



## San Diego Regional Water Quality Control Board

March 9, 2017

**Certified Mail – Return Receipt Requested**

Article Number: 7011 04700 002 8952 9018

Mr. Terry Anglin  
San Diego Yacht Club  
1011 Anchorage Lane  
San Diego, CA 92106

**In reply/refer to:  
R9-2015-0061:814119:Ihonma**

**Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2015-0061  
for the San Diego Yacht Club Maintenance Dredging Project**

Mr. Anglin:

Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2015-0061 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board ) in response to the application submitted by San Diego Yacht Club for the San Diego Yacht Club Maintenance Dredging Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

The San Diego Yacht Club is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject the San Diego Yacht Club to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring the San Diego Yacht Club to cease and desist from violations or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Please 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 the San Diego Water Board, 2375 Northside Drive, San Diego, CA 92108. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), 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. R9-2015-0061:814119:Ihonma.

For questions or comments regarding the Certification, please contact Lisa Honma by telephone at (619) 521-3367 or by email at [Lisa.Honma@waterboards.ca.gov](mailto:Lisa.Honma@waterboards.ca.gov).

Respectfully,

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

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2015-0061 for the San Diego Yacht Club Maintenance Dredging Project

DWG:jgs:db:eb:lbh

cc: Via email

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

U.S. EPA, Region 9  
OWOW, Wetlands Regulatory Office  
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[Scianni.Melissa@epa.gov](mailto:Scianni.Melissa@epa.gov)

State Water Resources Control Board, Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
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Tech Staff Information	
Certification No.	R9-2015-0061
Party ID	510239
Reg. Meas. ID	400392
Place ID	814119
Person ID	559572
WDID	9 0000002828

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

2375 Northside Drive, Suite.100, San Diego, CA 92108  
Phone (619) 516-1990 • Fax (619) 516-1994  
<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

**PROJECT: San Diego Yacht Club Maintenance Dredging Project**  
**Certification Number R9-2015-0061**  
**WDID: 9 000002828**

**APPLICANT: San Diego Yacht Club**  
**1011 Anchorage Lane**  
**San Diego, CA 92106**

Reg. Meas. ID: 400392 Place ID: 814119 Party ID: 510239 Person ID: 559572
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**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 March 24, 2015 was submitted by the San Diego Yacht Club (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed San Diego Yacht Club Maintenance Dredging Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on April 23, 2015. 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 Rivers and Harbors Act section 10 Letter of Permission and a Clean Water Act section 404 permit from the United States Army Corps of Engineers (USACE) for the Project (USACE File No. SPL-2015-00213-RRS).

The Project is located within the City of San Diego, San Diego County, California at 1011 Anchorage Lane. The Project center reading for the A-B Dock Dredging Area (eastern location) is located at latitude 32.71935 and longitude -117.227767 and for the I Dock Dredging Area (western location) is located at latitude 32.718417 and longitude -117.231717. The Applicant has paid all required application fees for this Certification in the amount of \$600.00. On an annual basis, the Applicant must also pay all active discharge fees and post discharge monitoring fees, as appropriate. On April 23, 2015, 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 to conduct maintenance dredging of navigable waters, which consists of removing up to 11,299 cubic yards of accumulated shoal sediment at two locations from the waterside portion of the San Diego Yacht Club's leasehold within the Shelter Island Yacht Basin. Sediment will be removed from the A and B docks shoal to a depth of -8 feet mean lower low water (MLLW) with an allowance for up to two feet of overdredge to -10 feet MLLW. At the I dock shoal, dredging will remove sediment to a depth of -11 feet MLLW with up to 2 feet of overdredge to -13 feet MLLW (see Attachment 3, Figure 3).

The sediment was tested in accordance with United States Environmental Protection Agency's (USEPA) and USACE's guidance. Based on this evaluation it was determined that up to 9,999 cy of material was suitable for ocean disposal and up to 1,300 cubic yards of the dredged material from A and B docks shoal was suitable for beneficial reuse and nearshore disposal. The ocean disposal site will be the USEPA's designated LA-5 Ocean Dredged Material Disposal Site approximately 5.4 nautical miles southwest of Point Loma San Diego shoreline. A site for nearshore nourishment reuse of sandy material will be located south of the Imperial Beach Pier in depths of approximately -20 feet MLLW (see Attachment 3, Figure 5).

The dredging will be performed using either a clamshell dredge by a barge-mounted crane or a small hydraulic cutter head suction dredge operated off of a barge. In the event that a hydraulic cutterhead suction dredge is used, a desiltation system will be used along with sub-surface discharge of the desilted water within a silt curtain to contain the spread of turbidity. The dredged material will be transported to the disposal sites by split hull scows. It is anticipated that the scows will carry 3,000 cubic yards or less in order to navigate between finger docks. Material will be hauled by split hull scow to the nearshore disposal site where the hull splits open along the keel and discharges sand from below the scow dropping the material to the bottom of the sea floor. All scows will be staged within the leasehold and no dredge material will be transported by truck.

A small patch of eelgrass (approximately 65 square feet) is located within the proposed I dock dredging area. This patch of eelgrass is proposed to be protected in place. In the event the eelgrass is lost, the Applicant proposes out-of-kind mitigation to construct a 7.2 square meter reef project within the SDYC leasehold in accordance with the terms of the *California Eelgrass Mitigation Policy*.

In order to access the area for dredging, a section of the headwalk dock between A and B docks and a portion of A dock will be disconnected and temporarily floated into other portions of the work area. The dock will then be floated back into place and reconnected after the dredging is completed. Silt curtains will be placed around the Project site along the adjacent parcels to contain suspended sediment to the immediate dredge area and to protect other areas from sediment drift. Additionally, all work will be conducted outside of the California Least Tern nesting season.

The Project also includes performing minor work to repair existing overwater structures, as well as removing any debris for upland disposal, if encountered. The repair work will not expand or change the current configuration of these structures. Construction of the Project is expected to begin in the winter of 2017 and take approximately 4 weeks to complete.

Project construction will permanently impact 2.85 acre (973 linear feet) of San Diego Bay and Pacific Ocean waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner that would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The dredge footprint is 2 acres (603 linear feet) within the Shelter Island Yacht Basin. In addition, the project will permanently fill up to 0.85 acres (370 linear ft.) of ocean waters of the United States and/or State at a nearshore location south of the Imperial Beach Pier for the purpose of beach nourishment. The Project will provide supplemental sand material to the littoral cell down-coast of Point Loma and San Diego Bay, adding material to the existing sand-based marine habitat and enhancing habitat and recreational opportunities at Imperial Beach.

