



California Regional Water Quality Control Board

San Diego Region

Linda S. Adams
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold
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9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
(858) 467-2952 • Fax (858) 571-6972
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

March 10, 2008

In reply refer to: CWU:18-2007038:dwoodward

Ms. Sheila Deguzman,
City of San Diego,
Engineering and Capital Projects Department,
Water and Sewer Division
600 B Street, Suite 800
San Diego, CA 92101

WDID	9 0000001636
CIWQS:	
Party ID	39652
Place ID	649186
Reg. M. ID	323640

Dear Ms. Deguzman,

SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for the Peñasquitos Views Sewer Replacement and Abandonment Water Quality Certification No. 07C-038

Enclosed find Clean Water Act Section 401 Water Quality Certification for the Peñasquitos Views Sewer Replacement and Abandonment project. A description of the project and project location can be found in the project information sheet, project location map, and project site maps included as attachments to the certification.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you 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.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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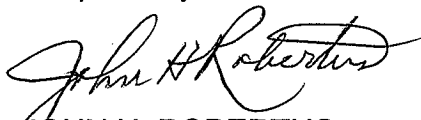
Ms. Deguzman, City of San Diego
401 Certification 07C-038

- 2 -

March 10, 2008

If you have any questions regarding this notification, please contact Deborah Woodward directly at (858) 637-5586 or by email via dwoodward@waterboards.ca.gov.

Respectfully,


JOHN H. ROBERTUS
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 07C-038 for the Peñasquitos Views Sewer Replacement and Abandonment project, with 8 Attachments

cc: Please refer to Attachment 2 of Certification 07C-038 for Distribution List.



Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region



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Action on Request for Clean Water Act Section 401 Water Quality Certification and Enrollment in Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

PROJECT: Peñasquitos Views Sewer Replacement and Abandonment
Certification No. 07C-038
WDID Number: 90000001636

APPLICANT: City of San Diego
Attention: Ms. Sheila Deguzman
Engineering and Capitol Projects Department,
Water and Sewer Design Division
600 B Street, Suite 800
San Diego, CA 92101

CIWQS Reg. Mes. ID: 323640 Place ID: 649186 Party ID: 39652
--

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to

California Environmental Protection Agency

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Recycled Paper



a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, the City of San Diego must satisfy the following:

A. GENERAL CONDITIONS:

1. This Certification expires five (5) years from the date of issuance.
2. The City of San Diego must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in **Attachment 1**. The conditions within this certification must supersede conflicting provisions within such plans submitted prior to the certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.
3. During construction, the City of San Diego must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
4. The City of San Diego must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
 - d. Sampling of any discharge or surface water covered by this Order.
5. The City of San Diego must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain

the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.

6. The City of San Diego must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
7. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. The City of San Diego must notify the Regional Board of any change in ownership of the project area. Notification must include, but not be limited to, a statement that the property owner has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands the permit requirements and must implement them; the seller and purchaser must sign and date the notification. The notification for transfer of mitigation responsibility shall include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification. Notification must be provided within 10 days of the sale of the property.
8. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
9. In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
10. In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
11. The City of San Diego and successor owners must submit annual status reports to the Regional Board prior to December 1 of each year following the issuance of this certification until the project and mitigation has reached

completion. The reports must indicate the status of the project (i.e., not started, in progress, or complete) and the mitigation (i.e., not started, in progress, implemented, in first year of monitoring, etc).

B. PROJECT CONDITIONS:

1. Prior to the start of the project, the City of San Diego must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. The City of San Diego must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-017 DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. The Statewide General Waste Discharge Requirements can be accessed at: http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
3. The City of San Diego must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
4. The City of San Diego must notify the Regional Board in writing at least 5 days prior to the actual commencement of dredge, fill, and discharge activities.
5. The treatment, storage, and disposal of wastewater during the life of the project must be done in accordance with waste discharge requirements established by the Regional Board pursuant to CWC § 13260.
6. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
7. 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 the State or placed in locations that may be subjected to storm flows. Pollutants discharged to areas within a stream diversion area must be removed at the end of each work day or sooner if rain is predicted.
8. The temporary dam and pump method used by the City of San Diego to divert creek flow during construction (if needed) must not cause or contribute to sediment discharge, scour to bed or banks, or damage to the adjacent riparian area. Imported sediment, gravel and/or rocks used for the dam and diversion process (for, e.g., the dam, sump lining, or energy dissipater), must be removed when no longer needed and the creek bed, banks and adjacent

areas returned to original condition or better.

9. The soil to be used as backfill must be the excavated native material or imported soil that is comparable in terms of type and grain size distribution.
10. The permanent, 8-foot wide access path, which is located on the southern side of the creek and does not cross the creek, will be surfaced with a pervious cellular confinement system such as geoweb or equivalent.
11. The City of San Diego must submit a report to the Regional Board within 30 days of completion of the project. The report must include as-built drawings no bigger than 11" x 17" and project photo documentation, including photos of all areas of permanent and temporary impact prior to and after project construction. Photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as **Attachment 8**.

C. POST CONSTRUCTION BMPs

1. Post-construction BMPs will consist of revegetation of temporary impact areas of wetland (Southern Willow Scrub).

D. COMPENSATORY MITIGATION FOR LOSS OF WATERS OF THE U.S./STATE:

1. Compensatory mitigation for impacts to a total of 0.102 acres (temporary impacts to 0.09 acres, permanent impacts to 0.012 acres) must be achieved at a 2:1 ratio through the creation and enhancement of 0.204 acres. Compensatory mitigation will consist of
 - a. offsite creation of 0.192 acres of southern willow scrub habitat at the Los Peñasquitos North Mitigation Site, an authorized mitigation site owned by the City of San Diego Metropolitan Wastewater Department, and
 - b. onsite enhancement of 0.012 acres of existing southern willow scrub habitat.
2. The City of San Diego must restore all areas of temporary impacts to waters of the United States/State and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species, as described in the report entitled, "Biological Resources Report for the Los Peñasquitos Views Trunk Sewer Replacement Project, City of San Diego Project No. 6624," prepared for the project by Tierra Environmental Services, Inc. (March 14, 2006).

