

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

November 27, 2013

In reply refer to:
727382: amonji

Doug Gibson
San Elijo Lagoon Conservancy
P.O. Box 230634
Encinitas, CA 92023

Subject: Amendment No. 1 to Water Quality Certification No. 08C-072 for the San Elijo Lagoon Inlet Maintenance Project

Mr. Gibson:

Enclosed is Amendment No. 1 to Clean Water Act section 401 Water Quality Certification No. 08C-072 for the San Elijo Lagoon Inlet Maintenance Project. Certification Amendment No. 1 shows changes in redline/strikeout format to indicate added and removed language. Water Quality Certification No. 08C-072 (Certification) is enclosed for your reference.

By electronic mails dated November 1, 2013 and November 18, 2013, the San Elijo Lagoon Conservancy (SELC) requested the Certification expiration date be extended an additional five years in order to maintain the beneficial uses of San Elijo Lagoon. The current term of the Certification is from December 2, 2008 through December 2, 2013. Based on SELC's request, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) is amending the Certification to extend the term an additional five years through December 2, 2018.

Any petition for reconsideration of Amendment No. 1 to Certification No. 08C-072 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 SELC has accepted and will comply with all the conditions of the Certification and Addenda.

Failure to comply with all conditions of the Certification and Addenda may subject SELC to enforcement actions by the San Diego Water Board, including administrative enforcement orders requiring SELC 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.

TOMAS MORALES, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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November 27, 2013

In the subject line of any response, please include the reference number 727382:amonji. For questions or comments, please contact Alan Monji by phone at (619) 521-3968, or by email at alan.monji@waterboards.ca.gov.

Respectfully,



David W. Gibson,
Executive Officer
Regional Water Quality Control Board

DG:js:db:kdd:atm

Enclosures:

Amendment No. 1 to Clean Water Act Section 401 Water Quality Certification No. 08C-072

Clean Water Act Section 401 Water Quality Certification No. 08C-072, San Elijo Lagoon Inlet Maintenance Project

cc: (via email)

Marilyn Fluharty
California Department of Fish and Wildlife
mfluharty@wildlife.ca.gov

Robert R. Smith
U.S. Army Corps of Engineers
Regulatory Division
Robert.R.Smith@usace.army.mil

State Water Resources Control Board
Division of Water Quality
401 Water Quality Certification and Wetlands
Stateboard401@waterboards.ca.gov

U.S. Environmental Protection Agency, Office of Wetlands,
Oceans, and Watersheds, Region 9
R9-WTR8-Mailbox@epa.gov

Tech Staff Info & Use	
File No.	08C-072
WDID	9 000001844
Reg. Measure ID	353223
Place ID	727382
Party ID	487679



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

**Amendment No. 1 to Clean Water Act Section 401
Water Quality Certification No. 08C-072**

PROJECT: San Elijo Lagoon Inlet Maintenance Project Water Quality Certification No. 08C-072

APPLICANT: San Elijo Lagoon Conservancy
P.O. Box 230634
Encinitas, CA 92023

File No.	08C-072
WDID	9 000001844
Reg. Measure ID	353223
Place ID	727382
Party ID	487679

The following changes have been made to Clean Water Act section 401 Water Quality Certification No. 08C-072, San Elijo Lagoon Conservancy, San Elijo Lagoon Inlet Maintenance Project. Changes below are shown in redline/strikeout format to indicate added and removed language.

1. Page 1, STANDARD CONDITIONS are replaced with the following:

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

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 Water Code and Article 6 (commencing with section 3867 of 23 CCR).
2. 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 23 CCR subsection 3855(b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification action is conditioned upon total payment of any fee required under chapter 28 (commencing with section 3830) of 23 CCR and owed by the applicant.

TOMAS MORALES, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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2. Page 2, ADDITIONAL CONDITIONS A.1 has been modified as follows:

Water Quality Certification No. 08-072 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification amendment, whichever occurs first. This Certification expires 5 years from the date of issuance.

