

Attachment No. 5

Chronology of Events Cleanup and Abatement Order Nos. R9-2006-0101 and 0102

May 20, 2005

The Regional Board receives a Clean Water Act Section 401 Water Quality Certification application from Bill and Heidi Dickerson of Las Vegas, Nevada to replace riprap in front of their vacation home along San Diego Bay at 501 First Street, Coronado. The project as proposed by the Dickersons is to remove 450 cubic yards of existing riprap shoreline protection and replace it with 404 cubic yards of "Port District approved rock riprap" within the existing footprint of the original shoreline stabilization.

July 18, 2005

The San Diego Unified Port District (Port District) determines that the Dickerson's proposed project is "categorically exempt" from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 (Class 2) and Resolution 97-191 (Replacement or Reconstruction).

July 28, 2005

The Regional Board issues an Order for Low Impact Clean Water Act Section 401 Water Quality Certification (File No. 05C-041) and a waiver of Waste Discharge Requirements to the Dickersons. The Water Quality Certification was issued for the Dickerson's proposed discharge of fill associated with the replacement of riprap in front of their vacation home. The project as proposed to the Regional Board consisted of removing 450 cubic yards of existing riprap and replacing it with 404 cubic yards of engineered riprap on the same footprint. The proposed project also included the installation of a filter fabric liner underneath the engineered riprap.

October 28, 2005

The United States Army Corps of Engineers determines that the Dickerson's project as proposed complies with the terms and conditions of the Clean Water Act Section 404 Nationwide Permit No. 3 (Maintenance). Upon issuance of the 404 Permit, the Dickersons have obtained all necessary authorizations to begin riprap replacement.

February 2006

Riprap removal begins from 501 and 505 First Street, Coronado. Larry and Penelope Gunning, of Paradise Valley, Arizona, own 505 First Street, Coronado.

On or about April 19, 2006

The seawall foundation along 501 and 505 First Street is dug and concrete is poured in one day. Within a few days after this date, the 162 foot long seawall was constructed of mortarless blocks after approximately two weeks.

June 12, 2006

The Regional Board conducts a compliance inspection of 501 First Street after receiving information from the Port District that the Dickersons failed to replace the riprap as promised. Regional Board documents the removal of riprap from 501 and 505 First Street, Coronado. The Regional Board also documents the unauthorized construction of a 162 foot long concrete footing and mortarless seawall along 501 and 505 First Street. The failure to install engineered riprap and the construction of the concrete footing and mortarless seawall are violations of section A.1 of the Dickersons' 401 Water Quality Certification. A review of Regional Board, Army Corps, and Port District records indicate that the Gunnings had not applied for nor obtained permission to construct the footing and seawall.

June 27, 2006

The Army Corps issues Notices of Violation to the Dickersons and Gunnings for the unauthorized discharge of fill to San Diego Bay.

July 10, 2006

Site meeting between staff of the Regional Board, Port District, Perry & Papenhausen Construction, JNE Associates, Inc. (homeowners' biological consultant). The homeowners' consultants were provided with the Regional Board's June 12, 2006, inspection report, and informed of the violations resulting from the failure to obtain permission to install the footing and seawall, and failure to replace the riprap.

August 23, 2006

The Regional Board Executive Officer issues Cleanup and Abatement Order (CAO) Nos. R9-2006-0101 and 0102.

September 6, 2006

Perry & Papenhausen Construction on behalf of the homeowners requests a hearing on the issuance of the CAOs. Mr. Fred Perry states that the CAOs contain factual errors and that the CAOs' deadlines are unreasonable.

September 14, 2006

The Regional Board inspects the site for the second time. The shoreline is still exposed. No riprap has been installed. Sand erosion was noted.

September 20, 2006

Regional Board staff meets with homeowner representatives to discuss the CAO hearing.

September 21, 2006

National Oceanic and Atmospheric Administration (NOAA) eelgrass bed survey concludes that there are three negative impacts to the eelgrass beds along 501 First Street: 1. Removal of the riprap and construction of the seawall; 2. Dewatering discharge from Dickerson's construction site; and 3. Storm drain outfall from the park adjacent to 501 First Street. The survey could not attribute a percentage of

responsibility. The survey found that the eelgrass beds along 505 First Street were not impacted.

September 27, 2006

The Port District rescinds the Dickersons' CEQA exemption and Coastal Development Permit exclusion determinations because the Dickersons construction was contrary to their proposal.