3. Offsite Mitigation

- a. The City of San Diego shall implement the offsite creation of Southern Willow Scrub habitat pursuant to the approved Federal, State, and local authorizing permits for the Los Peñasquitos North Mitigation Site, including:
 - i. Army Corps of Engineers Nationwide 404 (No.20050184-TCD),
 - ii. Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification (03C-081),
 - iii. California Department of Fish and Game Streambed Alteration Agreement (No.1600-2004-0413-R5) and
 - iv. California Coastal Commission Coastal Development Permit (No. 6-04-118).
- b. The City of San Diego shall implement the offsite creation of Southern Willow Scrub habitat pursuant to the approved Final Mitigation and Monitoring Plan for the Los Peñasquitos North Wetland Creation Project, prepared by Dudek and Associates for the City of San Diego (December 2004).
- c. The City of San Diego shall submit annual mitigation maintenance and monitoring reports prepared for the Los Peñasquitos North Mitigation Site pursuant to the Army Corps of Engineers Nationwide 404 permit (No. 20050184-TCD). Mitigation maintenance and monitoring reports must be submitted annually until success criteria have been met and mitigation has been deemed successful. The reports must be accompanied by a cover letter that indicates this project name and certification number (Peñasquitos Views Sewer Replacement and Abandonment project, Certification No. 07C-038) and provides a summary of information and/or page numbers that report on the 0.192 acres of southern willow scrub habitat created for this project.

4. Onsite Mitigation

- a. The City of San Diego shall submit an Enhancement Plan for the onsite enhancement of 0.012 acres of existing southern willow scrub habitat. The plan is due no less than 30 days prior to the anticipated start of project construction. The plan shall include, but not be limited to, the following information:
 - i. Certification number and project title;
 - ii. Goals and objectives;
 - iii. Baseline existing conditions;
 - iv. Map of enhancement area;
 - v. Planned enhancement activities;
 - vi. If revegetation is planned: A detailed planting plan, including species list, plant sizes and numbers, planting designs, propagule collection method, irrigation plan (if applicable);

- vii. If removal of invasive, exotic vegetation is planned: A detailed removal plan, including species targeted and treatment methods; and
 - viii. Success criteria.
- b. Regional Board acceptance of the Enhancement Plan applies only to the site and plan that mitigates for the Peñasquitos Views Sewer Replacement and Abandonment project and must not be construed as approval of the mitigation site or plan for use by other current or future projects.
- c. The proposed onsite enhancement activities must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters.
- d. The City of San Diego must, where feasible, salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in onsite mitigation areas. Also, the City of San Diego shall, where feasible, salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site. Methods to harvest, store, prepare and emplace live riparian pole cuttings is described in the following references: (1) Streambank Soil Bioengineering Field Guide for Low Precipitation Areas, USDA-NRCS, December 2002; (2) The Practical Streambank Bioengineering Guide, User's Guide for Natural Streambank Stabilization Techniques in the Arid and Semi-Arid Great Basin and Intermountain West, USDA-NRCS, May 1998; and (3) Restoring Streams in Cities, A Guide for Planners, Policymakers, and Citizens, Ann Riley, 1998.
- e. Within 90 days of completion of the onsite enhancement, the City of San Diego must submit a report that describes the as-built status of the mitigation, including topographic maps and planting locations.
- f. Mitigation monitoring reports must be submitted annually until success criteria have been met and the onsite enhancement has been deemed successful. Success criteria are in the Enhancement Plan. Annual monitoring reports must be submitted prior to December 1 of each year. Monitoring reports must include, but not be limited to, the following:
 - i. Certification number and project title;
 - ii. Names, qualifications, and affiliations of the persons contributing to the report;
 - iii. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 - iv. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;

- v. Photo documentation from established reference points;
 - vi. Survey report documenting boundaries of mitigation area; and
 - vii. Other pertinent information as specified in the report, "Biological Resources Report for the Los Peñasquitos Views Trunk Sewer Replacement Project, City of San Diego Project No. 6624," prepared for the project by Tierra Environmental Services, Inc. (March 14, 2006).
5. Throughout the mitigation monitoring program mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the onsite or offsite mitigation areas.
 6. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, the City of San Diego is responsible for repair and replanting of the damaged area(s).
 7. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species must be quantified to comply with mitigation requirements.
 8. For purposes of this certification, creation, restoration, and enhancement are defined as follows:
 - a. Creation is defined as the creation of vegetated or unvegetated waters of the U.S./State where they have never been documented or known to occur (e.g., conversion of nonnative grassland to freshwater marsh).
 - b. Restoration is defined as the creation of waters of the U.S./State where they previously occurred (e.g., removal of fill material to restore a drainage).
 - c. Enhancement is defined as modifying existing waters of the U.S./State to enhance functions and values (e.g., removal of exotic plant species from jurisdictional areas and replacing with native species).
 9. Preservation mechanism
 - a. Within 90 days of the issuance of this certification, the City of San Diego must provide the Regional Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity.
 - b. Within one year of the issuance of this certification, the City of San Diego must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The legal limitation must prohibit, without exception, all residential, commercial,

industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, paved maintenance roads, and areas of maintained landscaping for recreation.