3. Page 9, REPORTING REQUIREMENTS D.6 has been modified as follows:

Executive Officer
California Regional Water Quality Control Board, San Diego Region
Attn: 401 Certification; Project No. 08C-072
~~9174 Sky Park Court~~ 2375 Northside Drive, Suite 100
San Diego, CA ~~92123~~ 92108

4. Page 10, REGIONAL WATER QUALITY BOARD CONTACT PERSON has been modified as follows:

~~Benjamin James Alan Monji~~
California Regional Water Quality Control Board, San Diego Region
~~9174 Sky Park Court~~ 2375 Northside Drive, Suite 100
San Diego, CA ~~92123~~ 92108
~~858-467-2968~~ (619) 521-3968
~~bjamesAlan.Monji@waterboards.ca.gov~~

5. ATTACHMENT 2, Distribution List has been modified as follows:

~~Robert R. Smith~~
U.S. Army Corps of Engineers
~~South Coast Branch, San Diego Section~~
~~6010 Hidden Valley Road, Suite 105~~
~~Carlsbad, California 92011~~
~~Robert.R.Smith@sp101.usace.army.mil~~

~~Ms. Tamara Spear~~Marilyn Fluharty
California Department of Fish and GameWildlife
South Coast Region
Habitat Conservation Planning—South
~~4949 Viewridge Avenue~~
San Diego, CA ~~92123~~
~~tspear@dfg.ca.gov~~ mfluharty@wildlife.ca.gov

Bill Orme
State Water Resources Control Board
Division of Water Quality

San Elijo Lagoon Conservancy
San Elijo Lagoon Inlet Maintenance
Certification No. 08C-072

December 2, 2008
Amended on November 27, 2013

401 Water Quality Certification and Wetlands Unit
~~P.O. Box 100~~
Sacramento, CA 95812-100
~~BOrme@waterboards.ca.gov~~
Stateboard401@waterboards.ca.gov

~~Ms. Elizabeth Goldman~~
~~Wetlands Regulatory Office,~~
~~U.S. Environmental Protection Agency, Region 9~~
~~75 Hawthorne Street~~
~~San Francisco, CA 94105~~
~~Goldman.Elizabeth@epamail.epa.gov~~
U.S. Environmental Protection Agency, Office of Wetlands, Oceans, and
Watersheds, Region 9
R9-WTR8-Mailbox@epa.gov

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No.1 to Certification No. 08C-072 issued on November 27, 2013.



David W. Gibson
Executive Officer
Regional Water Quality Control Board

11-27 - 2013

Date



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
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Schwarzenegger
Governor

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)

December 2, 2008

In reply refer to: WPC:08C-072:bjames

Doug Gibson
San Elijo Lagoon Conservancy (SELC)
P.O. Box 230634
Encinitas, CA 92023

Certified Mail Receipt No:
7008 1140 004 9971 8955

WDID 9 000001844

CIWQS:
Party No. 487679
Person No. 487683
Place No. 727382
Reg. Mes. No. 353223

Dear Mr. Gibson:

SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for **San Elijo Lagoon Inlet Maintenance Project Water Quality Certification No. 08C-072**

Enclosed is the Clean Water Act Section 401 Water Quality Certification and acknowledgment of enrollment under State Water Resources Control Board General Waste Discharge Requirements Order Number 2003-017 DWQ for discharge to Waters of the U.S. for the San Elijo Lagoon Inlet Maintenance project. A description of the project and project location can be found in the project information sheet, project location map, and project site maps, by the Regional Board, which are included as Attachments 1 through 4.

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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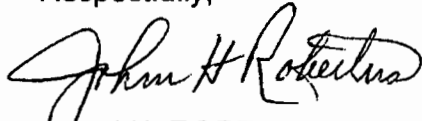
Doug Gibson
San Elijo Lagoon Conservancy
401 Certification No. 08C-072

- 2 -

December 2, 2008

If you have any questions regarding this notification, please contact Mr. Benjamin James directly at (858) 467-2968 or by email via bjames@waterboards.ca.gov.

Respectfully,



JOHN H. ROBERTUS
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 08C-072 for the San Elijo Lagoon Inlet Maintenance Project, with 4 attachments

cc: Refer to Attachment 2 of Certification 08C-072 for Distribution List.