Additional Project details are provided in Attachments 2 through 3 of this Certification.

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### 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. R9-2015-0061 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the USACE 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. Stop listening stop listening stop listening 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/gowdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_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 Water Quality Control Plan for the San Diego Basin (Basin Plan), the California Ocean 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 USC section 1313). The Basin Plan and Ocean Plan are accessible at:
- Basin Plan  
[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/basin\\_plan/index.shtml](http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml)
- Ocean Plan  
[http://www.waterboards.ca.gov/water\\_issues/programs/ocean/docs/cop2015.pdf](http://www.waterboards.ca.gov/water_issues/programs/ocean/docs/cop2015.pdf)
- F. Maintain Water Quality Standards.** Dredge and fill activities shall not be conducted if existing conditions indicate such activity would cause a violation of water quality standards at the surf zone. Planned activities must be postponed until the threat of causing a violation of water quality standards has been abated.
- G. 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 Board 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.
- H. 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.
- I. 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 Compensatory Mitigation site(s) 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.
- J. **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.
- K. **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 Shelter Island Yacht Basin, San Diego Bay, and/or the Pacific Ocean;
  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.
- L. **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.

M. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.

N. **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. **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 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.
- H. **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.
- I. **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.
- J. **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.
- K. **Dredge Volume Limit.** The volume of sediment dredged at San Diego Yacht Club must not exceed 11,299 cubic yards of sediment. The volume of dredged sediment designated for beneficial reuse at the nearshore disposal location south of Imperial Beach Pier in the Pacific Ocean shall not exceed 1,300 cubic yards. Dredged sediment designated for ocean disposal shall be disposed of at the LA-5 Ocean Dredged Material Disposal Site.
- L. **Silt Curtain Deployment.** The Applicant shall deploy and maintain a continuous length of silt curtain, fully surrounding active dredging, loading, and/or desilting discharges in conformance with the following requirements:
1. The silt curtains must restrict the surface visible turbidity plume or surface debris to the area of construction and dredging and must control and contain the migration of re-suspended sediments or debris at the water surface and at depth;
  2. The silt curtain must be maintained as a full turbidity enclosure. Access into and out of the dredge area shall be taken by temporarily depressing the floating silt curtain

and moving vessels over the curtain allowing the curtain to rise to the surface again once vessels have crossed the curtain.

3. The bottom of the silt curtains must be weighted with ballast weights or rods affixed to the base of the fabric to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to move in response to currents. Where feasible and applicable, the floating silt curtains must be anchored and deployed from the surface of the water to just above the substrate;
4. The silt curtain must be monitored for damage, dislocation or gaps and must be immediately repaired where it is no longer continuous or where it has loosened; and
5. The silt curtain must not be removed until the visible turbidity plume has dissipated and/or surface debris is skimmed and removed.

M. **Sediment Dredging.** The Applicant shall conduct dredging in accordance with, but not limited to, the following best management practices:

1. Dredging must be conducted to remove dredge material and not stockpile material on the floor of San Diego Bay.
2. The drop height from a clamshell bucket or from the hydraulic cutter head suction dredge discharge pipe onto the scow must be controlled to prevent splashing or sloshing of dredged material back into San Diego Bay waters.
3. The swing radius of unloading equipment must be controlled to prevent spillage of dredged sediments back into the water.
4. Excess water from dredged sediment classified as nonhazardous may be decanted and discharged back into San Diego Bay within the confines of the silt curtains.
5. Dredged material scows must not be filled to a point that overflow or spillage could occur. Each material scow must be marked in such a way to allow the operator to visually identify the maximum load point.
6. Load-controlled boat movement, line attachment, and/or horsepower requirements of tugs and support boats at the Project site must be specified to avoid resuspension of sediment. Such measures may include speed restrictions, establishment of off-limit areas, and use of shallow draft vessels.

N. **Placement of Dredge Material Suitable for Beneficial Reuse.** The Applicant shall place dredged material determined by the USACE and USEPA to be suitable for beneficial reuse at the nearshore location south of Imperial Beach Pier in the Pacific Ocean in accordance with the following additional project elements to ensure protection of sensitive resources and water quality outside of the active placement site:

1. Sediment shall be transported to the placement area in a way that prevents the discharge of material.

2. The Applicant shall visually monitor the disposal operations as well as areas of excessive turbidity associated with the split hull scow.
  3. Visual monitoring of sediment movement and turbidity levels shall be performed by the Applicant during and after sediment placement in accordance with Section VI.J of this Certification.
- O. **On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.
- P. **Protection of Eelgrass Beds at the San Diego Yacht Club Project Site.** A pre-construction eelgrass survey must be completed in accordance with the requirements of the *California Eelgrass Mitigation Policy (CEMP)*<sup>1</sup> by a qualified biologist, prior to initiation of construction activities at the site. The Applicant shall also comply with the following requirements:
1. Prior to construction, the boundaries of adjacent eelgrass beds must be staked with ridged PVC markers or self-centering buoys visible at all tide heights. The PVC markers or self-centering buoys must be protected, replaced, and maintained as needed to ensure that they remain in place and properly stake at the boundaries of the eelgrass beds; and
  2. Any silt curtains must be kept a minimum of 30 feet away from staked eelgrass beds in order to prevent damage to eelgrass beds from curtain drag or movement.
- Q. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of Shelter Island Yacht Basin, San Diego Bay, and/or Pacific Bay. This Certification requires compliance with all applicable requirements of the Basin Plan and Ocean Plan. If at any time, an unauthorized discharge to surface waters 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 VII.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

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<sup>1</sup> National Oceanic and Atmospheric Administration, National Marine Fisheries, West Coast Region. California Eelgrass Mitigation Policy and Implementing Guidelines, October 2014. An electronic copy can be found at the following web page: [http://www.westcoast.fisheries.noaa.gov/publications/habitat/california\\_eelgrass\\_mitigation/Final%20CEMP%20October%202014/cemp\\_oct\\_2014\\_final.pdf](http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/Final%20CEMP%20October%202014/cemp_oct_2014_final.pdf)

R. **Sand Composition.** The dredged material used for nearshore beach nourishment must have at least 80 percent sand and no more than 10 percent difference in sand composition from the receiving beach, and must not have a significant chemical contamination. The Project must not impact the aesthetic characteristics of the receiving beaches and/or adjacent ocean waters.

S. **Trash.** The dredged material deposited nearshore of the beach must be free of trash and debris.

#### IV. **POST-CONSTRUCTION BEST MANAGEMENT PRACTICES**

A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or Bay habitats.