10. Responsible Party Updates: The City of San Diego must provide the name and contact information of any third party accepting responsibility for implementing the mitigation requirements of this Certification. The notification must be submitted to the Regional Board within 30 days of the transfer of responsibility. The notification must include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification.

E. GEOGRAPHIC INFORMATION SYSTEM REPORTING:

1. The City of San Diego must submit Geographic Information System (GIS) shape files of (a) the project area within 30 days of project completion, and (b) the onsite and offsite mitigation areas within 30 days of onsite mitigation installation. All impact and mitigation areas 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.

F. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional Board must reference the certification number and project title (i.e., Peñasquitos Views Sewer Replacement and Abandonment Project, Certification No. 07C-038).
3. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format.
4. The City of San Diego must submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 07C-038

9174 Park Court, Suite 100
San Diego, California 92123

5. Required Reports: The following table summarizes the reports, excluding spill notifications and emergency situations, required per the conditions of this Certification to be submitted to the Regional Board.

Certification Condition	Report Topic	Due Date(s)
A.11	Status reports	Annually, prior to December 1 of each year
B.4	Start date notification	5 days prior to start of construction
B.11	Project completion report	Within 30 days of project completion
D.3.d	Mitigation Maintenance and Monitoring Reports (for LP North Mitigation Site)	Annually
D.4.a	Enhancement Plan (for Onsite Enhancement)	No less than 30 days prior to start of project construction
D.4.e	Mitigation As Builts (for Onsite Enhancement)	Within 90 days of completion of onsite enhancement implementation.
D.4.f	Mitigation Monitoring Reports (for Onsite Enhancement)	Annually, prior to December 1 of each year
D.9.a	Preservation Mechanism - Draft	Within 90 days of this certification
D.9.b	Preservation Mechanism - Final	Within 1 year of this certification
E.1	GIS shape files	Within 30 days of project completion (shape files for project area); Within 30 days of onsite mitigation installation (shape files for onsite enhancement area and offsite mitigation area)

G. SIGNATORY REQUIREMENT:

1. All applications, reports, or information submitted to the Regional Board must be signed as follows:
 - a. For a corporation, by a responsible corporate officer of at least the level of vice president.
 - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in Items 1.a. through 1.c. above may sign documents if:
 - a. The authorization is made in writing by a person described in Items 1.a. through 1.c. above;
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity; and
 - c. The written authorization is submitted to the Regional Board Executive Officer.
3. All applications, reports, or information submitted to the Regional Board must be signed and 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."

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On April 13, 2007 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.


REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Deborah Woodward
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
(858) 637-5586
dwoodward@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **City of San Diego Peñasquitos Views Sewer Replacement and Abandonment** project (Certification No. 07C-038) 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 Resource Control Board Order No. 2003-017 DWQ for non-isolated Waters of the State. Please note that enrollment under Order No. 2003-017 DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

3/10/2008
Date

Attachments:

1. Project Information
2. Distribution List
3. Project Location Map
4. Project Site Map
5. Offsite Mitigation Map
6. Offsite Mitigation Area: Reserved Acreage to Date
7. Onsite Mitigation Map
8. Stream Photo Documentation Procedure

**ATTACHMENT 1
PROJECT INFORMATION**

- Applicant: City of San Diego
Attention: Ms. Sheila Deguzman
Engineering and Capital Projects Department,
Water and Sewer Design Division
600 B Street, Suite 800
San Diego, CA 92101
Telephone: 619-533-5227
Facsimile: 858-533-5176
Email: SDeguzman@sandiego.gov
- Applicant
Representatives: BRG Consulting, Inc.
Attention: Mr. Tim Gnibus
304 Ivy Street
San Diego, CA 92101
Telephone: 619-298-7127
Facsimile: 619-298-0146
E-mail: tim@brginc.net
- Project Name: Peñasquitos Views Sewer Replacement and Abandonment (07C-038)
- Project Location: Project is located within the Peñasquitos Canyon Preserve. It extends from Black Mountain Road on the west to La Tortola Street on the east. Project is in the Rancho Peñasquitos Community Planning area in the City of San Diego. The sewer line will cross Los Peñasquitos Creek at a point approximately south of La Tortola Street. See **Attachment 3** for Project Location and **Attachment 4** for Site Map.
Latitude: N 1924182.32.
Longitude: E 6295959.49.
Assessor's Parcel Number: 315-423-03.
- Type of Project: Sewer Line Installation and Abandonment
- Project Description: Project is to
- construct approximately 1,490 linear feet of sewer line (1,344 ft of 18-inch, 146 ft of 12-inch) and associated manholes, and
 - abandon approximately 5,765 linear feet of sewer line (15-inch and 12-inch) and associated manholes.
- Most of the project is located in upland habitat outside of jurisdictional waters. However, the new line will cross Los Peñasquitos Creek at a point south of La Tortola Street, where approximately 67 linear feet of 18-inch sewer line encased in concrete will be placed in a trench at the bottom of the creek bed.
- To construct the trench for the new pipeline, approximately 4,400

cubic feet (163 cubic yds) of the creek bed will be excavated; approximately 1,200 cubic feet (44 cubic yds) of excavated material will be replaced with the pipeline encased in concrete; and approximately 3,200 cubic feet (119 cubic yards) of excavated material will be replaced with either the excavated (native) soil or imported soil that is comparable in terms of type and grain size.

Project purpose is to increase the capacity of the sewer trunk to accommodate the modeled future needs, and to implement the City of San Diego's policy to reduce the number of sewer pipelines within canyons and environmentally sensitive lands and redirect them to streets and other accessible locations (Council Policy No. 400-14).

