



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

July 26, 2007

Humboldt Island and Trinidad Island
Homeowners
c/o Tetra Tech, Inc.
Attention: Natalie Chan
401 East Ocean Boulevard, Suite 420
Long Beach, CA 90802

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION
FOR THE PROPOSED HUMBOLDT ISLAND AND TRINIDAD ISLAND BULKHEAD
REPAIRS, CITY OF HUNTINGTON BEACH (ACOE REFERENCE NO. SPL – 2007 – 736
– YJC)**

Dear Ms. Chan:

On July 23, 2007, a Clean Water Act Section 401 Water Quality Standards Certification (Certification) was issued by the Executive Officer for repairs to bulkheads at Humboldt Island and Trinidad Island in the City of Huntington Beach. The Certification was incorrectly dated. Please find enclosed the corrected Certification.

Should there be any questions, please contact me at (951) 320-6363, or via electronic mail at afischer@waterboards.ca.gov.

Sincerely,

Adam Fischer
Environmental Scientist
Clean Water Act Section 401 Coordinator

Enclosure

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jae Chung
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board – Bill Orme
California Department of Fish and Game – Marilyn Fluharty
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR – 8 – Tim Vendlinski

APF:401/certifications/Humboldt-trinidad isl bulkhead cover ltr 302007-09

California Environmental Protection Agency





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401 East Ocean Boulevard, Suite 420
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CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE PROPOSED HUMBOLDT ISLAND AND TRINIDAD ISLAND BULKHEAD REPAIRS, CITY OF HUNTINGTON BEACH (ACOE REFERENCE NO. SPL – 2007 – 736 – YJC)

Dear Ms. Chan:

On June 11, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for the proposed repair of the bulkheads at Humboldt Island and Trinidad Island, within Huntington Harbour, in the City of Huntington Beach. The application was submitted by Tetra Tech, Inc., on behalf of the individual property owners shown in the attached Exhibit 1. This letter responds to your request for certification that the proposed project, described in the application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description: Repair of the existing bulkheads on Humboldt Island and Trinidad Island located at the addresses shown in Exhibit 1. The repair project involves the cutting of select deteriorated timber piles and installing a jack between the cut pile and the existing concrete footing; driving vinyl sheet piles flush with the top of the footing; and filling the enclosed void between the cut timber pile and concrete footing with pumped concrete. Rock slope protection will be placed along the toe of the bulkhead affecting up to 6-feet from the bulkhead. The project will occur at the residences identified in Exhibit 1¹. Not all elements of the project will be applied to each residence. The project is located within an un-sectioned portion of Township 5 South, Range 11 West of the U.S. Geological Survey *Huntington*

¹ Additional copies of this Certification are available to the property owners and the general public for review and download at www.waterboards.ca.gov/santaana/html/401wqc.htm

California Environmental Protection Agency



Beach, California, 7.5-minute topographic quadrangle maps (33 deg. 43 min. 25 sec. N/-118 deg. 03 min. 50 sec. W).

Receiving water: Huntington Harbour.

Fill area: 1,584 square feet of marine bottom (1,230 linear feet of bulkhead).

Dredge/Fill volume: Not applicable.

Federal permit: U.S. Army Corps of Engineers Permit No. SPL-2007-736-YJC

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project disturbs less than one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is not required.

You have applied for a Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for, and received, a Coastal Development Permit from the Coastal Commission. Pursuant to the California Environmental Quality Act (CEQA), the City of Huntington Beach adopted a Mitigated Negative Declaration (MND) for the bulkhead repair project on September 13, 2000. The Executive Officer has considered the City's MND in the issuance of this Certification.

The proposed project is the continuation of portions of the project described in the City's MND, which includes bulkhead repair work at the addresses listed in Exhibit 1 and at other additional addresses. On November 3, 2000 and December 8, 2000, Certifications were issued for the repair work at Humboldt Island and Trinidad Island, respectively, at all of the addresses. The November 3, 2000 and December 8, 2000 Certifications were issued under Regional Board Resolution No. 96-9, "Waiver of Waste Discharge Requirements for Specific Types of Discharges" (Resolution No. 96-9). Work began at some of the addresses but was not completed. Since then, Resolution No. 96-9 expired on January 1, 2003 pursuant to Senate Bill 290. Resolution No. R8-2002-0044 has been adopted in place of Resolution No. 96-9, but does not address discharges of dredge or fill material. This Certification authorizes completion of the project described in the City's MND.

As part of the mitigation for impacts to marine habitat caused by the bulkhead repairs, Tetra Tech, Inc., implemented an April 2000, "Soft Bottom Mitigation Plan", (Mitigation Plan), on behalf of the homeowners. The Mitigation Plan includes making improvements to a portion of the Bolsa Chica Ecological Reserve located adjacent to the southeast corner of Pacific

Coast Highway and Warner Avenue. The improvements involve the replacement of a 12-inch diameter culvert with an 18-inch diameter PVC culvert to increase tidal influence on the wetlands; removing concrete and brick debris in the wetlands; and grading approximately 3,400 square feet of uplands so that it becomes wetlands. The Mitigation Plan has been implemented since February 2002 to mitigate the impacts of bulkhead repairs that have been completed as well as the anticipated impacts of incomplete repairs. The remaining area is still available to serve as mitigation for the currently proposed bulkhead repairs.