#### V. **PROJECT IMPACTS AND COMPENSATORY MITIGATION**

A. **Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.

B. **Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to Shelter Island Yacht Basin, San Diego Bay, and/or the Pacific Ocean must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
<b>Permanent Impacts</b>						
San Diego Bay	2.0 <sup>a</sup>	603 <sup>a</sup>	b	b	b	b
Pacific Ocean	0.85 <sup>c</sup>	370 <sup>c</sup>	NA <sup>c</sup>	NA <sup>c</sup>	NA <sup>c</sup>	NA <sup>c</sup>

NA = Not Applicable

- a. Permanent impacts attributable to dredging approximately 11,299 cubic yards of unvegetated sediment from the floor of the basin to -10 MLLW at the A and B docks location and -13 MLLW at the I dock location representing a short-term degradation of ecological function.
- b. The impacts associated with dredging the boat basin floor will include temporary and localized increases in suspended sediment (i.e., turbidity) along with a potential for reduced dissolved oxygen levels associated with disturbance of anoxic sediment compounds. Deployment of the silt curtain to contain the plume will reduce this impact to a less than significant level. Additionally, the Project will have temporary effects on marine life of varying degrees. Mobile aquatic organisms will most likely need to vacate the area of disturbance during the short duration of the Project. Impacts to benthic organisms and habitat through direct removal or indirect disturbance of existing bottom sediments is less than significant as benthic communities are anticipated to recolonize the disturbed sediment areas within 2 to 6 months. Based on all of these considerations, compensatory mitigation for the above-described impacts is not required. However, a small patch of eelgrass (approximately 65 square feet) is located within the proposed I dock dredging area and is proposed to be protected in place. In the event that the eelgrass is impacted, the Applicant will provide compensatory mitigation in accordance with the terms of the *California Eelgrass Mitigation Policy*.
- c. Permanent fill impacts attributable to dredged material placement of up to 1,300 cubic yards from the A and B docks shoal at a nearshore beach nourishment site south of Imperial Beach Pier in depths of approximately 30 feet MLLW within waters of the United States and/or State for the purpose of beneficial reuse. The Imperial Beach Nearshore Disposal Site is an established nourishment site for ongoing placement of nourishment sand in the littoral cell to replace sand captured by San Diego Bay and diverted by Point Loma. Sand placement at this site will not result in impacts to nearshore kelp beds. The remaining amount of up to 9,999 cubic yards of material will be disposed of at the LA-5 Ocean Dredged Material Disposal Site. Compensatory mitigation for impacts attributable to dredge material beneficial reuse is not required because the result from the impacts will continue to provide existing aquatic habitat for beneficial uses.

C. **Eelgrass.** A pre-dredging eelgrass survey must be completed in accordance with the requirements of the *California Eelgrass Mitigation Policy* (CEMP) by a qualified biologist, prior to initiation of dredging activities at the site. This survey must include both aerial and density characterization of the beds. If eelgrass is found during the pre-dredging survey, a post-dredging survey must be performed by a qualified biologist within 30 days following project completion to quantify any unanticipated losses to eelgrass habitat. Impacts must then be determined from a comparison of pre- and post-dredging survey results. Impacts to eelgrass, if any, must be mitigated through conformance with the CEMP, which defines the mitigation ratio and other requirements to achieve mitigation for significant eelgrass impacts. If required following the post-dredging survey, the CEMP defined mitigation plan must be developed; submitted and

approved by the San Diego Water Board, USACE, and National Marine Fisheries Service; and implemented to offset losses to eelgrass.

- D. Compensatory Mitigation Site Design.** If compensatory mitigation for eelgrass impacts is required, the compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability.
- E. Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- F. Long-Term Management and Maintenance.** If compensatory mitigation for eelgrass impacts is required, the compensatory mitigation site(s) 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 Mitigation Plan. The aquatic habitats that comprise the mitigation site(s) must be protected in perpetuity from land-use and/or maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
- a. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
  - b. 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 compensatory mitigation project; and
  - c. If at any time a catastrophic natural event causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation 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 compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- G. Timing of Mitigation Site Construction.** If compensatory mitigation for eelgrass impacts is required, the construction of proposed mitigation must be completed no later than 9 months following the earliest time of either the direct impact to eelgrass beds or as directed in accordance with CEMP. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

H. **Mitigation Site(s) Preservation Mechanism.** If compensatory mitigation for eelgrass impacts is required, the Applicant must provide the San Diego Water Board with a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) **within 90 days from the dredging completion date** that will protect all mitigation areas and their buffers in perpetuity. The Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity before the Project certification can be terminated. The conservation easement, deed restriction, or other legal limitation on the mitigation properties 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 sites 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 sites. 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.

## VI. 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. **USEPA Test Procedures.** Monitoring must be conducted according to USEPA test procedures approved under Title 40, Code of Federal Regulations (CFR), Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act as amended, unless other test procedures have been specified in this Certification.
- C. **Monitoring Instruments.** All monitoring instruments and devices, which are used by the Applicant to fulfill the prescribed monitoring program, must be properly maintained and calibrated as necessary to ensure their continued accuracy.
- D. **Certified Laboratory.** All laboratory analyses must be performed in a laboratory certified to perform such analyses under the State Water Resources Control Board's Environmental Laboratory Accreditation Program or a laboratory approved by the San Diego Water Board.
- E. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- F. **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.

- G. Retain Records.** The Applicant must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Certification, and records of all data used to complete the application for this Certification. Records must be maintained for a minimum of five years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this Project or when requested by the San Diego Water Board.
- H. 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.
- I. Dredged Material Evaluation.** Dredged material must be sampled and tested according to the document entitled "1991 Evaluation of Dredge Materials Proposed for Ocean Disposal" under the direction and approval of USACE and USEPA.
- J. Receiving Water Visual Observation Monitoring.** The Applicant must conduct visual observation monitoring of the Project activities in the Shelter Island Yacht Basin, San Diego Bay, and Pacific Ocean prior to, during, and after each period of project construction. The visual observation monitoring documentation must be included in the Receiving Water and Visual Observation Monitoring Report(s).
1. **Parameters.** The following parameters, at a minimum, shall be recorded and visually monitored immediately outside of the construction area and in the vicinity of the nearshore sand placement:
    - a. Tidal stage;
    - b. Speed and direction of currents;
    - c. Appearance of floating particulates, rubbish, refuse, garbage, trash or any other solid waste, suspended materials, grease, or oil;
    - d. Discoloration of the water surface, extent of turbidity plume, and any observable sediment movement; and

e. Presence of nuisance odors attributable to the dredge activity or dredged material discharge activity to the beach disposal area.