Federal Agency/Permit:	U.S. Army Corps of Engineers §404, NWP 12, NWP 33 (Terrence Dean)
Other Required Regulatory Approvals:	California Department of Fish and Game, Section 1601 Streambed Alteration Agreement (Kelley Fisher)
California Environmental Quality Act (CEQA) Compliance:	Mitigated Negative Declaration Adopted June 4, 2007 (Resolution No. 302677) Lead Agency : City of San Diego Contact: Elizabeth Shearer-Nguyen State Clearinghouse Number: 2006091103.
Receiving Water:	Los Peñasquitos Creek (Peñasquitos HU 906.00; Poway HA 906.20)
Impacted Waters of the State and United States:	The project will result in impacts to a total of 0.102 acres: <ul style="list-style-type: none"> • temporary impacts to 0.09 acres (87 linear feet) of vegetated waters of the U.S (southern willow scrub habitat); and • permanent impacts to 0.012 acres (80 linear feet) of vegetated waters of the U.S (southern willow scrub habitat).
Impacted CDFG Jurisdiction:	Temporary impacts are due to the need for a 25-foot temporary construction corridor. Permanent impacts are due to the need for an 8-foot-wide permanent access path to the encased pipeline. Impacts to wetland waters are same as above.
Dredge Volume:	163 cubic yards (required for construction of the pipeline trench where it crosses the creek).
Related Projects Implemented/to be Implemented by the Applicant(s):	The Black Mountain Pipelines project crosses Los Peñasquitos Creek at Black Mountain Road, the western boundary of the existing trunk sewer to be abandoned.
Compensatory Mitigation:	Project impacts to 0.102 acres will be mitigated via creation and enhancement of 0.204 acres (2:1).

Compensatory mitigation for will consist of:

- Offsite creation of 0.192 acres of southern willow scrub habitat, and
- Onsite enhancement of 0.012 acres of existing southern willow scrub habitat.

Offsite Creation

Offsite creation of 0.192 acres is at the Los Peñasquitos North Mitigation Site, operated by the Metropolitan Wastewater District. Construction of this mitigation was completed in August 2006. Final acceptance of the mitigation site is anticipated in August 2011. The site is an authorized mitigation area per:

- U.S. Army Corps of Engineers Nationwide 404 (No. 200501784-TCD, 7/22/2005);
- Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification (03C-081),
- California Dept of Fish and Game Streambed Alteration Agreement (1600-2004-0413-R5, 7/28/05); and
- California Coastal Commission Coastal Development Permit (6-04-118, 12/22/04).

Mitigation plans and conditions are outlined in the above permits. See **Attachment 5** for the location of the Los Peñasquitos North Mitigation Site.

See **Attachment 6** for a list of projects for which the Los Peñasquitos North Mitigation Site provides mitigation.

Onsite Enhancement

Onsite enhancement of 0.012 acres will be done approximately 150 meters downstream of the impact site. A plan for onsite enhancement will be submitted no less than 30 days prior to start of project construction. Enhancement of Southern Willow Scrub habitat will include the removal of invasive plants and/or revegetation.

See **Attachment 7** for the location of the enhancement area relative to the impact area.

Best Management Practices (BMPs):

Construction BMPs to be implemented to avoid and minimize impacts to water quality during construction include:

- construction-related pollutant controls
- erosion and sediment controls
- trash and sanitation controls
- use of staging areas outside of sensitive habitat
- use of staging areas within the Los Peñasquitos Canyon Preserve only with prior approval and coordination with the Park and Recreation Department of Open Space Division
- stockpiling of excavated material outside of the 100-year floodplain.
- construction during dry season when water is not present within the creek. (However, if water is present, a "dam and pump" method will be used to divert the flow for a maximum length of

35 feet, using a filtered intake hose and a pump on the bank of the creek)

Post-construction BMPs include:

- revegetation of impacted upland and wetland areas with native vegetation (as shown for wetland area on sheet 13 of project plans)
- use of geoweb or equivalent pervious material to stabilize the permanent 8-foot access path (as shown on sheet 19 of project plans)

Public Notice:

On April 13, 2007 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

Fees:

Total Due: \$1,017.36

Total Paid: \$1,017.36

\$500.00 (Check No.7458438)

\$517.36 (Check No.7471415)