California Environmental Protection Agency

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Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region

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Arnold
Schwarzenegger
Governor

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

PROJECT: San Elijo Lagoon Inlet Maintenance Project
Certification No. 08C-072, W DID Number 9 000001844

APPLICANT: San Elijo Lagoon Conservancy (SELC)
P.O. Box 230634
Encinitas, CA 92023
Attention: Doug Gibson

CIWQS Reg. Mes. ID: 353223 Place ID: 727382 Party ID: 487679 Person ID: 487683
--

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

PROJECT DESCRIPTION:

The proposed project involves three maintenance activities to the inlet of the San Elijo Lagoon mouth in order to restore the tidal flow of water through the lagoon and the placement of dredged sediment in the surf zone of the nearby beach. The three activities are classified as Emergency Breaches, Emergency Openings, and Maintenance Openings.

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).

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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GOVERNMENT

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 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 San Elijo Lagoon Conservancy must satisfy the following:

A. GENERAL CONDITIONS:

1. This Certification expires **5 years** from the date of issuance.
2. The San Elijo Lagoon Conservancy 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 (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 activities, the San Elijo Lagoon Conservancy must maintain a copy of this Certification at the project site and be available at all times to site personnel and agencies.
4. San Elijo Lagoon Conservancy 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 San Elijo Lagoon Conservancy 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 San Elijo Lagoon Conservancy 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 San Elijo Lagoon Conservancy 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. If the property is sold, the seller and purchaser must sign and date the notification. If the Certification is transferred, the Certification holder and the transferee 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 or transfer 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.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, the San Elijo Lagoon Conservancy must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. The San Elijo Lagoon Conservancy must comply with the requirements of State Water Resources Control Board 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. These General Waste Discharge Requirement are accessible at: http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
3. 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 or tidal 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.
4. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw 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.
5. Biostimulatory Substances, Hazardous Wastes/Materials. The sand dredged from the inlet opening activity that will be placed on Cardiff State Beach may not contain biostimulatory substances in concentrations that exceed natural background levels; the sand may not contain hazardous wastes or materials.
6. Grain Size Restrictions. The sand dredged from the inlet opening activity that will be placed on Cardiff State Beach must be comprised of at least 80 percent sand and no more than 20 percent fines, in order to be suitable for beach placement.
7. Compliance with Water Quality Control Plan. Discharges shall comply with the California Ocean Plan and the Regional Board's Water Quality Control Plan (Basin Plan).

8. Grunion Protection. If discharges occur between March 1st and August 31st, applicant will comply with the following:

a. Determine beach habitat suitability for grunion spawning:

i. Applicant shall evaluate the proposed discharge site no more than 30 days before any discharge for suitability to support successful spawning of California grunion (e.g., adequate beach width above average neap high tide line and/or sand depth greater than 5 inches). No additional monitoring for grunion will be required for beaches with unsuitable habitat.

b. If beach is potentially suitable for grunion spawning:

i. The applicant shall consult with California Department of Fish and Game (CDFG) to identify appropriate measures to avoid significant impacts to grunion spawning (e.g., halting or re-directing work or creating protective berms). The measures shall be documented in the annual and final reports.

ii. A qualified monitor will observe the beach for grunion spawning during the dates of predicted runs according to the annual CDFG grunion spawning calendar; observations shall begin two to three weeks prior to discharge and shall continue through the discharge period. Monitoring shall be initiated on the second night after a new or full moon and continue on the next two nights (three nights of monitoring). The monitoring period shall extend from one (1) hour before the peak high tide to two (2) hours after the peak high tide (at least three hour duration monitoring period).

iii. If grunion are present, the number of grunion will be estimated within the project area according to the Walker Scale (Attachment 5), and the applicant will consult CDFG to select the appropriate measures identified pursuant to Condition 9.b.i. above to avoid significant impacts to grunion spawning.

iv. A grunion survey and mitigation report that includes methods, findings, any consultation required during project implementation, and the effectiveness of implemented protective measures, shall be submitted as part of the annual and final reports.

9. California least tern, *Sterna antillarum browni*, Breeding Season. No activities authorized under this certification will be conducted within 1,000 yards of a California least tern breeding colony from April 1 through September 30.