September 28, 2006

The Regional Board rescinds the Dickersons' 401 Water Quality Certification for lack of a supporting CEQA exemption.

October 12, 2006

Port District produces "Beach Topography Surveys" map depicting the loss of sand in front of 501 First Street (Dickerson) and the accumulation of sand in front of 505 First Street (Gunning) between May 22 and October 9, 2006.

October 13, 2006

The Regional Board Executive Officer issues Addendum No. 1 to the CAOs to address the withdrawal of the Dickerson's 401 Water Quality Certification, and to clarify the appropriate jurisdictional definition for the discharge of fill associated with the removal of existing riprap and the unauthorized construction of the seawall and footing in San Diego Bay.

December 8, 2006

The Dickersons submit an emergency Coastal Development Permit application to the Port District. The project proposes to install 19 cubic yards of riprap at the base of the seawall. The riprap would be less than four feet deep and less than two feet high.

December 21, 2006

The Port District notifies the Dickersons' attorney that the application was being returned as inadequate because the proposed project did not meet Port District engineering specifications.

January 19, 2007

Port District eelgrass bed survey documents impacts as a result of the removal of riprap and construction of the seawall at 501 and 505 First Street from October 5, 2006 to January 19, 2007.

January 30, 2007

Regional Board staff photographed impacts to eelgrass beds in front of 501 and 505 First Street, Coronado, during a minus 1.2 foot tide.

February 16, 2007

Staff of the Regional Board, Port District, California Coastal Commission, Army Corps, and City of Coronado met with homeowners' attorney to discuss resolution of the

matter. Homeowner's attorney provides chart of eelgrass survey conducted by homeowners' biologist, JNE Associates that displays negative impact resulting from the removal of riprap and construction of the seawall. After presentation of the latest site monitoring, the governmental agencies agreed that the seawall was constructed without authorization, that the seawall was negatively impacting the eelgrass beds and beach sand stabilization, and that the seawall should be removed and the engineered riprap as initially proposed be installed. In an effort to protect the shoreline and eelgrass beds as soon as possible, the agencies agreed to allow the homeowners to submit an emergency application to install riprap, while the eelgrass beds are monitored monthly and an analysis of whether the seawall could remain would be made.

March 6, 2007

The homeowners submit emergency Coastal Development Permit applications to the Port District. The Port District finds the application inadequate because the riprap substantially fails to cover the previous riprap footprint, and the seawall stairs dividing the two homeowners properties was to be removed.

March 9, 2007

The Port District notifies the homeowners' attorney that the applications are inadequate.

March 14, 2007

The Regional Board notifies the homeowners' attorney that the applications are inadequate and substantially the same as the denied application submitted on December 8, 2006.

April 10, 2007

Port District staff brief Commissioners during their scheduled meeting on the seawall matter and ask the Commissioners for direction. Port District staff state that the removal of the riprap and the construction of the seawall was done without authorization; that the seawall footing resides on Port District tidelands; that the beach has been destabilized; and that the eelgrass beds in front of 501 and 505 First Street have been destroyed. The Commissioners directed their staff to aggressively pursue the removal of the seawall, installation of riprap, and penalties against the homeowners. The Commissioners also directed their legal counsel to investigate the filing of a civil action against the homeowners.

April 14, 2007

Regional board staff photograph impacts to the eelgrass beds in front of 501 and 505 First Street, Coronado, during a minus 0.5 foot tide.

April 16, 2007

Homeowners submit revised emergency Coastal Development Permit to the Port District that includes installing riprap over the previous riprap footprint.

April 17, 2007

Homeowners' biological consultant submits latest eelgrass survey chart showing negative impacts to the eelgrass beds in front of 501 and 505 First Street.

April 20, 2007

The Regional Board Executive Officer issues Investigative Order No. R9-2007-0078 to the homeowners requiring the submission of a technical report by May 18, 2007, in an effort to determine the timing and impact of water quality impacts from the unauthorized discharge of fill by the homeowners.

May 10, 2007

The Regional Board Executive Officer issues Addendum No. 2 to CAO Nos. R9-2006-0101 and 0102. The Addendums updated information in the CAOs as acquired during its investigation of the matter.

May 16, 2007

Homeowners' attorney requests postponement of public hearing on CAOs.

May 22, 2007

Attorney for homeowners submits technical report required under Investigative Order No. R9-2007-0078.