**ATTACHMENT 2
DISTRIBUTION LIST
(via email)**

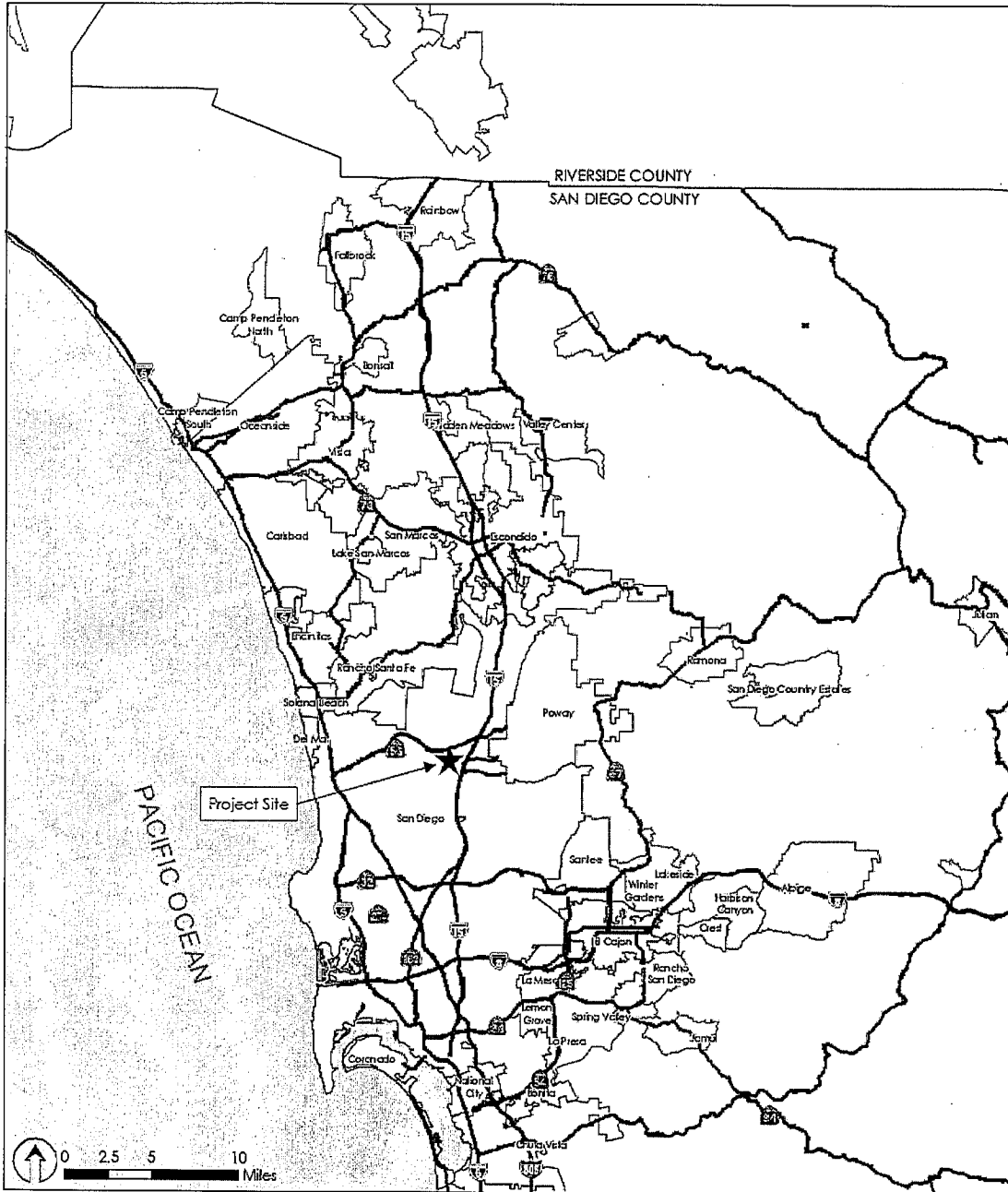
Terrence Dean
U.S. Army Corps of Engineers
Regulatory Branch
16885 W. Bernardo Dr., Suite 300 A
San Diego, CA 92127
(858) 674-5386
terrence.dean@usace.army.mil

Kelley Fisher
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4207
kfisher@dfg.ca.gov

Elizabeth Goldmann (via e-mail)
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
goldmann.elizabeth@epa.gov

Bill Orme
State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
BOrme@waterboards.ca.gov