2. **Field Documentation.** All visual observations shall be recorded throughout Project construction activities. In addition to the requirements listed in section VI.H., monitoring field logs shall include observations of water quality conditions including sheen, color, odor, floating particulates, and surface visible turbidity plume. Logs shall also include observations of sensitive biological resources and weather conditions, such as wind speed/direction and cloud cover.

If photo documentation is used in support of visual observations of water quality conditions, it should be conducted in accordance with guidelines posted at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/401c/401PhotoDocRB9V713.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf). In addition, photo documentation should include Global Positioning System (GPS) coordinates for each of the photo points referenced; and,

3. **Response Actions.** If the condition of the silt curtain is observed to be damaged, has become dislocated, or has gaps where a visible turbidity plume is forming outside of the silt curtain at the Project Site, a response action shall be taken immediately to correct the situation. Response actions may include, but are not limited to, work stoppage until silt curtain repair is completed, implementation of operational modifications, and/or implementation of additional BMPs (e.g., a second silt curtain). Response actions, if needed, shall be documented in the monitoring field log.

- K. **Receiving Water Quality Monitoring.** The Applicant shall conduct receiving water monitoring during construction activities at the Project Site and at the Imperial Beach Nearshore Disposal Site during disposal to verify that applicable water quality standards for pH, dissolved oxygen and turbidity are not violated outside of the construction areas. The monitoring plan shall contain the following elements:

1. **Monitoring Stations.** During each monitoring event, water quality parameters including turbidity, dissolved oxygen, and pH shall be measured at three stations at the Project Site and at three stations at the Imperial Beach Nearshore Disposal Site. Monitored water quality measurements shall be compared to "ambient" water quality reference measurements outside of the respective construction or disposal areas in San Diego Bay or the Pacific Ocean, respectively. Two stations shall be compliance stations and one station shall be a reference station. Monitoring station positions shall be located using a Global Position System (GPS) accurate to within  $\pm 3$  meters. Station descriptions are as follows:

- a. **Compliance Stations.** Two monitoring stations at the Project Site shall be located evenly along an arc located 200 feet from the edge of each of the construction areas (A and B docks and I dock) to capture all tidal and current conditions at the time of dredging at each area.

Two monitoring stations at the Imperial Beach Nearshore Disposal Site shall be located 100 and 300 feet down current from the edge of the disposal activities to capture tidal and current conditions.

The locations shall be adjusted in the field to better target a visible turbidity plume, if a visible plume is observed; and

- b. **Reference Station.** One reference station for the San Diego Yacht Club Project Site shall be located at least 1,000 feet from the construction activity in the direction of the head of San Diego Bay and beyond the influence of construction activities.

One reference station for the Imperial Beach Nearshore Disposal Site shall be located at least 300 feet up current of the disposal area and beyond the influence of disposal activities.

Natural turbidity, dissolved oxygen, and pH shall be determined through measurements at the reference stations. A reference station shall be monitored during every event, because the turbidity water quality objective is based on an acceptably small increase in the vicinity of the construction/disposal activity relative to ambient reference levels. The location of the reference station shall remain the same for all monitoring events;

2. **Water Quality Measurements.** Monitored water quality measurements for turbidity, dissolved oxygen, and pH at the Compliance Stations shall be compared to Reference Station measurements outside the construction area. Water quality measurements shall be collected from a depth of 10 feet below the water surface at each of the stations. Monitoring depths shall be determined using a depth finder with an accuracy of  $\pm 0.5$  feet. Water quality shall be monitored using instrumentation capable of measuring dissolved oxygen (DO), pH, and turbidity (in nephelometric turbidity units (NTU's));
3. **Monitoring Frequency.** During dredging, manual water quality samples shall be collected once daily after dredging operations have been underway for a minimum of one hour. The reference station outside the influence of dredging shall also be sampled at similar depths and frequency for comparison to the samples collected from the dredge area. Sampling may be reduced to weekly sampling if no water quality exceedances of the Receiving Water Limitations described in section II.E of this Certification are observed or measured after 3 consecutive days of monitoring.

If after 3 consecutive days without an exceedance the monitoring frequency is reduced to weekly, all water quality parameters may be measured during one monitoring event per week. The monitoring frequency must return to daily if an exceedance of the Receiving Water Limitations described in section II.E of this Certification is observed or measured. The monitoring frequency can again be reduced to weekly sampling if 3 consecutive days of monitoring show there are no exceedances of Receiving Water Limitations.

During nearshore disposal, water quality monitoring at all Compliance and Reference Stations shall be conducted during each discharge event after disposal activities have been underway for at least 1 hour.

4. **Sample Integrity.** The integrity of each water sample collected shall be maintained from the time of collection to the point of data reporting. Proper record keeping and chain of custody (COC) procedures shall be implemented to allow samples to be traced from collection to final disposition. After collection of water samples, documentation on various logs and forms shall be required to adequately identify and catalog sample information; and
  5. **Compliance Criteria.** Receiving Water Limitations are provided in section II.E of this Certification. The point of compliance with these receiving water limitations shall be located at the compliance monitoring stations described above. The Project construction area is defined as the area(s) occupied by the dredging barge(s), the scow(s), silt curtains, and other associated work activities. The disposal site area is defined as the drop point where the material is discharged at the nearshore disposal site location in the Pacific Ocean.
- L. **Response Actions to Monitoring Results.** In the event that visual observations or water quality monitoring described in Section VI.J and VI.K of this Certification indicate an exceedance of an applicable Receiving Water Limitation described in Section II.E of this Certification, the Applicant shall implement the additional or enhanced operational or engineering BMPs described below:
1. Evaluate the concurrent measurements at background and compliance monitoring stations and supporting visual evidence to determine whether the exceedance is caused by the dredging or disposal activities or by other ambient conditions in the Shelter Island Yacht Basin, San Diego Bay, or Pacific Ocean (e.g., wind waves, boat wakes, barge/ship traffic, and storm inflow).
  2. Immediately re-take measurements at background and compliance stations.
  3. If the exceedance is confirmed, immediately notify the dredge contractor to immediately modify operations or implement additional BMPs to mitigate the exceedance. Operational modifications may include, but are not limited to the following modifications implemented individually or in combination:
    - a. Adjust the sequence and/or speed of dredging and disposal operations;
    - b. Reposition dredge operations in such a way as to ensure future exceedances do not occur;
    - c. Fix, maintain, and/or upgrade floating silt curtains; and
    - d. Modify, either on a temporary or permanent basis, dredge equipment (such as the dredging bucket size or type).