10. Transport and Discharge Plan. The applicant shall prepare a Transport and Discharge Plan that shall include the "Hauling Operations" and "Hazardous Materials Management" measures below in order to qualify for this certification:
 - a. Hauling Operations:
 - i. All trucks hauling sand or other loose materials shall be covered or required to maintain at least two feet of freeboard.
 - ii. All equipment engines shall be maintained in good condition, in proper tune (according to manufacturer's specifications), and in compliance with all State and federal requirements.
 - iii. All operations shall be conducted in compliance with County Air Quality Management District requirements.

 - b. Hazardous Materials Management:
 - i. The Transport and Discharge Operations Plan shall include a "Spill Prevention, Containment and Countermeasures Plan" that specifies fueling and equipment maintenance procedures to prevent spills and leaks, and containment and cleanup measures to be followed in the event of a spill.
 - ii. All equipment shall be inspected for oil, coolant, fuel, and other fluid leaks immediately prior to the start of beach operations and regularly inspected thereafter until project completion. Vehicles with leaks shall not enter the beach area.
 - iii. Equipment shall be cleaned and repaired (other than emergency repairs) at least 500 feet from the high tide line. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of at a lawfully authorized facility.

11. Daily Turbidity Monitoring. The placement of the sand dredged from the inlet mouth may not cause turbidity plumes in excess of natural turbidity as compared to nearby, near shore areas that did not receive a placement of sand. Turbidity shall be monitored by a qualified observer from a high vantage point (e.g., a lifequard tower) during each day of construction. If visual monitoring indicates turbidity greater than ambient one-half mile from the discharge site (either offshore or downcoast) at any time for two (2) consecutive days, then:
- a. The monitor shall immediately advise the Regional Water Board, Corps, and CDFG.
 - b. The discharger shall comply with any measures identified by the Regional Board, in consultation with other responsible agencies as appropriate, to mitigate project-related turbidity, including modifying or halting discharge.
 - c. If turbidity persists on the third day, the monitor shall commence daily water clarity testing and reporting to the Regional Water Board, Corps, and CDFG. Testing shall consist of measuring transmission of light through the water using a transmissometer. Daily testing shall continue until no project-related turbidity is detectable (i.e., until offshore and downcoast readings return to ambient). Testing shall be designed to document the areal extent and concentration of the turbidity plume at the time of day it is most developed, and shall include at least: samples taken as close as practicable to the discharge site, one-half mile upcoast of the discharge site, one-half mile offshore from the discharge site, and one-half mile downcoast of the discharge site (minimum four samples). Sampling shall be done at mid-depth in the water column. These sampling protocols may be modified with the Regional Water Board's written approval. The applicant shall document logistical arrangements for such potential water quality sampling and shall include draft quality assurance/quality control protocols in the project's MMRP or, if this is not required to be submitted, then as part of a "Turbidity Monitoring Plan" in the RGP 67 application.
 - d. If turbidity is greater than ambient one-half mile from the discharge site (either offshore or downcoast) for five (5) consecutive days, the discharge shall be halted or modified to reduce turbidity.

C. NOTIFICATION AND REPORTING OF WORK:

1. The San Elijo Lagoon Conservancy must provide the Regional Board notice at least **24 hours** prior to the initiation of any Emergency Breaches.
2. The San Elijo Lagoon Conservancy must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities associated with Emergency Openings and Maintenance Openings.
3. San Elijo Lagoon Conservancy and successor owners must submit annual progressive reports to the Regional Board prior to **April 1** of each year following the issuance of this Certification. The annual report must provide details of the Emergency Breaches, Emergency Openings, and Maintenance Openings of the lagoon inlet that occurred over the previous 12 months. The annual report should include, but is not limited to, the following details:
 - a. The date of the opening(s) which occurred, along with the date of each subsequent closure.
 - b. Any noted adverse impacts on lagoon resources or adjacent public beach or park and recreation areas resulting from each inlet opening, and recommendations to avoid or mitigate these impacts with future openings.
 - c. Project specific details of each inlet opening activity, including but not limited to, the duration of time it took to complete the opening activity, the total cubic yards of sediment dredged, the location of the dredged sediment placed on the beach, the duration of turbidity following placement.
 - d. A summary of the impacts of the multiple openings, including the project's impacts on public access and recreation, and the biological productivity of the lagoon, any changes in the tidal prism caused by external factors (such as upstream development impacts, extreme storm conditions, unusual tides, etc.) which may have contributed to the need for the lagoon inlet openings, and shall include recommendations for any necessary changes or modifications to the project.

