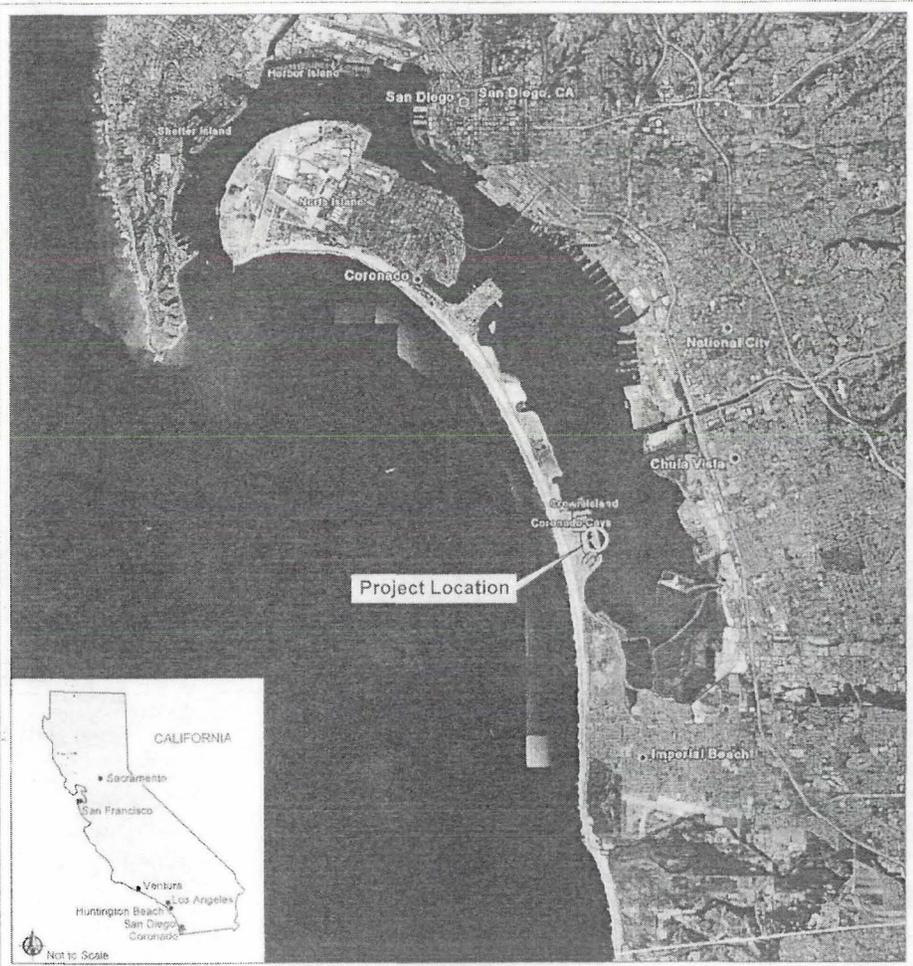


ATTACHMENT 3
AERIAL PHOTO OF CORONADO CAYS



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Apr 07, 2008 5:30am horkkan
K:\Lobs\075485 Coronado Cays\075485-0107548501-001.dwg E1



Project Location

Location Map



Project Area

Project Area



Note: Aerials from Google Earth Pro, 2007

Figure 1
Location Map and Project Area
Coronado Cays Boat Dock Removal and Replacement