4. Re-evaluate field measurements at all relevant stations 30 minutes later, after additional BMPs or operational modifications are implemented.
5. If the receiving water limitation exceedance continues to persist, even with additional BMPs, determine and implement more aggressive BMPs or operational modifications that resolve the exceedance or stop work to further assess the source of the exceedance, identify effective mitigation measures, and allow the water column to recover.

**M. Geographic Information System Data.** The Applicant must submit Geographic Information System (GIS) shape files of the Project impact sites within 30 days of the start of project construction and GIS shape files of the Project mitigation sites within 30 days of mitigation installation. All impact and mitigation site shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

**N. Receiving Water and Visual Observation Monitoring Report.** The Applicant shall prepare monitoring reports that contain the results of receiving water quality and visual observation monitoring activities for each week of that month. The reports must be submitted no later than 30 days following each calendar month of in-water construction and must include:

1. The following identification numbers included at the end of the header or subject line: Certification No. R9-2015-0061:814119:lhonma;
2. The names, qualifications, and affiliations of the persons contributing to the report;
3. A summary table of the monitoring results with a comparison to receiving water limitation compliance criteria;
4. An evaluation, interpretation, and tabulation of the visual observations required under section VI.J and water quality data required under section VI.K including interpretations and conclusions as to whether applicable receiving water limitations were attained at each monitoring station;
5. A description of each incident of non-compliance and its cause, the period of the noncompliance including exact dates and times, and actions taken to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
6. For any weekly monitoring period in which no dredging or disposal activities were conducted, the reporting must include a statement certifying that no dredging or discharge activities occurred during the monitoring period.

**O. Annual Project Progress Reports.** The Applicant must submit annual Project Progress Reports until this certification has expired or been terminated. The Project Progress Reports must describe the status of BMP implementation, compensatory mitigation (as required by CEMP), and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. If compensatory

mitigation for eelgrass impacts is necessary, the Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1<sup>st</sup> through December 31<sup>st</sup> of each year. Annual Project Progress Reports must include, at a minimum, the following:

1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
  - a. The names, qualifications, and affiliations of the persons contributing to the report;
  - b. 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;
  - c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion;
  - d. A description of each incident of noncompliance during the annual monitoring 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; and
  - e. The pre- and post- construction eelgrass surveys, as applicable, required under section V.C of this Certification, including a description of any additional actions that will be taken by the Applicant to mitigate for impact to eelgrass habitat beyond what is expected.
  
2. **Compensatory Mitigation Monitoring Reporting.** If compensatory mitigation for eelgrass impacts is required, mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Monitoring shall be conducted in accordance with the standards of the CEMP. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely, 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 compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:

- a. Names, qualifications, and affiliations of the persons contributing to the report;
  - b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
  - c. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;
  - d. A description of the progress toward implementing a plan to manage the compensatory mitigation 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;
  - e. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
  - f. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
  - g. A survey report documenting boundaries of the compensatory mitigation site(s).
- P. **Final Project Construction Completion Report.** The Applicant must submit a Final Project Construction Completion Report to the San Diego Water Board **within 30 days of completion of the Project construction.** The final report must include the following information, at a minimum:
1. Date of construction initiation;
  2. Date of construction completion;
  3. The total volume of dredged material (in cubic yards), the total volume of material (in cubic yards) deposited at each final disposal location; and
  4. A summary of visual observations required under section VI.J of this Certification and water quality data required under section VI.K of this Certification, collected during all construction activities completed during the course of the Project and a summary of any response actions taken.
- Q. **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.

- R. **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. R9-2015-0061:814119:lhonma  
2375 Northside Drive, Suite 100  
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), 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. R9-2015-0061:814119:lhonma.

- S. **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.

- T. **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."*

## VII. 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. **Caulerpa Taxifolia.** The Applicant must conduct a surveillance-level survey for *Caulerpa taxifolia*, in accordance with the requirements in the National Marine Fisheries Service's *Caulerpa* Control Protocol (version 4), dated February 25, 2008, not more than 90 days before the initiation of construction to determine presence/absence of this species within the immediate vicinity of the project. If *Caulerpa taxifolia* is identified during a survey, or at any other time before, during, or within 120 days following completion of authorized activities, both National Marine Fisheries Service and California Department of Fish and Wildlife must be contacted within 24 hours of first noting the occurrence. In the event *Caulerpa taxifolia* is detected, all disturbing activity must cease until such time as the infestation has been isolated and treated, or the risk of spread from the disturbing activity is eliminated in accordance with the *Caulerpa* Control Protocol.
- C. **Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity

as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.

- D. Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- E. Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- F. Commencement of Construction Notification.** The Applicant must notify the San Diego Water Board in writing at least 5 days prior to the commencement of dredge and disposal activities. Please include the scheduled start and stop dates for dredge and material nearshore placement activities.
- G. 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 Mitigation 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 mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above

conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board within **10 days** of the transfer of BMP maintenance responsibility.

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 responsibility for compliance with this Certification in the event that a transferee fails to comply.

## VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The San Diego Unified Port District is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367 and has determined that the Project is categorically exempt.<sup>2</sup>
- 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 because the Project consists of maintenance of an existing facility, does not expand the existing use of facilities and structures, and consists of maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.<sup>3</sup>
- 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.

## IX. SAN DIEGO WATER BOARD CONTACT PERSON

Lisa Honma, Environmental Scientist  
Telephone: 619-521-3367  
Email: [Lisa.Honma@waterboards.ca.gov](mailto:Lisa.Honma@waterboards.ca.gov)

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<sup>2</sup> 14 CCR section 15301 and 15304

<sup>3</sup> 14 CCR section 15301 and 15304

## X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the San Diego Yacht Club Maintenance Dredging Project (Certification No. R9-2015-0061) 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. R9-2015-0061 issued on March 9, 2017.