This 401 Certification is contingent upon the execution of the following conditions:

1. Using generally accepted protocols, the dischargers shall survey for *Caulerpa taxifolia*, an invasive marine seaweed, to help locate and prevent its spread. If *Caulerpa taxifolia* is found prior to or during implementation of the project, the applicant shall not begin or continue at that location until authorized by Regional Board staff. If the invasive seaweed is discovered, it is not to be disturbed, and the Regional Board shall be notified within 48-hours of the location and date of the discovery. In addition, any sightings of *Caulerpa taxifolia* should be reported to the California Department of Fish and Game (William Paznokas at (858) 467-4218 (wpaznokas@dfg.ca.gov)) or the National Marine Fisheries Service (Robert Hoffman at (562) 980-4043 (bob.hoffman@noaa.gov)) within 24-hours of discovery. Further information regarding *Caulerpa taxifolia* sightings can be obtained at www.sccat.net. Should no *Caulerpa* be observed during the project, the applicant shall notify the Regional Board of this fact when all construction has been completed. Please contact Wanda Cross at (951) 782-4468 concerning issues related to *Caulerpa taxifolia*.
2. The dischargers shall employ best management practices, as necessary, to minimize discharges of suspended solids to waters of the State.
3. Materials shall not be placed in a manner where they could be discharged to surface waters except as authorized by this certification. In the event that trash or debris is discharged to surface waters, the dischargers shall recover the material to the maximum extent practical.
4. Project-related activities shall not cause the background natural turbidity, as measured in Nephelometric Turbidity Units (NTUs), in the receiving waters to be increased by values greater than the following Basin Plan objectives at a distance of 100 feet from the activity:
 - a. If natural turbidity is between 0 and 50 NTU, the maximum increase shall not exceed 20% of the measured natural turbidity.
 - b. If natural turbidity is 50 to 100 NTU, the increase shall not exceed 10 NTU.
 - c. If natural turbidity is greater than 100 NTU, the maximum increase shall not exceed 10% of the measured natural turbidity.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every 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 Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

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.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (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. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

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. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project 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, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jae Chung
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit – John Reynolds and Bill Orme
California Department of Fish and Game – Marilyn Fluharty
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR – 8 – Tim Vendlinski

Exhibit 1

List of Applicants for Certification of the Humboldt Island and Trinidad Island Bulkhead Repairs

First Name	Last Name	Street Address
Albert & Sharon	Appel	16651 Carousel Lane
Robert F.	Baron	16611 Carousel Lane
Del & Amy	Brault	16681 Carousel Lane
Nathan & Jennie	Chen	16641 Carousel Lane
Oliver & Jean	Clark	16601 Carousel Lane
Gerson	DeAlmeida	16711 Carousel Lane
Bob & Sarah	Faber	16671 Carousel Lane
Joseph & Janice	Goss	16691 Carousel Lane
Larry	Gottlieb	16501 Carousel Lane
Thomas & Victoria	Hutton	16701 Carousel Lane
Barbara	Johnson	16425 Ladona Circle
Lloyd Leonard	Lady Jr.	16741 Carousel Lane
Medhat Mounir	Raouf	16531 Carousel Lane
Nevine	Fanous	16531 Carousel Lane
Dennis	Needleman	16631 Carousel Lane
Viola M.	Samuel	16621 Carousel Lane
Richard & Iris	Schuster	16661 Carousel Lane
John C. & Sandra K.	Vaughan	16731 Carousel Lane
Henry	Woods, Jr.	16752 Wanderer Lane
Zlatko	Zadro	16742 Wanderer Lane
Ruben & Cheryl	Baghdassarian	3492 Venture Drive
Eric	Chen	3392 Venture Drive
Victor	Cohn	16281 Typhoon Lane
Douglas & La Rae	Daniels	3602 Venture Drive
Alan B.	Dauger	3582 Ragtime Circle
Paul & Betty	Deasy	3292 Venture Drive
Frank & Donna	DeGelas	3622 Venture Drive
Liem & Anh B.	Do	16291 Typhoon Lane
Francis E.	Goodyear	3422 Venture Drive
Rodney C.	Hill	3402 Venture Drive
Jack	Merritt	3502 Venture Drive
Gregory D.	Kriesel	3512 Venture Drive
John D. & Nicolette M.	Kubeck	3442 Venture Drive
Larry & Patricia	Lambert	3362 Venture Drive
Thomas & Lynn T.	McInally	3382 Venture Drive

Danny & Ann	Nguyen	16311 Typhoon Lane
William	Newfield	3332 Venture Drive
Hung Van	Ong	3441 Sagamore Drive
Syrus	Rayhan	3612 Venture Drive
Zacharia	Reda	3372 Venture Drive
Yuval	Rosenthal	16301 Typhoon Lane
George F.	Schofhauser	3342 Venture Drive
Robert	Swain	16271 Typhoon Lane
Michiko	Tajima	3462 Venture Drive
Tony & Esther A.	Uva	3421 Sagamore Drive
Lester A. & Maria E.	Walker	3322 Venture Drive
Raymond	Walker	3452 Venture Drive
Yaghoub	Younessi	3352 Venture Drive