D. REPORTING REQUIREMENTS:

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 be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
3. All applications, reports, or information submitted to the Regional Board must be signed and certified 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.
4. A duly authorized representative of a person designated in Items 4.a. through 4.c. above may sign documents if:
 - a. The authorization is made in writing by a person described in Items 4.a. through 4.c. 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 Regional Board Executive Officer.
5. 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."

6. The San Elijo Lagoon Conservancy 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 No. 08C-072
9174 Sky Park Court, Suite 100
San Diego, California 92123

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

Report Topic	Certification Condition	Due Date(s)
Transfer of Responsibility	A.1	Within 10 days of the transfer
Emergency Breaches	C.1	At least 24 hours prior to activity
Emergency Openings	C.1	At least 5 days prior to activity
Maintenance Openings	C.1	At least 5 days prior to activity
Annual Report	C.3	April 1

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On October 6, 2008 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

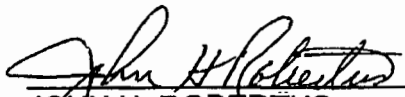
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Benjamin James
 California Regional Water Quality Control Board, San Diego Region
 9174 Sky Park Court, Suite 100
 San Diego, CA 92123
 858-467-2968
 bjames@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the San Elijo Lagoon Inlet Maintenance Project (Project No. 08C-072) 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 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 Board's Water Quality Control Plan (Basin Plan).



JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

2 December 2008
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. Site Map

**ATTACHMENT 1
PROJECT INFORMATION**

- Applicant: ✓ San Elijo Lagoon Conservancy (SELC)
✓ P.O. Box 230634
Encinitas, CA 92023
Attention: Doug Gibson
Telephone: 760-436-3944
Facsimile: 760-944-9606
Email: doug@sanelijo.org
- Applicant Representatives: ✓ N/A
- Project Name: ✓ San Elijo Lagoon Inlet Maintenance Project
- Project Location: ✓ The project is located at the inlet of the San Elijo Lagoon in the City of Encinitas, adjacent to the Cardiff State Beach, is bisected by Highway 101, at approximately 33.01598 North, 117.2807 West. Assessor's Parcel Numbers: 26102009 and 26119003.
- Type of Project: ✓ Lagoon inlet maintenance
- Project Description: ✓ The project involves three types of lagoon inlet maintenance activities to open tidal flow and placement of dredged material (sand) in the surf zone of the nearby beach. These activities have occurred over the past 20 years under emergency permits.
- ✓ Emergency Breaches involve breaching a sand berm (barrier bar) which forms at the inlet blocking the tidal flow of water west of the Highway 101 bridge. Emergency Breaches will take place primarily between November and February, involve 1 day of working activity, have a project footprint of approximately 250 feet long by 30 feet wide by 6 feet deep (0 NGVD), and dredge approximately 4,000 – 5,000 cubic yards of sand.
- ✓ Emergency Openings expand the emergency breach by clearing the four bays under the bridge and a circular sediment trap just east of the Highway 101 bridge. Emergency Openings will take place primarily between Memorial Day and November, involve 4 – 5 days of working activity, have a project footprint of approximately 360 feet long by 180 feet wide by 6 feet deep (-2 NGVD), and dredge approximately 6,000 – 18,000 cubic yards of sand.

- Maintenance Openings involve the same activities as Emergency Breaches and Emergency Openings but extend an additional 1,000 feet down the channel. Maintenance Openings will take place primarily between late March and Labor Day, involve 7 – 8 days of working activity, have a project footprint of approximately 360 feet long by 180 feet wide by 6 feet deep (-2 NGVD), in addition 1,000 feet long by 40 feet wide by 4 -6 feet deep (0 to -2 NGVD) with a center of 1,000 feet long by 10 feet wide by 7 feet deep (-3 NGVD).