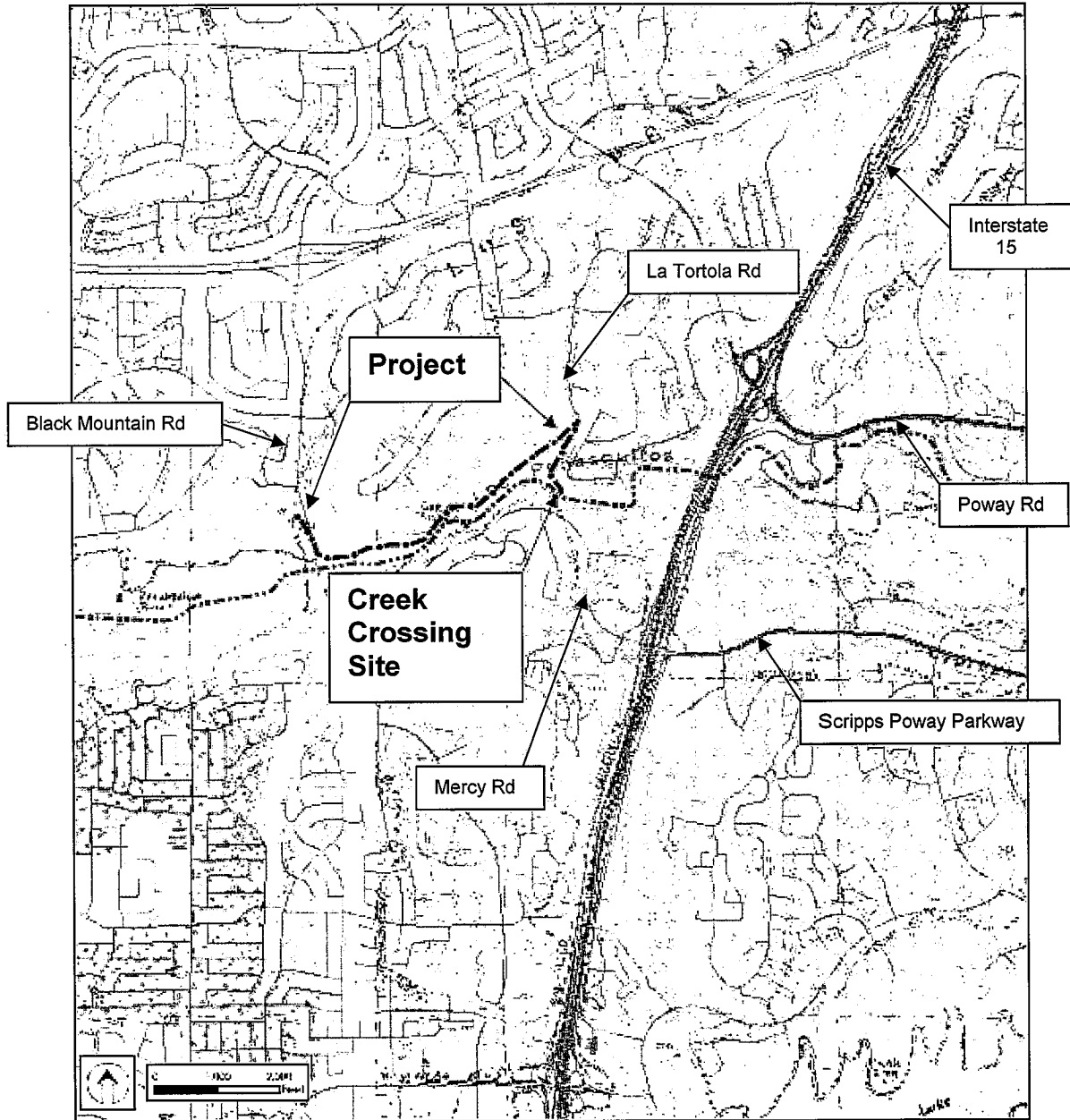
ATTACHMENT 3 PROJECT LOCATION MAP



SOURCE SANDAG and BRG Consulting, Inc., 2007

06/26/07

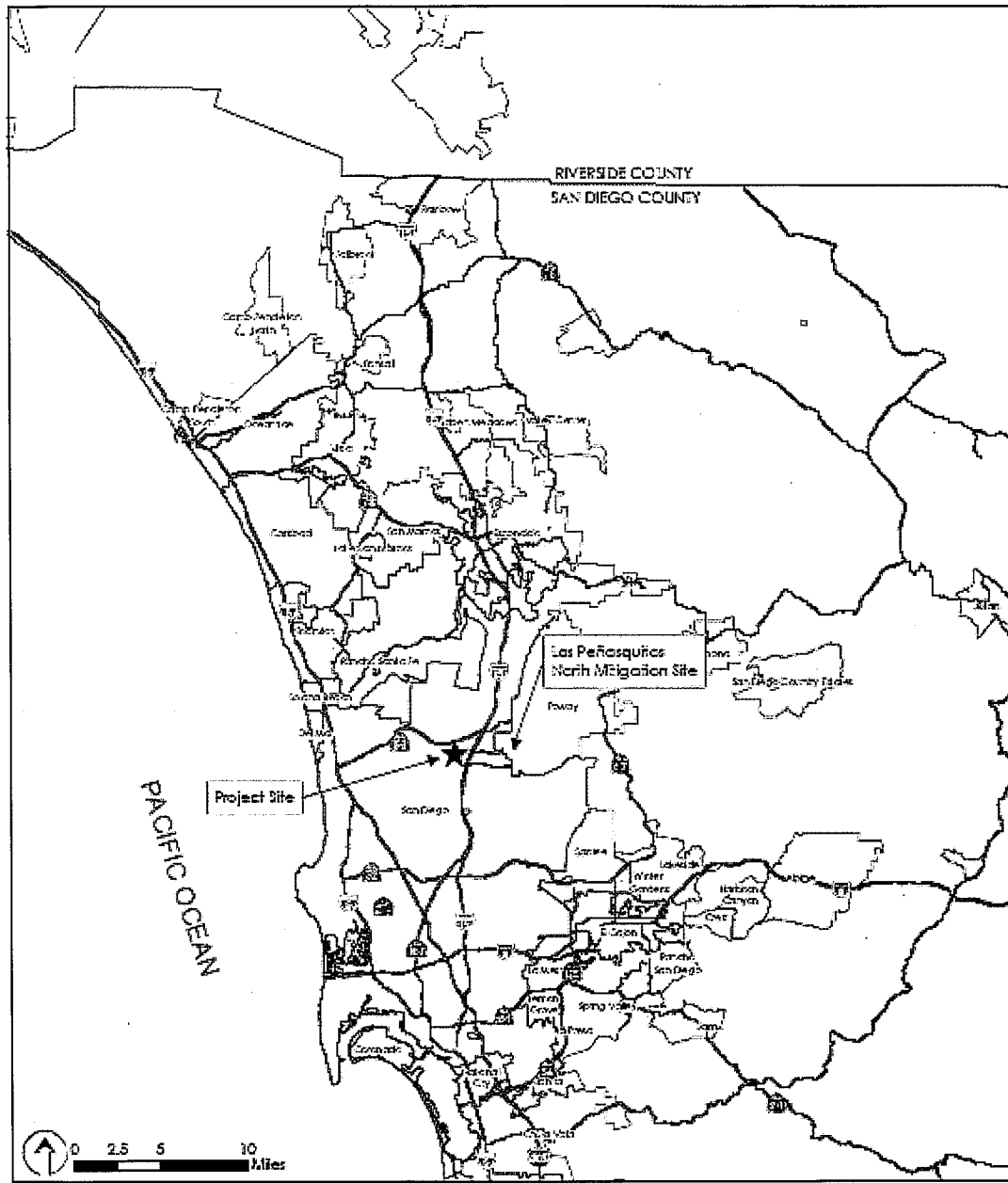
ATTACHMENT 4 PROJECT SITE MAP



SOURCE: USGS, 1:975 (SANGIS 2007); and BRG Consulting, Inc., 2007

04/20/07

ATTACHMENT 5 OFFSITE MITIGATION MAP



SOURCE: SANDAG and BRG Consulting, Inc., 2007

06/17/07

**ATTACHMENT 6
OFFSITE MITIGATION AREA:
RESERVED ACREAGE TO DATE AT THE
LOS PENASQUITOS NORTH MITIGATION SITE**

Los Penasquitos North

Impact Project	Mitigation Type	Impact Habitat Type	Acreage	Location	Impact Date
upland					
Los Penasquitos North Wetland Creation Project	Enhancement	DCSS	0.82	On-impact	
Torreyana Sewer Repair	Enhancement	DCSS	0.21	Off-site in watershed	10/1/2001
Total Mitigation Acres:			1.03 acres		
wetland					
mitigation reserve	Creation	SWS	0.2	In-canyon	
→ Penasquitos Views Trunk Sewer	Creation	SWS	0.192	In-canyon	
Van Nuys Canyon MH # 91 Sewer Blockage	Creation	MFS	0.07	Off-site in watershed	12/4/1996
Van Nuys MH #92-76 Four Sewer Breaks (Upper Canyon	Creation	DWET	0.25	Off-site in watershed	8/4/2000
Van Nuys MH #92-76 Four Sewer Breaks (Upper Canyon	Creation	MFS	0.146	Off-site in watershed	8/4/2000
Van Nuys Installation of 2 36-inch Pipe Culverts	Creation	SWS	0.03	Off-site in watershed	2/7/2001
Black Mountain Road Finger Canyon	Creation	FM	0.006	In-canyon	4/4/2003
Carroll and Mesa Rim	Creation	SCLOR	0.1	Off-site in watershed	6/2/2003
Carroll and Mesa Rim	Creation	SWS	0.15	Off-site in watershed	6/2/2003
Carroll and Mesa Rim	Creation	RW	0.72	Off-site in watershed	6/2/2003
Carroll and Mesa Rim	Creation	MFS	0.44	Off-site in watershed	6/2/2003
Penasquitos Preserve (East of Black Mountain Road)	Creation	SCWRF	0.09	In-canyon	10/16/2003
Lower Rose Creek Emergency Maintenance	Creation	FM	0.03	Off-site in watershed	2/20/2004
Lower Rose Creek Emergency Maintenance	Creation	SWS	0.21	Off-site in watershed	2/20/2004
Lower Rose Creek Emergency Maintenance	Creation	MFS	0.05	Off-site in watershed	2/20/2004
Lower Rose Creek Emergency Maintenance	Creation	RW	0.52	Off-site in watershed	2/20/2004
Penasquitos View Emergency	Creation	CAM	0.002	In-canyon	8/18/2004
Acuna LT	Creation	DWET	0.01	Off-site in watershed	2/1/2005
Lopez Emergency Cleaning	Creation	SWS	0.08	In-canyon	2/13/2005
Lopez Emergency Cleaning	Creation	RF	0.004	In-canyon	2/13/2005
Lopez Emergency Cleaning	Creation	MFS	0.04	In-canyon	2/13/2005
Lopez Emergency Cleaning	Creation	EW	0.001	In-canyon	2/13/2005
Lopez Canyon Manhole 102 Maintenance	Creation	SWS	0.001	In-canyon	8/18/2005
Total Mitigation Acres:			3.342 acres		

Note: The Peñasquitos Views Sewer Replacement and Abandonment Project is assigned 0.192 acres of wetland creation under the name Peñasquitos Views Trunk Sewer. To date, a total of 3.342 acres have been assigned of the 3.8 acres available. Information is from the City of San Diego (Laura Ball, email 11/14/07).

ATTACHMENT 8 STREAM PHOTO DOCUMENTATION PROCEDURES

