

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

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<http://www.waterboards.ca.gov/sandiego/>

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

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**PROJECT: Alvarado Channel Restoration Project**  
**Certification Number R9-2014-0135**  
**WDID: 9000002787**

Reg. Meas. ID: 398783 Place ID: 810596 Party ID: 284906 Person ID: 541919
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**APPLICANT: City of La Mesa**  
**8130 Allison Avenue**  
**La Mesa, CA 91942**

**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"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

**PROJECT DESCRIPTION**

An application dated October 24, 2014 was submitted by the City of La Mesa (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Alvarado Channel Restoration Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on November 18, 2014. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2014-0705-RAG).

The Project is located within the City of La Mesa, San Diego County, California. The site is located within and adjacent to Alvarado Creek, south of Fletcher Parkway, north of Center Drive, east of Grossmont Center Drive and west of State Route 125. The Project center reading is located at latitude 32.783075° N and longitude -117.008500° W. Land uses to the north of the Project site include businesses and a multi-family residential development. Land uses to the south of the Project site include the Metropolitan Transit System Trolley track right of way, multi-family residential, business and commercial developments.

The Applicant has paid all required fees for this Certification in the amount of \$12,150. On October 31, 2014, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes the restoration and enhancement of a 900 foot linear segment of Alvarado Creek. The creek reach is bounded downstream by an existing concrete flood control structure at 8765 Fletcher Parkway, and upstream by a box culvert near Alvarado Avenue, beneath the State Route 125 bridge crossing. The overall goal of the project is to restore native riparian and wetland habitat to a condition that is superior to the pre-project condition. Removal of invasive vegetation and bank armoring, and revegetation with native vegetation will provide a benefit to the overall health of the creek. A pre-construction site assessment utilizing the California Rapid Assessment Method (CRAM) found the site scoring an overall attribute score of 52. The restoration project proposes to increase the overall attribute score to a 57, for a 5 point functional lift over pre-project conditions. The Project consists of the removal of 100 linear feet of concrete channel armoring along the north side of the channel, installation of a Presto Geoweb® non-degradable reinforced erosion control system (or equivalent product) to replace the concrete and revegetation of 22,000 square feet of native riparian vegetation within the Presto Geoweb®. Additionally, the Project will remove trash and non-native vegetation throughout the entire project area.

Project construction will temporarily impact 0.182 acre (900 linear feet) of wetland waters of the United States and/or State and 0.503 acre of California Department of Fish & Wildlife Riparian streambed. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse temporary impacts to aquatic resources.

The Project is self-mitigating and therefore no compensatory mitigation is required. All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill.

This project is being completed as a Supplemental Environmental Project (SEP) pursuant to a Settlement Agreement adopted by the San Diego Water Board on December 11, 2013 (Order No. R9-2013-0137). The Settlement Agreement stipulated that \$387,606 of the City of La Mesa's liability will be suspended upon completion of the Project. The Applicant is responsible for compliance with the requirements of Order No. R9-2013-0137 and this Certification. Order No. R9-2013-0137 is incorporated in this Certification by reference as if set forth herein.

Detailed written specifications and work descriptions for the restoration project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the restoration area are described in the *Alvarado Channel Restoration Project, Restoration and Enhancement Plan* (Restoration Plan), dated February 3, 2015. San Diego Water Board acceptance of the Restoration Plan applies only to the Project described in this Certification. The Restoration Plan is incorporated in this Certification by reference as if set forth herein. The Restoration Plan provides for implementation of restoration activities which offset adverse water quality impacts attributed to the Project in a

manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses.

Additional Project details are provided in Attachments 1 through 3 of this Certification.

## TABLE OF CONTENTS

I.	STANDARD CONDITIONS.....	5
II.	GENERAL CONDITIONS .....	5
III.	CONSTRUCTION BEST MANAGEMENT PRACTICES .....	8
IV.	PROJECT IMPACTS AND RESTORATION.....	10
V.	MONITORING AND REPORTING REQUIREMENTS .....	11
VI.	NOTIFICATION REQUIREMENTS .....	15
VII.	CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE .....	16
VIII.	SAN DIEGO WATER BOARD CONTACT PERSON .....	17
IX.	WATER QUALITY CERTIFICATION.....	17

### Attachments:

1. Definitions
2. Project Location Maps
3. Project Site Plans

## I. STANDARD CONDITIONS

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

- 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 Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and 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 California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

## II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2014-0135 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through 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* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).

- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. **Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 U.S.C §1313).
- F. **Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. **Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. **Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
  3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
  4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall 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.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
  2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the Alvarado Channel or its tributaries;
  3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
  4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
  5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

- K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.
- M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:  
[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant 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.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.

- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- I. **Process Water.** 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 State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- K. **Re-vegetation.** All areas of temporary impacts must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused 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.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.
- N. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers

such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.

- O. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of Alvarado Creek. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VI.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

#### IV. PROJECT IMPACTS AND RESTORATION

- A. **Project Impacts and Restoration.** Unavoidable temporary project impacts to Alvarado Creek within the San Diego River Watershed must not exceed 0.182 acre (900 linear feet). All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill.
- B. **Restoration Plan Implementation.** The Applicant must fully and completely implement the Restoration Plan; any deviations from, or revisions to, the Restoration Plan must be pre-approved by the San Diego Water Board.
- C. **Performance Standards.** The restoration required by Order No. R9-2013-0137 shall be considered achieved once it has met the ecological success performance standards contained in the Restoration Plan (Section B, pages 18-20) to the satisfaction of the San Diego Water Board.
- D. **Long Term Management and Maintenance.** The Restoration site must be managed, protected, and maintained, in perpetuity, in conformance with the long term management plan and the final ecological success performance standards identified in the Restoration Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the Restoration site must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:

Any maintenance activities on the Restoration site that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;

1. Any maintenance activities on the Restoration site that do not contribute to the success of the restoration and enhancement of beneficial uses and ecological functions and services are prohibited;
2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the Project;

3. The Restoration site must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and
4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the Restoration site or other deficiencies in the Restoration project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the Restoration project is responding to a catastrophic natural event.

E. **Restoration Site Preservation Mechanism.** Within 60 days of the start of the Project construction, the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect the Restoration project area and its buffers in perpetuity. Within 365 days of the start of Project construction, the Applicant must submit proof of a completed final preservation mechanism that will protect the Restoration project area and its buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the restoration area must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

## V. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- C. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. **Records of Monitoring Information.** Records of monitoring information shall include:
  1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

**E. California Rapid Assessment Method.** California Rapid Assessment Method (CRAM)<sup>1</sup> monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site and proposed Restoration site. These conditions reflect the overall level of ecological function of an aquatic resource. Prior to initiating Project construction, the Applicant shall develop a monitoring plan to implement California Rapid Assessment Method (CRAM) monitoring. CRAM monitoring must be conducted prior to the start of Project construction authorized under this Certification and annually following construction completion for a period of 5 years. The annual CRAM monitoring results shall be submitted with the Annual Project Progress Report. An evaluation, interpretation, and tabulation of all CRAM assessment data shall be submitted with the Final Project Completion Report.

**F. Quarterly Project Progress Reports.** The Applicant must submit quarterly Project progress reports describing status of compliance with all requirements of this Certification and Order No. R9-2013-0137 to the San Diego Water Board. Quarterly Progress reports will be due on the 15<sup>th</sup> day of April, July, October and February. The report must include the following information:

1. The names, qualifications, and affiliations of the persons contributing to the report;
2. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
3. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
4. A description of each incident of noncompliance during the quarterly period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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<sup>1</sup> The most recent versions of the California Rapid Assessment Method (CRAM) for Wetlands and additional information regarding CRAM can be accessed at <http://www.cramwetlands.org/>

**G. Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project.** The Project must be completed by December 31, 2016, as required by Order No. R9-2013-0137. In the event that the Project cannot be completed in compliance with the SEP completion date, despite the timely good faith efforts of the Applicant, the Applicant may submit a request for an extension to the Assistant Executive Officer of the San Diego Water Board. Any request for extension of the SEP completion date must not exceed one year from December 31, 2016.

The final report must include the following information:

1. Date of construction initiation;
2. Date of construction completion;
3. As-built drawings of the Project, no bigger than 11"X17";
4. Certification that the project has been completed in accordance with the terms of Order No. R9-2013-017. Documentation should include invoices, receipts, certifications, and other materials reasonably necessary for the San Diego Water Board to evaluate the completion of Project construction and the costs incurred by the Applicant; and
5. An evaluation, interpretation, and tabulation of all California Rapid Assessment Method (CRAM) assessment data collected throughout the term of Project construction in accordance with section V.E of this Certification.