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Individual Permit, Robert Smith.

Other Required Regulatory Approvals: California Department of Fish and Game, San Elijo Lagoon MOU – Cooperative Agreement Among the State of California, the County of San Diego and the San Elijo Lagoon Conservancy for the Operation and Maintenance of the San Elijo Lagoon Ecological Reserve, dated January 30, 2007.

California Coastal Commission, Coastal Development Permit 6-05-007 issued on March 17, 2005.

California Environmental Quality Act (CEQA) Compliance: Negative Declaration San Elijo Lagoon Enhancement and Action Plans. State Coastal Conservancy, December 1998. SCH#: 1998121087.

Receiving Water: San Elijo Lagoon and Pacific Ocean, Carlsbad Hydrologic Unit, Escondido Creek Hydrologic Area, San Elijo Hydrologic Sub-Area (904.61).

Impacted Waters of the United States: Each activity of the project will temporarily impact:

- Emergency Breaches: ~ 0.82 acre of unvegetated waters of the U.S.
- Emergency Openings: ~ 1.34 acres of unvegetated waters of the U.S.
- Maintenance Openings: ~ 4.27 acres of unvegetated waters of the U.S.

Dredge Volume: Each activity for this project will dredge the following approximate volumes:

Emergency Breaches: ~ 4,000 – 5,000 cubic yards.

Emergency Openings: ~ 6,000 – 18,000 cubic yards.

Maintenance Openings: ~ 20,000 – 40,000 cubic yards.

Related Projects Implemented/to be Implemented by the Applicant(s):

! Similar activities have taken place over the past 20 years.

Compensatory Mitigation:

· No compensatory mitigation is required as this project is considered self-mitigating.

Best Management Practices (BMPs):

· No heavy equipment storage, maintenance or fueling will occur in the lagoon or on the beach.

· Turbidity resulting from the placement of dredge spoils will be monitored. If excessive turbidity plumes are observed for an extended duration, sand placement will be modified or halted.

Public Notice:

October 6, 2008

Fees:

· Total Due: \$500.00
· Total Paid: \$500.00 (check No. 3842)

CIWQS:

Regulatory Measure ID: 353223
Place ID: 727382
Party ID: 487679
Person ID: 487683
WDID No.: 9 000001844

**ATTACHMENT 2
DISTRIBUTION LIST (Via Email)**

Robert Smith
US Army Corps of Engineers
Regulatory Division
South Coast Branch, San Diego Section
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011
Robert.R.Smith@spl01.usace.army.mil

Tamara Spears
California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
4949 Viewridge Avenue
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tspear@dfg.ca.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

Ms. Elizabeth Goldmann
Wetlands Regulatory Office,
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
Goldmann.Elizabeth@epamail.epa.gov

HN/M/NOO8

ATTACHMENT 3
PROJECT LOCATION

Certification No. 08C-072

San Elijo Lagoon Inlet Maintenance Program Local Map

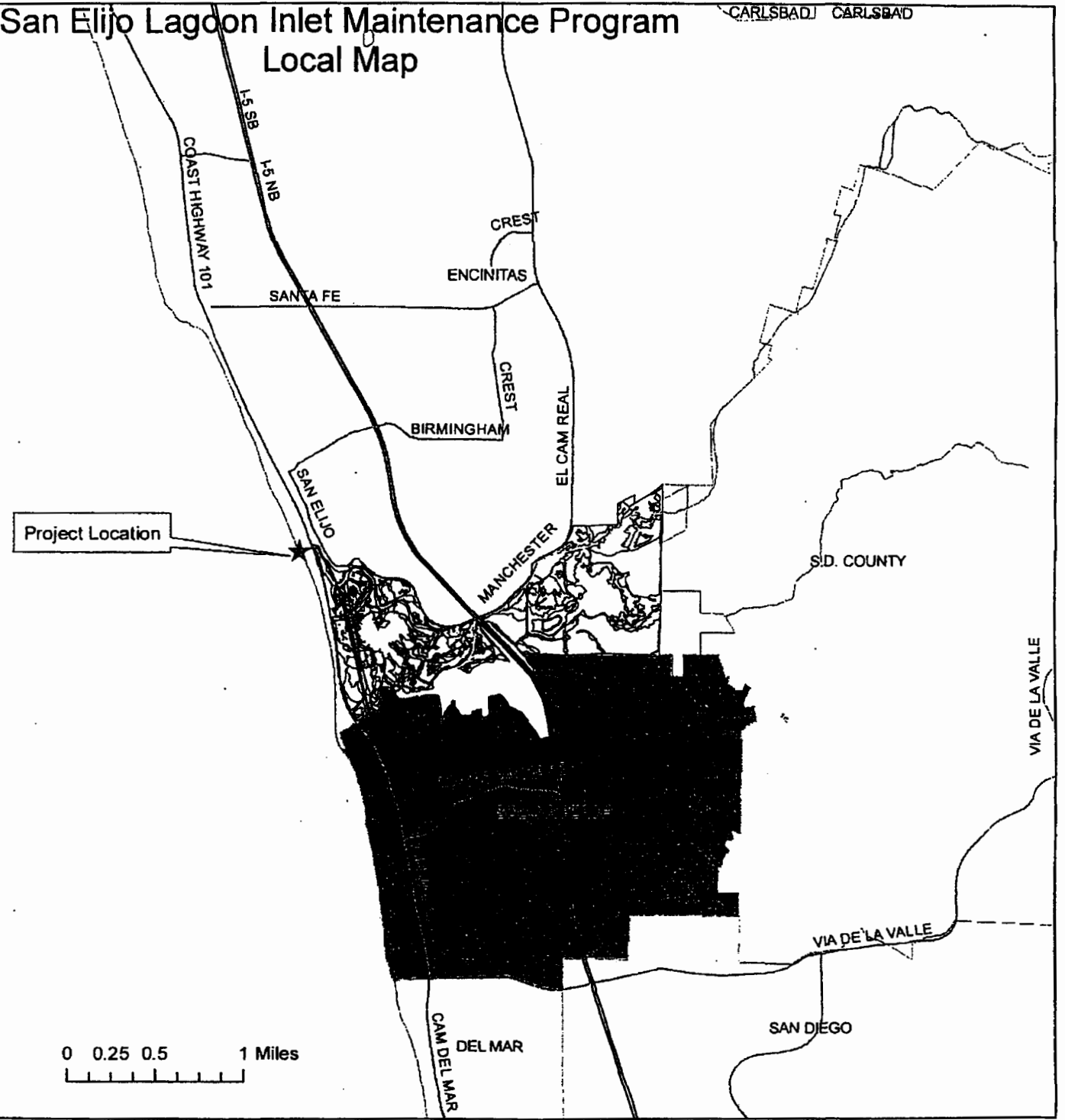
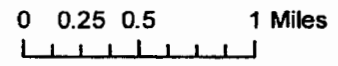
CARLSBAD CARLSBAD

Legend

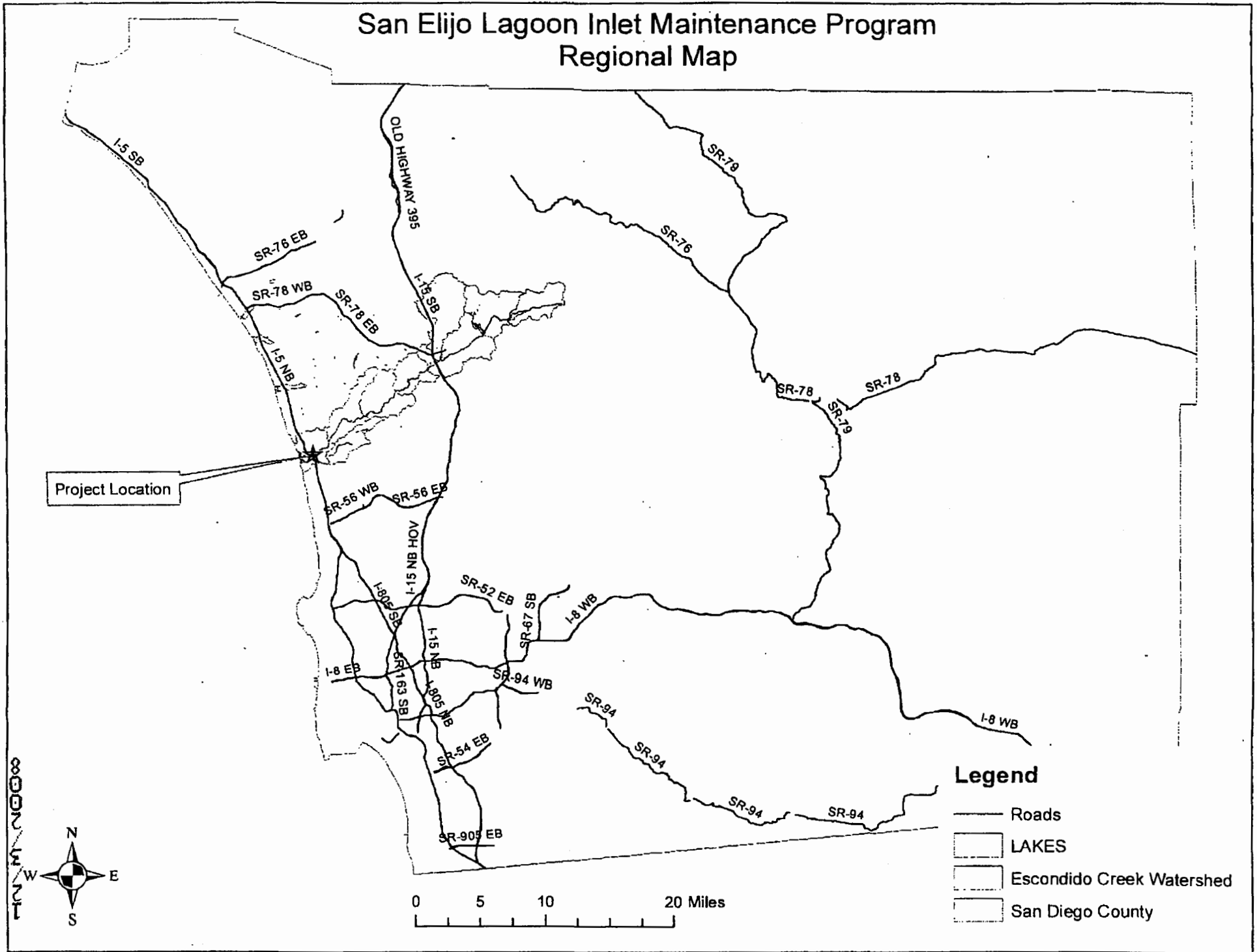
- Highways
- ▭ LAKES
- ▭ San Diego County
- Municipal**
- ▭ <all other values>
- NAME**
- ▭ ENCINITAS
- ▭ SOLANA BEACH
- Roads
- ▭ San Elijo Lagoon

Project Location

SANDAG



San Elijo Lagoon Inlet Maintenance Program Regional Map



HN M 2000

ATTACHMENT 4
SITE MAP

Certification No. 08C-072

Sediment Sample 1

Sediment Sample 2

Dredge Area

Sediment Sample 3

Sediment Sample 4

Beach Disposal Site

Dredge & Disposal Calculations	
Emergency Breach	0.82 Acres
Emergency Opening	1.34 Acres
Maintenance Operation	4.27 Acres
Beach Disposal Site	1.00 Acres

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLDED AT DOTTED LINE

CERTIFIED MAIL



7008 1140 0004 9971 8955
7008 1140 0004 9971 8955

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$1.31
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.11

Postmark
Here

Sent To Doug Gibson, San Elijo Lagoon Conservancy
 Street, Apt. No. or PO Box No. P.O. Box 230634
 City, State, ZIP+4 Evanston, CA 92023

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Doug Gibson
 San Elijo Lagoon Conservancy
 P.O. Box 230634
 Evanston, CA 92023

2. Article Number
(Transfer from service label)

7008 1140 0004 9971 8955

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

NOV 14 2006