Standard Operating Procedure (SOP) 4.2.1.4

Stream Photo Documentation Procedure

(CARCD 2001, Written by TAC Visual Assessments work group)

Introduction:

Photographs provide a qualitative, and potentially semi-quantitative, record of conditions in a watershed or on a water body. Photographs can be used to document general conditions on a reach of a stream during a stream walk, pollution events or other impacts, assess resource conditions over time, or can be used to document temporal progress for restoration efforts or other projects designed to benefit water quality. Photographic technology is available to anyone and it does not require a large degree of training or expensive equipment. Photos can be used in reports, presentations, or uploaded onto a computer website or GIS program. This approach is useful in providing a visual portrait of water resources to those who may never have the opportunity to actually visit a monitoring site.

Equipment:

Use the same camera to the extent possible for each photo throughout the duration of the project. Either 35 mm color or digital color cameras are recommended, accompanied by a telephoto lens. If you must change cameras during the program, replace the original camera with a similar one comparable in terms of media (digital vs. 35 mm) and other characteristics. A complete equipment list is suggested as follows:

Required:

- Camera and backup camera
- Folder with copies of previous photos (do not carry original photos in the field)
- Topographic and/or road map
- Aerial photos if available
- Compass
- Timepiece
- Extra film or digital disk capacity (whichever is applicable)
- Extra batteries for camera (if applicable)
- Photo-log data sheets or, alternatively, a bound notebook dedicated to the project
- Yellow photo sign form and black marker, or, alternatively, a small black board and chalk

Optional:

- GPS unit
- Stadia rod (for scale on landscape shots)
- Ruler (for scale on close up views of streams and vegetation)
- Steel fence posts for dedicating fixed photo points in the absence of available fixed landmarks

How to Access Aerial Photographs:

Aerial Photos can be obtained from the following federal agencies:

USGS Earth Science Information Center
507 National Center
12201 Sunrise Valley Drive
Reston, VA 22092
800-USA-MAPS

USDA Consolidated Farm Service Agencies
Aerial Photography Field Office
222 West 2300 South
P.O. Box 30010
Salt Lake City, UT 84103-0010
801-524-5856

Cartographic and Architectural Branch
National Archives and Records Administration
8601 Adelphi Road
College park, MD 20740-6001
301-713-7040

Roles and Duties of Team:

The team should be comprised of a minimum of two people, and preferably three people for restoration or other water quality improvement projects, as follows:

1. Primary Photographer
2. Subject, target for centering the photo and providing scale
3. Person responsible for determining geographic position and holding the photo sign forms or blackboard.