**H. Annual Restoration Monitoring Report.** The Applicant must submit Restoration monitoring reports, annually, by **March 1** of each year containing sufficient information to demonstrate how the Restoration project is progressing towards accomplishing its objectives and meeting its performance standards. The monitoring period for each Annual Restoration Monitoring Report shall be January 1<sup>st</sup> through December 31<sup>st</sup> of each year. Restoration monitoring reports must be submitted annually, for a period of not less than five years, sufficient to demonstrate that the Restoration project has accomplished its objectives and met ecological success performance standards contained in the Restoration Plan. The San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the Restoration project is not on track to meet them.

The Annual Restoration Monitoring Reports must include, but not be limited to, the following information:

1. Names, qualifications, and affiliations of the persons contributing to the report;
2. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Restoration Plan monitoring program, and all quantitative and qualitative data collected in the field;

3. Monitoring data interpretations and conclusions as to how Restoration project is progressing towards meeting performance standards and whether the performance standards have been met;
  4. A description of the progress toward implementing a plan to manage the Restoration project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;
  5. Qualitative and quantitative comparisons of current Restoration conditions with pre-construction conditions and previous Restoration monitoring results;
  6. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site 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; and
  7. The results of the California Rapid Assessment Method (CRAM) monitoring required under section V.E of this Certification.
- I. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- J. **Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to [SanDiego@waterboards.ca.gov](mailto:SanDiego@waterboards.ca.gov). Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. R9-2014-0135:PIN 810596  
2375 Northside Drive, Suite 100  
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2013-0135:PIN 810596.

- K. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed 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.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- L. **Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be 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."*

## VI. NOTIFICATION REQUIREMENTS

- A. **Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant 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

San Diego Water Board, 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.

- B. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes to the Project which may result in noncompliance with Certification conditions or requirements.
- C. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
1. **Transfer of Property Ownership:** The Applicant 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 Applicant 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 San Diego Water Board **within 10 days of the transfer of ownership.**
  2. **Transfer of Restoration Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in 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 restoration 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 Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

- D. **Discharge Commencement.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.

## VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of La Mesa is the Lead Agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq. (CEQA)) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Exemption dated January 15, 2014 for the Alvarado Channel Restoration Project. The Lead Agency has determined the project is Categorically Exempt under Class 33, CEQA section 15333 (Small Habitat Restoration Projects).

- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has independently determined that the Project is categorically exempt pursuant to CEQA Guidelines section 15333 (Small Habitat Restoration Projects). The Project consists of habitat restoration that does not to exceed five acres in size and will not have a significant effect on the environment.
- C. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Exemption in accordance with CEQA Guidelines section 15062.

#### VIII. SAN DIEGO WATER BOARD CONTACT PERSON

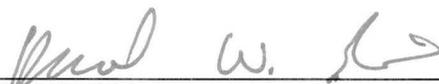
Christopher Means, Environmental Scientist  
Telephone: 619-521-3365  
Email: [cmeans@waterboards.ca.gov](mailto:cmeans@waterboards.ca.gov)

#### IX. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Alvarado Channel Restoration Project** (Certification No. R9-2014-0135) 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 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 to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2014-0135 issued on April 3, 2015.

  
\_\_\_\_\_  
DAVID W. GIBSON  
Executive Officer  
San Diego Water Board

2 April 2015  
Date

## ATTACHMENT 1

### DEFINITIONS

**Activity** - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

**Buffer** - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

**California Rapid Assessment Method (CRAM)** - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

**Discharge of dredged material** – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

**Discharge of fill material** – means the addition of fill material into waters of the United States and/or State.

**Dredged material** – means material that is excavated or dredged from waters of the United States and/or State.

**Ecological Success Performance Standards** – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

**Enhancement** – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Establishment** – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

**Fill material** – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

**Isolated wetland** – means a wetland with no surface water connection to other aquatic resources.

**Mitigation Bank** – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

**Preservation** - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

**Rehabilitation** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

**Restoration** - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Start of Project Construction** - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

**Uplands** - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

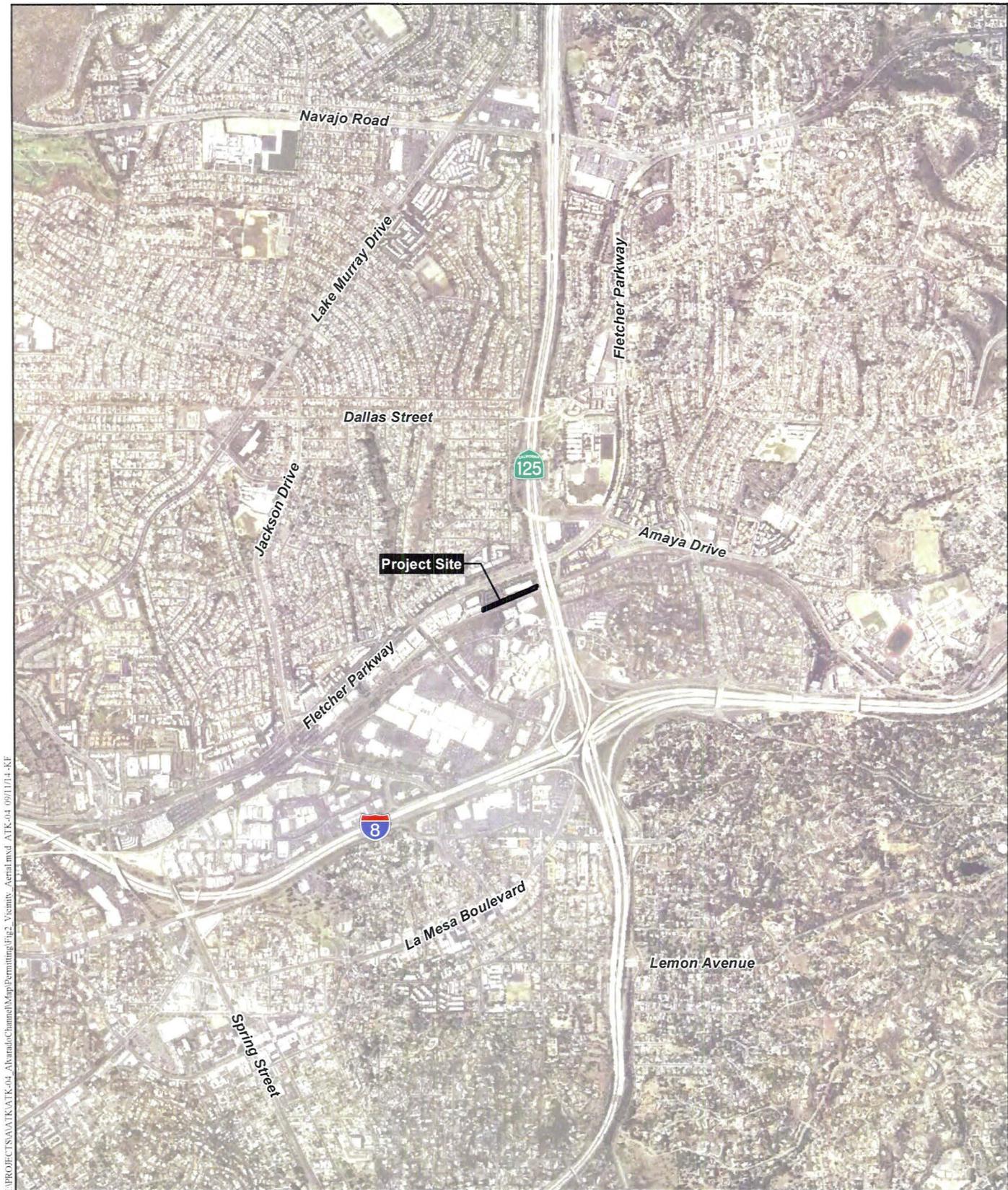
**Water quality objectives and other appropriate requirements of state law** – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

**City of La Mesa  
Alvarado Channel Restoration Project  
Certification No. R9-2014-0135**

## **ATTACHMENT 2**

### **LOCATION MAPS AND FIGURES**

1. Helix Environmental Planning, Figure 2, Project Vicinity Map (Aerial Photograph)
2. Helix Environmental Planning, Figure 3, Project Vicinity Map (USGS Topography)



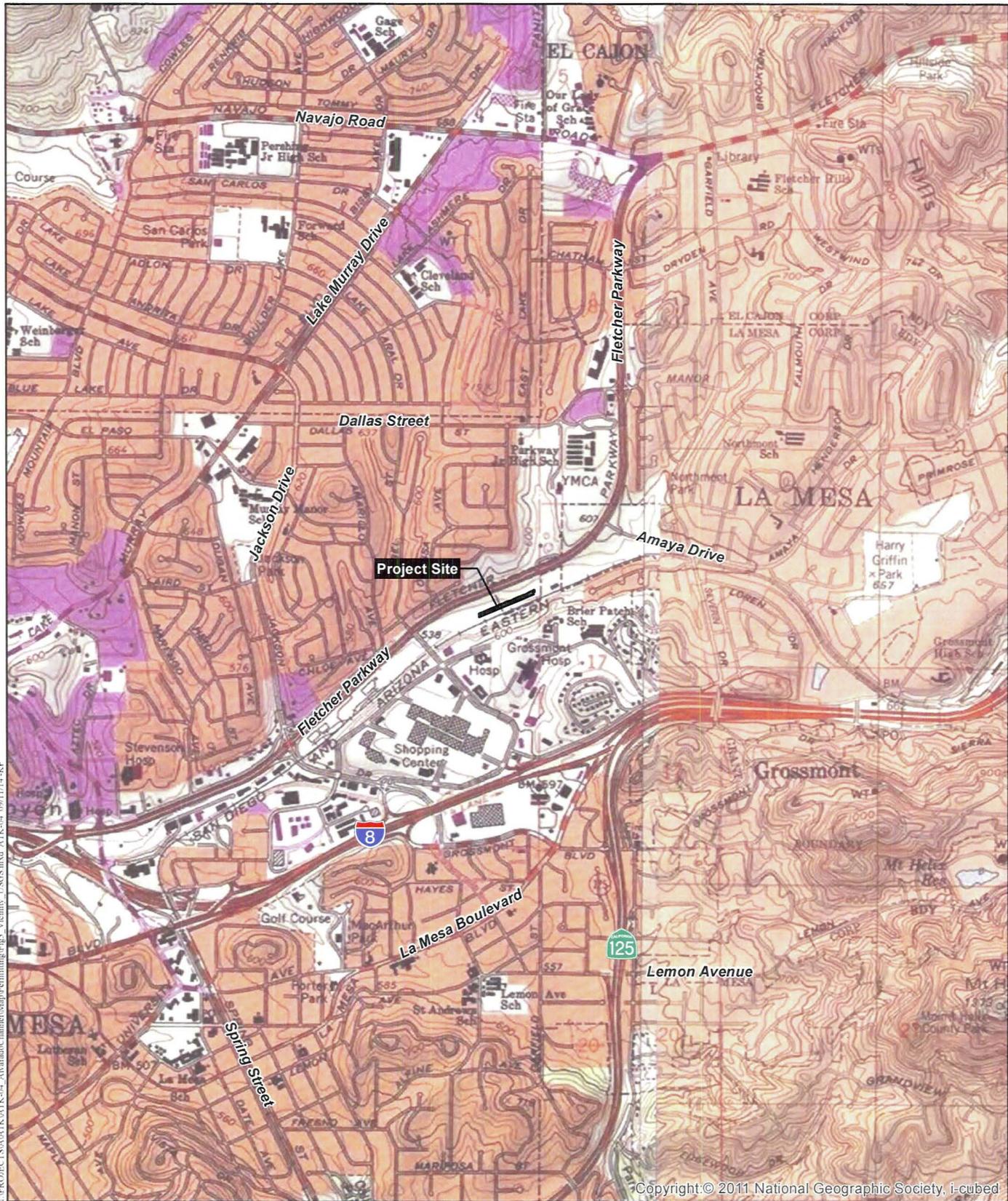
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## Project Vicinity Map (Aerial Photograph)

ALVARADO CHANNEL RESTORATION PROJECT



Figure 2



## Project Vicinity Map (USGS Topography)

ALVARADO CHANNEL RESTORATION PROJECT



Figure 3

**ATTACHMENT 3  
PROJECT SITE PLANS**

- 1. Helix Environmental Planning, Figure 4, Site Plan**
- 2. Helix Environmental Planning, Figure 6, USACE/RWQCB Jurisdiction**
- 3. Helix Environmental Planning, Figure 8. USACE/RWQCB Jurisdiction Impacts**
- 4. Helix Environmental Planning, Figure 10, Riparian Restoration And Enhancement Plan**

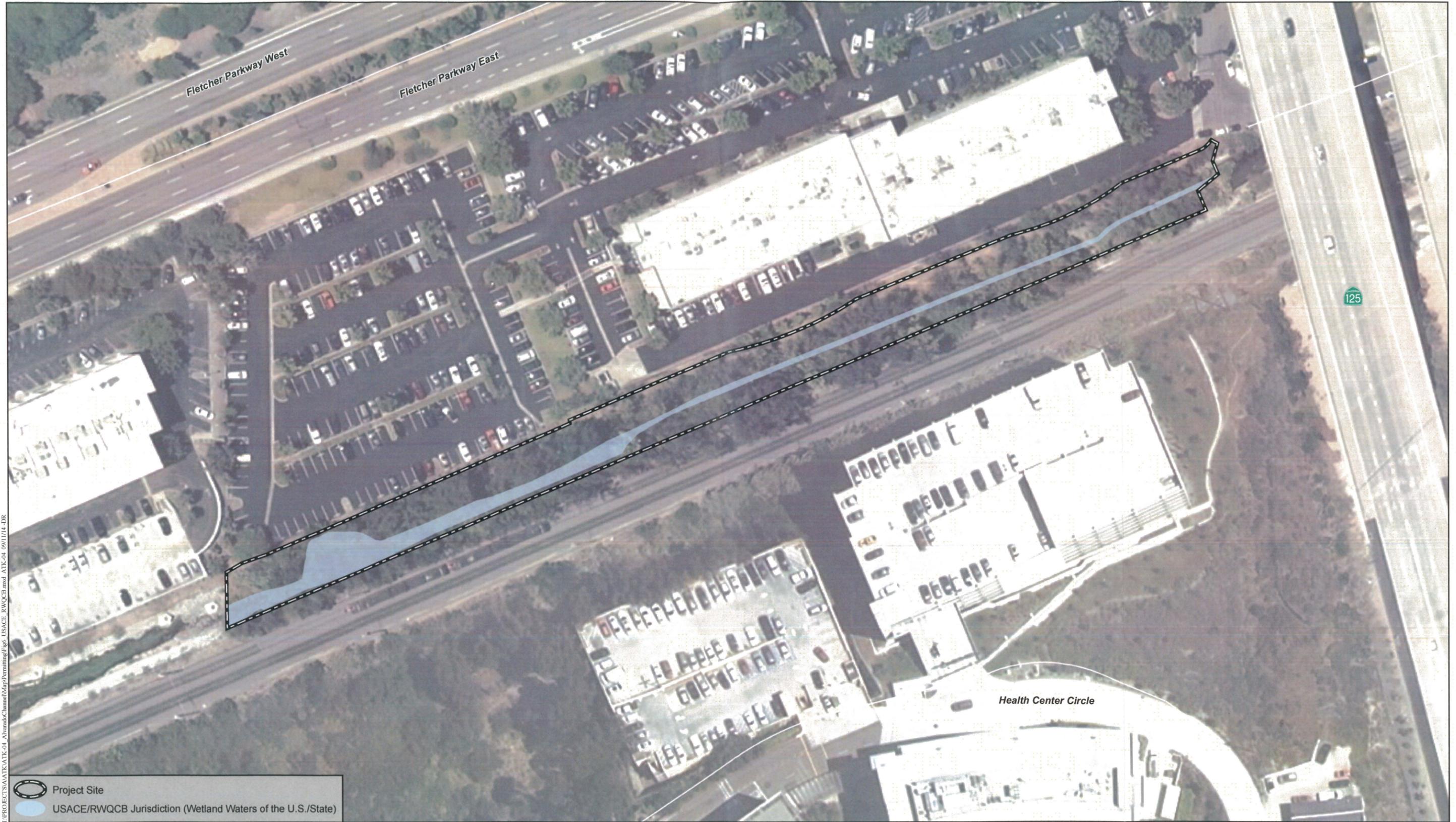


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**Site Plan**

ALVARADO CHANNEL RESTORATION PROJECT

Figure 4



**USACE/RWQCB Jurisdiction**

ALVARADO CHANNEL RESTORATION PROJECT

Figure 6

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## USACE/RWQCB Jurisdiction Impacts

ALVARADO CHANNEL RESTORATION PROJECT



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## Riparian Restoration and Enhancement Plan

ALVARADO CHANNEL RESTORATION PROJECT