  
James G. Smith, AED  
for DAVID W. GIBSON  
Executive Officer  
San Diego Water Board

9 Mar 2017  
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.

**Compensatory Mitigation Project** - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

**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.

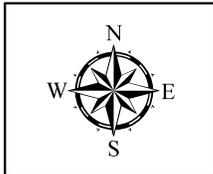
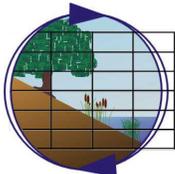
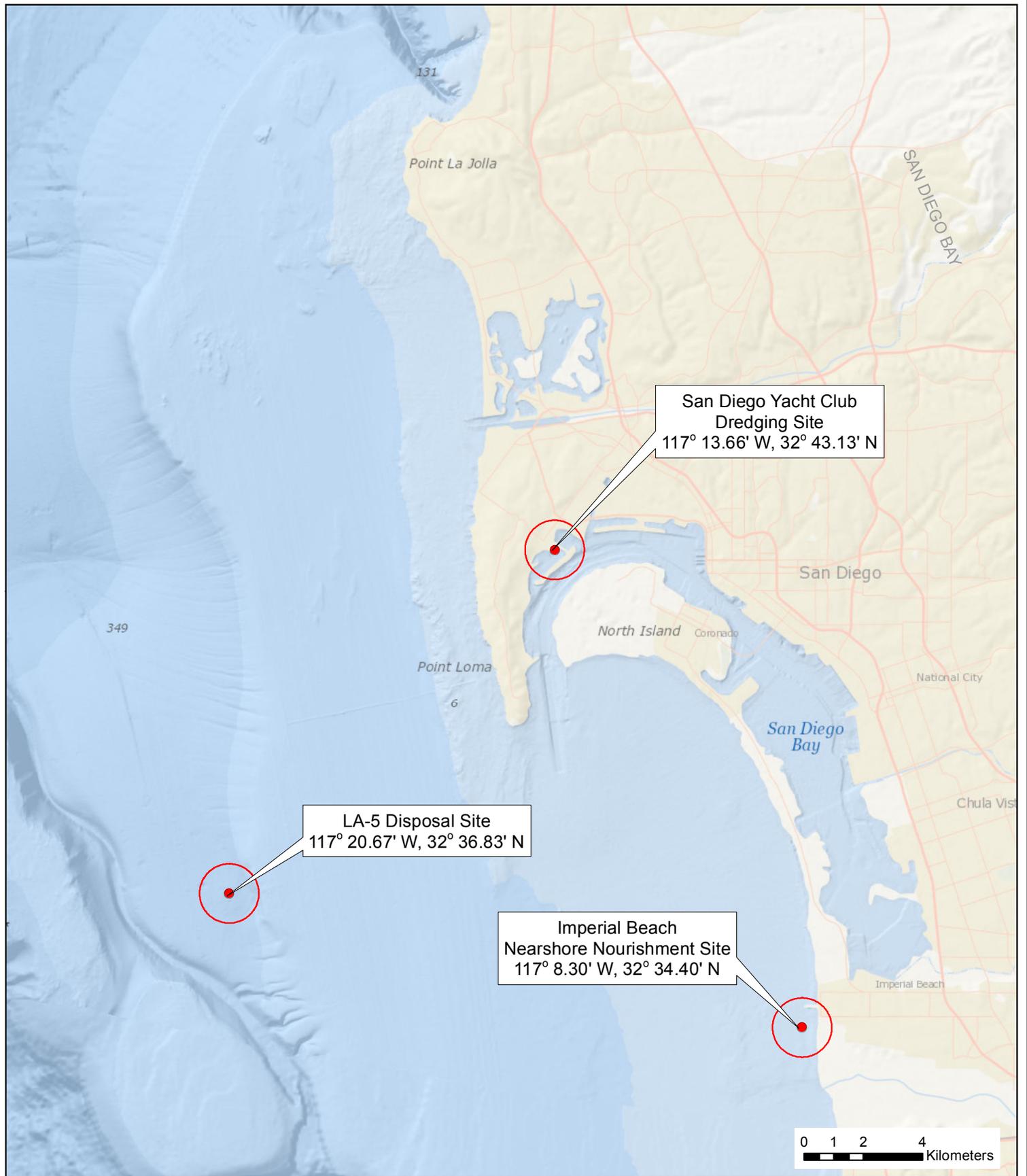
**Waters of the State** - means any surface water or groundwater, including saline waters, within the boundaries of the State. [Water Code section 13050, subd. (e)].

San Diego Yacht Club  
San Diego Yacht Club Maintenance Dredging Project  
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**ATTACHMENT 2**  
**PROJECT LOCATION MAPS**

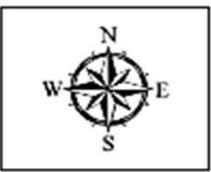
Figure 1 – Dredge Material Disposal and Reuse Areas

Figure 2 – Project Footprint



**Dredge Material Disposal and Reuse Areas**  
San Diego Yacht Club Maintenance Dredging

**Figure 1**



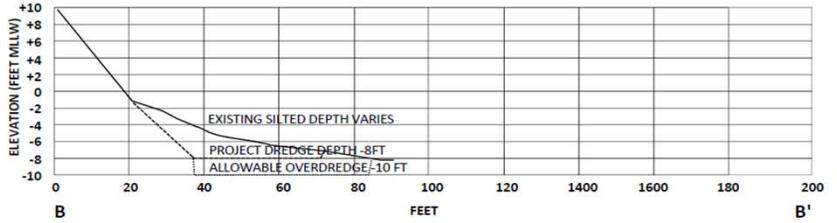
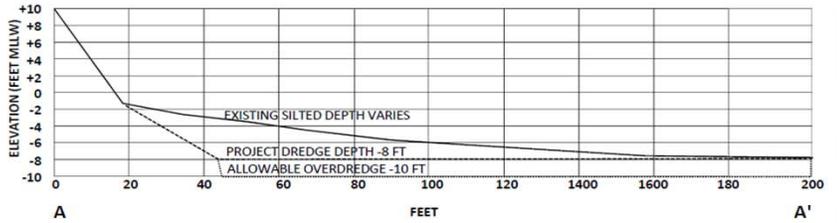
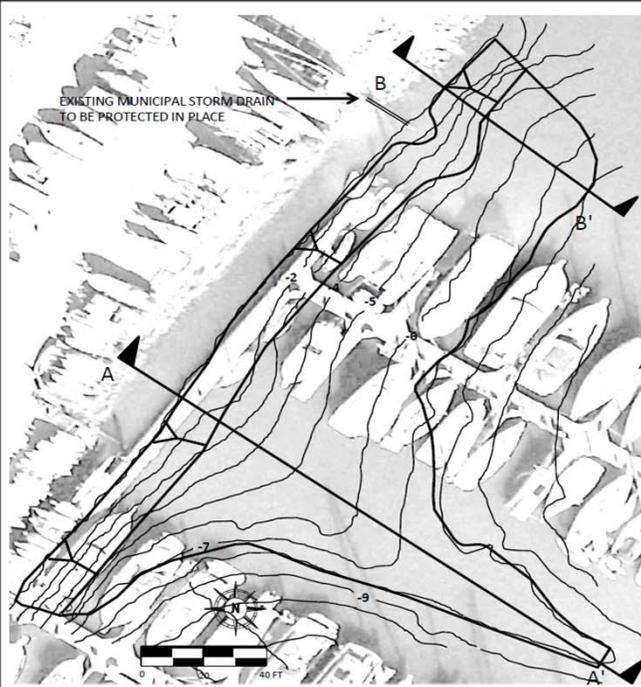
**Project Footprint**  
San Diego Yacht Club  
Maintenance Dredging 2016

**Figure 2**

San Diego Yacht Club  
San Diego Yacht Club Maintenance Dredging Project  
Certification No. R9-2015-0061

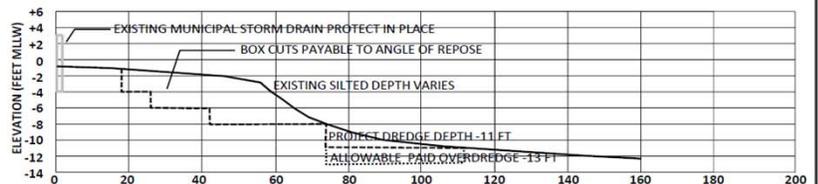
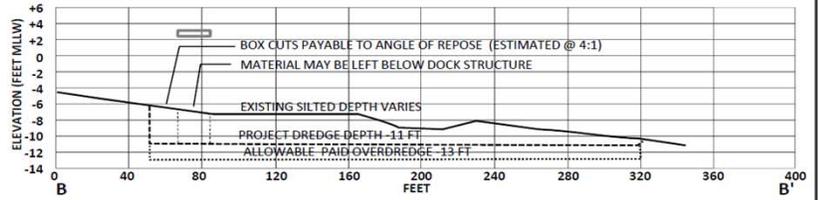
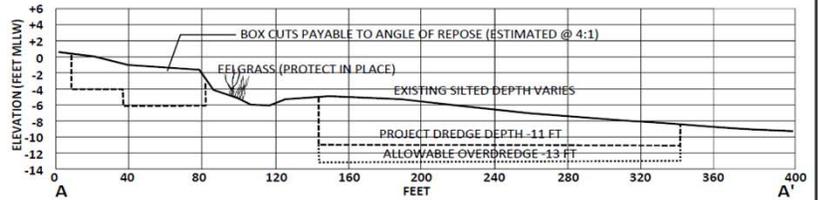
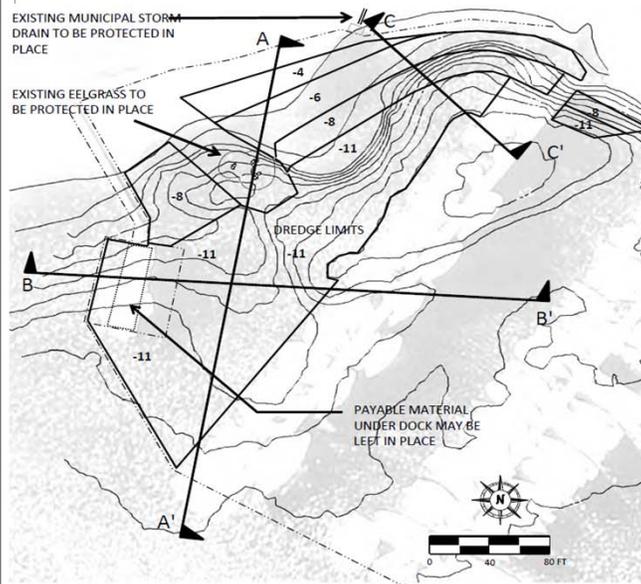
**ATTACHMENT 3  
PROJECT SITE PLANS**

Figure 3 – Dredge Plans and Sections  
Figure 4 – Deck Repair Plans and Photographs  
Figure 5 – Nearshore Dredge Material Reuse Area



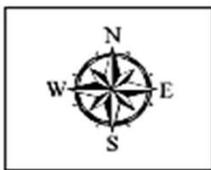
- A-B DOCK SHOAL DREDGING NOTES:
- 1) DREDGING SHALL PROTECT EXISTING STORM DRAIN BY PROVIDING SET BACK FROM DRAIN AND BEDDING ROCK.
  - 2) CONTRACTOR SHALL NOT BLOCK ACCESS OF ADJACENT MARINA WITHOUT PRIOR COORDINATION WITH MARINA OPERATOR.

**A-B DOCK DREDGING**



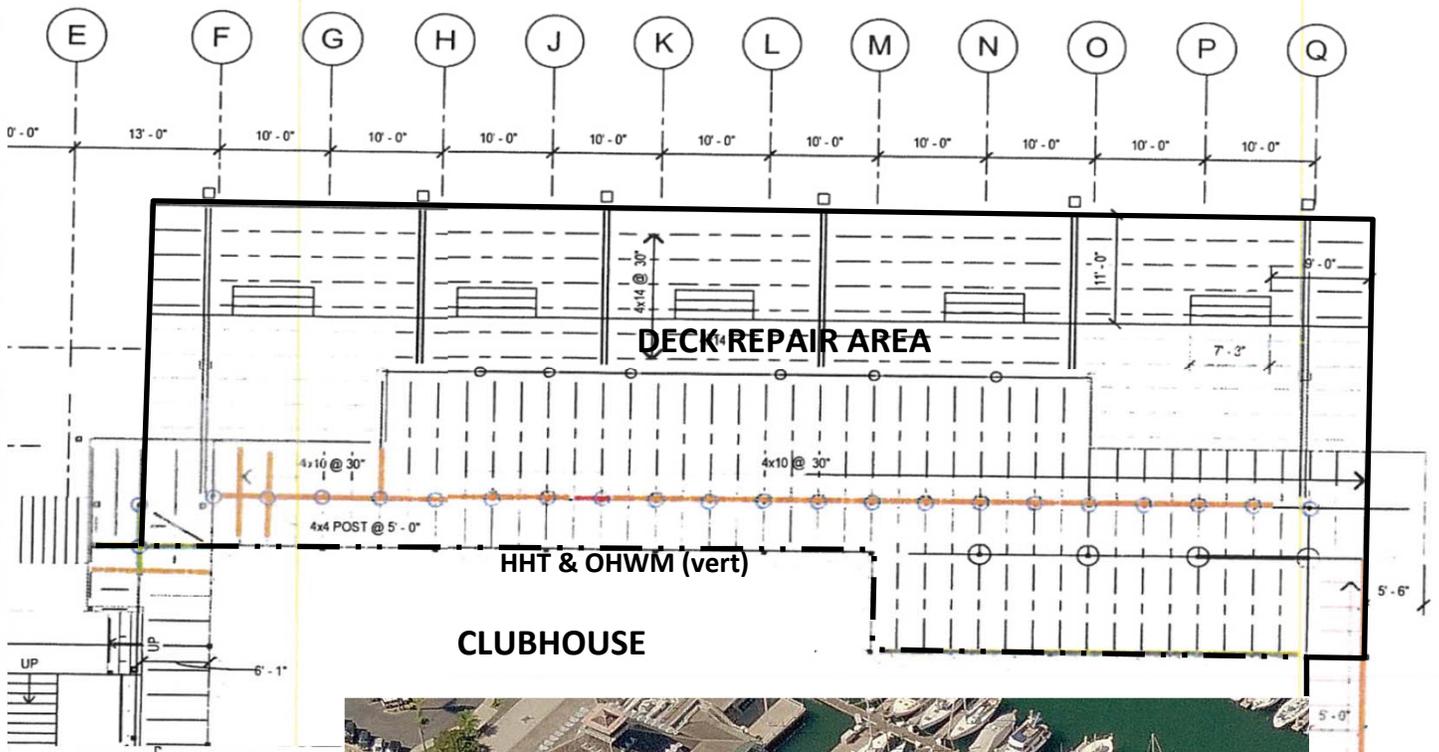
- I- DOCK SHOAL DREDGING NOTES:
- 1) SDYC SHALL MARK BOUNDARIES OF EELGRASS WITH STAKES LOCATED NOT LESS THAN 10 FEET FROM BOUNDARY OF EXISTING BEDS. CONTRACTOR SHALL PLACE TURBIDITY CURTAIN ALONG EDGE OF MARKING STAKES PRIOR TO INITIATION OF DREDGING WITHIN 50 FEET OF EXISTING EELGRASS.
  - 2) BOX CUTS ARE ALLOWED FOR EASE OF DREDGING. PAYMENT WILL BE BASED ON SURVEYED VOLUME ALLOWING FOR PAYMENT TO NATURAL ANGLE OF REPOSE (ESTIMATED TO BE APPROXIMATELY 4:1).

**I DOCK DREDGING**

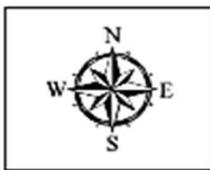


**Dredging Plans and Sections**  
 San Diego Yacht Club  
 Maintenance Dredging 2016

**Figure 3**

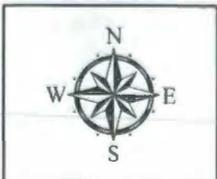
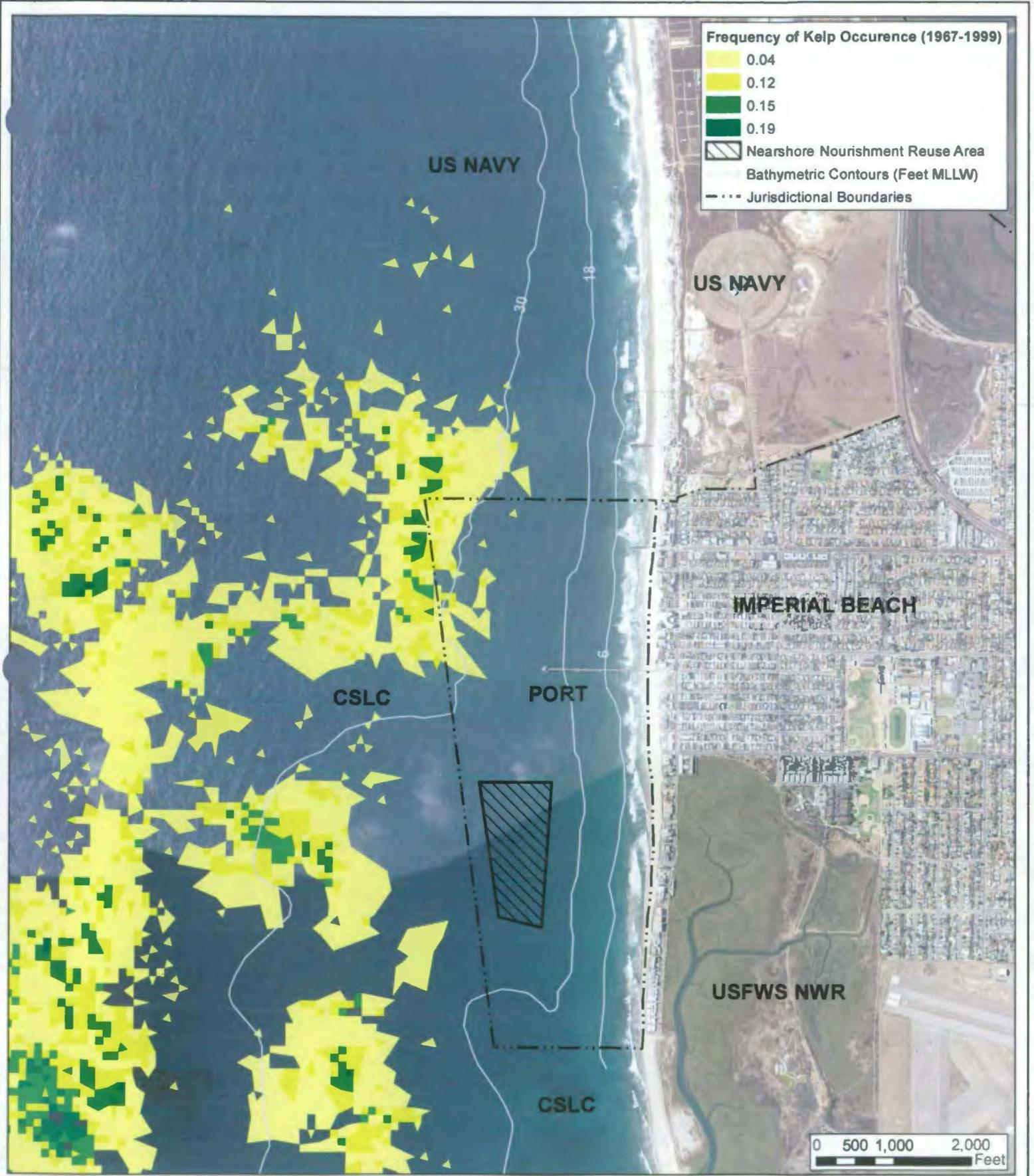


Wooden deck support members to be replaced are located above the highest high tide and would be removed and replaced from above after removal of the top epee decking planks. No work in the water is



**Deck Repair Plans and Photographs**  
 San Diego Yacht Club  
 Maintenance Dredging 2016

**Figure 4**



**Nearshore Dredge Material Beneficial Reuse Areas**  
San Diego Yacht Club Maintenance Dredging

**Figure 5**