One of these people is also responsible for taking field notes to describe and record photos and photo points.

Safety Concerns:

Persons involved in photo monitoring should **ALWAYS** put safety first. For safety reasons, always have at least two 2 volunteers for the survey. Make sure that the area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water
- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

General Instructions:

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project*.

When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream

flow, cloud cover, and site access fluctuate. It is often important to include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the angle from which the photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the project. Of most importance overall, however, is being aware of the goal(s) of the project and capturing images that clearly demonstrate progress towards achieving those goal(s). Again, reference to *Suggestions for Photo Points by Type of Project* may be helpful.

If possible, try to include a black board or yellow photo sign in the view, marked at a minimum with the location, subject, time and date of the photograph. A blank photo sign form is included in this document.

Recording Information:

Use a systematic method of recording information about each project, photo point, and photo. The following information should be entered on the photo-log forms (blank form included in this document) or in a dedicated notebook:

- Project or group name, and contract number (if applicable, e.g., for funded restoration projects)
- General location (stream, beach, city, etc.), and short narrative description of project's habitat type, goals, etc.
- Photographer and other team members
- Photo number
- Date
- Time (for each photograph)
- Photo point information, including:
 - Name or other unique identifier (abbreviated name and/or ID number)
 - Narrative description of location including proximity to and direction from notable landscape features like roads, fence lines, creeks, rock outcrops, large trees, buildings, previous photo points, etc. – sufficient for future photographers who have never visited the project to locate the photo point
 - Latitude, longitude, and altitude from map or GPS unit
- Magnetic compass bearing from the photo point to the subject
- Specific information about the subject of the photo
- Optional additional information: a true compass bearing (corrected for declination) from photo point to subject, time of sunrise and sunset (check newspaper or almanac), and cloud cover.

For ambient monitoring, the stream and shore walk form should be attached or referenced in the photo-log.

When monitoring the implementation of restoration, fuel reduction, or Best Management Practices (BMP) projects, include or attach to the photo-log a narrative description of observable progress in achieving the goals of the project. Provide supplementary information along with the photo, such as noticeable changes in habitat, wildlife, and water quality and quantity.

Archive all photos, along with the associated photo-log information, in a protected environment.

The Photo Point: Establishing Position of Photographer:

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).
2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.
3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

Determining the Compass Bearing:

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

Suggestions for Photo Points by Type of Project:***Ambient or Event Monitoring, Including Photography Associated with Narrative Visual Assessments:***

1. When first beginning an ambient monitoring program take representative long and/or medium view photos of stream reaches and segments of shoreline being monitored. Show the positions of these photos on a map, preferably on the stream/shore walk form. Subjects to be photographed include a representative view of the stream or shore condition at the beginning and ending positions of the segment being monitored, storm drain outfalls, confluence of tributaries, structures (e.g., bridges, dams, pipelines, etc.).
2. If possible, take a close view photograph of the substrate (streambed), algae, or submerged aquatic vegetation.
3. Time series: Photographs of these subjects at the same photo points should be repeated annually during the same season or month if possible.
4. Event monitoring refers to any unusual or sporadic conditions encountered during a stream or shore walk, such as trash dumps, turbidity events, oil spills, etc. Photograph and record information on your photo-log and on your Stream and Shore Walk Visual Assessment form. Report pollution events to the Regional Board. Report trash dumps to local authorities.

All Restoration and Fuel Reduction Projects – Time Series:

Take photos immediately before and after construction, planting, or vegetation removal. Long term monitoring should allow for at least annual photography for a minimum of three years after the project, and thereafter at 5 years and ten years.

Meadow Restoration:

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long view showing an overlapping sequence of photos illustrating a long reach of stream and meadow (satellite photos, or hill close by, fly-over, etc.)

3. Long view up or down the longitudinal dimension of the creek showing riparian vegetation growth bounded on each side by grasses, sedges, or whatever that is lower in height
4. Long view of conversion of sage and other upland species back to meadow vegetation
5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)
6. Medium and close views of structures, plantings, etc. intended to induce these changes

Stream Restoration/stabilization:

1. Aerial view (satellite or airplane photography) if available.
2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.
4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)
5. Medium and close views of structures, plantings, etc. intended to induce these changes.
6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

Vegetation Management for Fire Prevention ("fuel reduction"):

1. Aerial view (satellite or airplane photography) if available.

2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)
3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.
4. Medium view photos showing examples of vegetation changes, and plantings if included in the project. It is recommended that a person (preferably holding a stadia rod) be included in the view for scale
5. To the extent possible include medium and long view photos that include adjacent stream channels.

Stream Sediment Load or Erosion Monitoring:

1. Long views from bridge or other elevated position.
2. Medium views of bars and banks, with a person (preferably holding a stadia rod) in view for scale.
3. Close views of streambed with ruler or other common object in the view for scale.
4. Time series: Photograph during the dry season (low flow) once per year or after a significant flood event when streambed is visible. The flood events may be episodic in the south and seasonal in the north.
5. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 1 and 2 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

PHOTO- LOG FORM

Project:

Location:

Date:

Photographer:

Team members:

Photo #	Time	Photo Point ID	Photo Pt. Description & Location	Bearing to Subject	Subject Description

General Notes or Comments (weather, cloud cover, time of sunrise and sunset, other pertinent information):

PHOTO SIGN FORM: Print this form on yellow paper. Complete the following information for each photograph. Include in the photographic view so that it will be legible in the finished photo.

Location:

Subject Description:

Date:

Time: