

California Regional Water Quality Control Board, San Diego Region

February 22, 2013

Certified Mail – Return Receipt Requested
Article Number: 7008 1140 0004 9971 8269

Mr. Rob Rundle
Principal Regional Planner
San Diego Association of Governments
401 B Street
Suite 800
San Diego, CA 92101

In reply/refer to:
787023:mporter

**Subject: Clean Water Act Section 401 Water Quality Certification
No. 12C-083 for the CP San Onfre to CP Pulgas Double
Track - Stage 2: MP 216.5 to MP 218.3**

Mr. Rundle:

Enclosed find Clean Water Act Section 401 Water Quality Certification No. 12C-083 (Certification) for discharges to waters of the United States and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the CP San Onfre to CP Pulgas Double Track - Stage 2: MP 216.5 to MP 218.3 (Project). A description of the Project and Project location can be found in the Project information sheet, location map, and site maps which are included as attachments to this 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 the San Diego Association of Governments 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.

In the subject line of any response, please include reference number 787023:mporter. For questions or comments, please contact Mike Porter by telephone at (858) 467-2726 or by email at mporter@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 12C-083 for the CP San Onfre to CP Pulgas Double Track - Stage 2: MP 216.5 to MP 218.3 Project, with four attachments.

DWG:jgs:db:kd:mpp

cc: Refer to Attachment 2 of the Certification 12C-083 for Distribution List

Tech Staff Info & Use	
Certification No.	12C-083
Party ID	39834
File No.	12C-083
WDID	9 000002522
NPDES No.	None
Regulatory ID	387689
Place ID	787023
Person ID	524619
Inspection ID	None



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

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: CP San Onofre to CP Pulgas Double Track –
Stage 2: MP 216.65 to MP 218.3
Water Quality Certification No. 12C-083
WDID: 9 000002522

APPLICANT: San Diego Association of Governments
401 B Street
Suite 800
San Diego, CA 92101

Reg. Meas.	387689
Place	787023
Party	39834
Person	524619

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 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 San Diego Association of Governments (Applicant) (hereinafter Applicant) submitted an application for Water Quality Certification pursuant to section 401 of the Clean Water Act for the proposed CP San Onofre to CP Pulgas Double Track - Stage 2: MP 216.65 to MP 218.3 Project) on September 28, 2012. The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has deemed the Application to be complete. The Applicant proposes to discharge fill material to waters of the United States and/or State associated with construction of a 1.65 mile long second railroad track parallel to existing track to reduce existing and future train traffic.

The existing corridor consists of a single mainline track. The Project will construct a second mainline track, construct two new bridges, and modify three existing bridges within the project area located on U.S. Marine Corps Base Camp Pendleton. The Project limits are defined from rail Mile Post (MP) 216.65 to MP 218.3. Project construction will be primarily confined to the existing rail corridor.

The new track Project consists of:

- Constructing a new west track between MP 216.65 and MP 218.3.
- Reconstructing (and shifting as needed) the existing main track from MP 218.0 at the Las Flores Creek crossing to the project end at MP 218.3.
- Removing the existing turnout at the southern project terminus.

New railroad bridges will be constructed within the rail right of way at two locations:

MP 217.3 (Las Pulgas Road) – A new steel plate through girder bridge will be installed for the new track. The existing steel girder bridge will remain to carry the existing track.

MP 218.0 (Las Flores Creek/Red Beach Access Road) – A new three-span steel girder bridge will be constructed for the new track. The bridge will be approximately 175 feet long. As part of a separate project, the U.S. Navy will be constructing the Red Beach project, which will provide a similar 175-foot long steel girder bridge located east of the existing arch culvert bridge. The Red Beach project will remove the existing arch bridge and construct the abutments and pilings for the new track mentioned above. The Project will utilize the abutments and piers, thus avoiding impacts to Las Flores Creek for this bridge.

The Project will require the extension of several existing culverts at unnamed drainages to accommodate the proposed second track.

The construction of the Project will permanently impact 0.397 acres (1257 linear feet) of jurisdictional waters of the United States and State which include 0.017 acre (125 linear feet) of non-wetlands with in Mulefat scrub and Riparian scrub habitats and 0.38 acre (1132 linear feet) of wetlands waters within Mulefat scrub and Riparian scrub habitats. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density. Project impacts and compensatory mitigation are summarized in the following table:

Impacts and Compensatory Mitigation:	Acreage:	Linear feet:
Permanent Impacts to non-wetland waters of the U.S. and State	0.017 acre	125 linear feet
Temporary Impacts to non-wetland waters of the U.S. and State	0.021 acre	161 linear feet
Permanent Impacts to wetland waters of the U.S. and State	0.38 acre	1,132 linear feet
Temporary Impacts to wetland waters of the U.S. and State	0.34 acre	1,395 linear feet
Mitigation: offsite establishment of wetlands	0.38 acre	1,132 linear feet
Mitigation: offsite enhancement of wetlands	1.101 acres, minimum	To be determined.
Mitigation: offsite establishment of non-vegetated drainages	0.017 acre, minimum	125 linear feet
Mitigation: offsite enhancement of non-vegetated drainages	0.021 acre, minimum	To be determined.
Mitigation: onsite restoration of wetlands	0.34 acre, minimum	To be determined, but approximately 1,395 linear feet.

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- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map(s)
 4. Site Figures(s)

I. STANDARD CONDITIONS

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:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and Article 6 (commencing with Section 3867 of the 23 CCR).
- B. This Certification 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.
- C. This Certification is conditioned upon total payment of any fee required under this chapter 28 (commencing with section 3830) of 23 CCR and owed by the applicant.

II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 12C-083 (Certification) is only valid if the project begins no later than 5 (five) years from the date of issuance. If the project has not begun within 5 years from the date of issuance, then this Certification shall expire 5 years from the date of issuance.
- B. The Applicant 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 (San Diego Water Board), to support this 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 San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.
- C. During construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies.

- D. Upon presentation of credentials, the Applicant must permit the San Diego Water Board or its authorized representative(s) to:
1. Enter onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 2. Access and/or copy any records required to be kept under the terms and conditions of this Certification.
 3. Inspect and photograph any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
 4. Sample or monitor any discharge or surface water covered by this Certification.
- E. 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.
- F. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may, pursuant to Water Code sections 13267 and 13383, require the holder of any permit or license subject to this Certification to investigate, monitor, and report information on the violation; provided that the burden, including costs of preparing the reports, bears a reasonable relationship to the need for and the benefits to be obtained from the reports.
- G. In response to any violation of the conditions of this Certification, or if the results of the Project have unintended impacts to water quality, the San Diego Water Board may modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Construction Best Management Practices (BMPs) must be implemented as described in the *Storm Water Pollution Prevention Plan for Order No. 2009-0009-DWQ San Onofre to Pulgas Double Track Stage 2*, prepared by Project Design Consultants, and dated September 13, 2012. Construction BMPs must include, but not be limited to:
1. Sediment Control;
 2. Erosion Control;
 3. Material Delivery and Storage;
 4. Material Use;

5. Stockpile Management;
 6. Spill Prevention and Control;
 7. Solid Waste Management;
 8. Hazardous Waste Management;
 9. Sanitary/Septic Waste Management;
 10. Storm Drain Inlet Protection;
 11. Water Conservation Practices;
 12. Dewatering Operations;
 13. Vehicle and Equipment Cleaning;
 14. Vehicle and Equipment Fueling;
 15. Vehicle and Equipment Maintenance;
 16. Concrete Waste and Curing Management; and
 17. Stabilized Construction Ingress/Egress.
- B. The Applicant must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*.
- C. Prior to the start of the project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
- D. The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
- E. 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 San Diego Water Board pursuant to Water Code section 13260.
- F. Discharges of flow during construction or after completion must not cause downstream erosion, damage to properties, or stream habitat.
- G. 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.
- H. All surface waters, including ponded waters, must be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives

of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

- I. All areas that will be left in a rough graded state must be stabilized no later than two weeks after completion of grading. The Applicant, land owners, and/or land managers are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at <http://www.cal-ipc.org/ip/inventory/weedlist.php>.
- J. Except as authorized by this Certification, 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.
- K. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State. Use of aquatic pesticides must be done in accordance with *State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.
- L. If groundwater dewatering with discharge to surface water is necessary for project construction, the Applicant must comply with *San Diego Water Board Order No. R9-2008-0002, General Waste Discharge Requirements for Discharges from Groundwater Extraction and Similar Discharges to Surface Waters Within the San Diego Region*. These General Waste Discharge Requirements are accessible at: http://www.swrcb.ca.gov/rwqcb9/board_decisions/adopted_orders/2008/2008_0002.pdf

IV. ADDITIONAL CONDITIONS: IMPACTS AND COMPENSATORY MITIGATION

- A. Impacts to waters of the United State and/or State associated with the Project are limited to:
 1. Permanent impacts to non-wetland waters of the U.S. and State of no more than 0.017 acre and 125 linear feet.
 2. Temporary impacts to non-wetland waters of the U.S. and State of no more than 0.21 acre and 161 linear feet.

3. Permanent impacts to wetland waters of the U.S. and State of no more than 0.38 acre and 1,132 linear feet.
 4. Temporary impacts to wetland waters of the U.S. and State of no more than 0.34 acre and 1,395 linear feet.
- B. A compensatory mitigation plan acceptable to the San Diego Water Board must be submitted within 60 days of issuance of this Certification.
- C. Mitigation must be in-kind with the impacts.
- D. Mitigation must be within the Santa Margarita watershed.
- E. The mitigation plan must follow the 2008 Mitigation Rule¹.
- F. The compensatory mitigation plan must propose the following:
1. Establishment of a minimum of 0.38 acre, 1,132 linear feet, of wetlands as Mulefat scrub and Riparian scrub.
 2. Enhancement of a minimum of 1.101 acres of wetlands as Mulefat scrub and Riparian scrub.
 3. Establishment of a minimum of 0.017 acre, 125 linear feet, of non-vegetated drainages.
 4. Enhancement of a minimum of 0.021 acre of non-vegetated drainages.
 5. Onsite restoration of 0.34 acres, ~1,395 linear feet, of Riparian scrub and associated understory.
- G. The construction of proposed mitigation 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. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- H. The Applicant must restore all areas of temporary impacts. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species.

¹ See Department of Defense, Department of the Army, Corps of Engineers, 33 CFR Parts 325 and 332 and Environmental Protection Agency, 40 CFR Part 230, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule. Access at http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/mitig_info.aspx

- I. Mitigation areas must be maintained free of perennial exotic plant species, in perpetuity, 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 mitigation areas.
- J. San Diego Water Board acceptance of the final mitigation plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation.
- K. Any maintenance activities that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited. Maintenance activities are limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plants and remedial measures deemed necessary for the success of the mitigation site.
- L. If at any time during the implementation and establishment of the mitigation areas, and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation areas, the Applicant is responsible for repair and replanting of the damaged areas.
- M. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the U.S. and/or State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh). Restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the U.S. and/or State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the U.S. and/or State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the U.S. and/or State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species). Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the U.S. and/or State (e.g., conservation easement).
- N. Mitigation site monitoring must continue until the mitigation site has met the success criteria stated in the mitigation plan and until the San Diego Water Board agrees to cessation of mitigation site monitoring. The mitigation site must be maintained, in perpetuity, free of non-native and invasive plant species and in accordance with specified success criteria described in the mitigation plans.

V. MONITORING REQUIREMENTS

- A. Prior to construction initiation, the Applicant shall develop a monitoring plan, acceptable to the San Diego Water Board, that contains the following element:

California Rapid Assessment Method

The Applicant must conduct a quantitative function-based assessment of the health of wetland and riparian habitats to establish baseline conditions, set success criteria, and assess mitigation site progress at the mitigation area(s). The California Rapid Assessment Method (CRAM)² must be used prior to the start of construction and then three and five years following construction completion and continuing until success criteria have been met. The results of the CRAM assessment must be submitted with the respective Annual Mitigation Monitoring Reports described in Section VII of this Certification.

The San Diego Water Board may make revisions to the monitoring program at any time during the five year monitoring term, and may include a reduction or increase in the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.

Where procedures are not otherwise specified for the monitoring, sampling, and analysis, the quality assurance/quality control procedures must be conducted in accordance with the Surface Water Ambient Monitoring Program (SWAMP) Quality Assurance Program Plan (QAPP)³ for the State of California's Surface Water Ambient Monitoring Program, adopted by the State Water Resources Control Board.

VI. NOTIFICATION REQUIREMENTS

- A. The Applicant must report to the San Diego Water Board any noncompliance that may endanger human health or the environment. Any information shall be provided orally within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within **five (5) days** of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the incident and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The San Diego Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral

² Information on CRAM is available at the California Rapid Assessment Method homepage at <http://www.cramwetlands.org/>

³ The Quality Assurance Program Plan is available on the State Water Board's SWAMP website at http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/qaprp082209.pdf

report has been received within 24 hours.

- B. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so. The seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
- Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.
- C. **Prior to the start of construction,** the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all offsite mitigation areas and their buffers in perpetuity. **Within one year of the start of construction,** the Applicant must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation property must be adequate to demonstrate that the site will be maintained without future development or encroachment on the site which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the United States that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the site. The preservation mechanism must

clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

- D. The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the commencement of dredge, fill, and discharge activities.

VII. REPORTING REQUIREMENTS

- A. **Annual Project Completion Progress Reports.** The Applicant must submit Annual Project Completion progress reports describing the status of Project construction and compliance with all requirements of this Certification to the San Diego Water Board on **December 1** of each year following the issuance of this Certification until the project has reached completion. The Applicant must also submit a Final Project Completion Report to the San Diego Water Board within 30 days of Project completion and prior to any authorized use of the constructed Project. The **Annual Project Completion Progress Reports** and the Final Project Completion Report must include, but not be limited to, the following information:

1. Date of construction initiation.
2. Projected or actual date of construction completion.
3. A description of all incidents of non-compliance and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
4. Final Project Completion Report: As-built drawings no larger than 11"X17", photo documentation of implemented post-construction BMPs. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.

- B. **Annual Mitigation Monitoring Reports.** Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful by the San Diego Water Board. Annual monitoring reports must be submitted prior to **December 1** of each year. Monitoring reports must include, but not be limited to, the following:

1. Names, qualifications, and affiliations of the persons contributing to the report.
2. Date of initiation of mitigation installation and date mitigation installation was completed.
3. Mitigation as-builts, including topography maps and planting locations.
4. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data.

5. Topographic complexity characteristics at each mitigation site.
 6. Upstream and downstream habitat and hydrologic connectivity.
 7. Source of hydrology.
 8. Width of native vegetation buffer around the entire mitigation site.
 9. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results.
 10. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, prior to and after implementation. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced.
 11. A Survey report documenting boundaries of mitigation area(s), including Geographic Information System (GIS) shape files (polygons) of the impact and mitigation areas (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.
- C. All information requested in this Certification is pursuant to Water Code section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to Water Code section 13268.
- D. The Applicant shall submit both one complete electronic copy (on CD or other appropriate media) and one complete paper copy of all reports required under this Certification including notifications, technical reports, and monitoring reports. All correspondence and documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: 787023:mporter Certification No. 12C-083. The preferred electronic format for each report submission is PDF format that is Optical Character Recognition (OCR) capable.
- E. All applications, reports, or information submitted to the San Diego Water Board must be signed and certified as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

- c. The written authorization is submitted to the San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- F. All applications, reports, or information submitted to the San Diego Water 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."

- G. The Applicant must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. 12C-083; 787023:mporter
9174 Sky Park Court, Suite 100
San Diego, California 92101

VIII. CEQA FINDINGS

The federal Surface Transportation Board has jurisdiction over rail projects related to interstate commerce and has concluded that, under title 49 United States Code §10501(b), state and local agencies are preempted from requiring permits or other approvals for interstate railroads' maintenance, use or upgrading of facilities, including construction of a passing track, where such railroads are subject to the jurisdiction of the Surface Transportation Board (See, Surface Transportation Board Docket No. 34111, North San Diego County Transit Development Board - Petition for Declaratory Order, Aug. 19, 2002). The San Diego Water Board concurs that it is preempted from requiring environmental permits, including compliance with the California Environmental Quality Act (Pub. Res. Code section 21100 et seq.) and finds that this Project is not subject to the California Environmental Quality Act. In addition, this Project would also be statutorily exempt from CEQA were it applicable, pursuant to CEQA Guideline

section 15275(a), which exempts from CEQA projects for “institution or increase of passenger or commuter service on rail lines . . .”.

IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION

On October 5, 2012, receipt of the Project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

X. SAN DIEGO WATER BOARD CONTACT PERSON

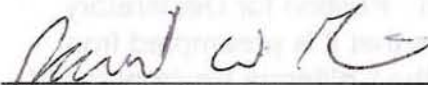
Mike Porter, Engineering Geologist
California Regional Water Quality Control Board San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92101
Telephone: 858-467-2726
Email: mporter@waterboards.ca.gov

XII. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **CP San Onofre to CP Pulgas Double Track Project - Stage 2: MP 216.65 to MP 218.3 Project** (Certification No. 12C-083) 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.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' project description and/or on the attached project Information Sheet, and (b) on compliance with all applicable requirements of the Water Quality Control Plan for the San Diego Basin Region (9) (Basin Plan).

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. 12C-083 issued on February 22, 2013.



DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

2/22/2013
Date

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Mr. Rob Rundle
Principal Planner
San Diego Association of Governments
Department of Land Use and Transportation Planning
Environmental/Public Facilities Planning
401 B Street
Suite 800
San Diego, CA 92101
Telephone: 619-699-6949
Fax: 619-699-4888
Email: rob.rundle@sandag.org

Applicant's Representative: Mr. Tom Huffman
Chief Development Officer
HELIX Environmental Planning, Inc.
7578 El Cajon Boulevard
Suite 200
La Mesa, CA 91942
Telephone: 619-462-1515
Fax: 619-462-0552
Email: tomh@helixepi.com

Project Name: Control Point (CP) San Onofre to CP Pulgas Double Track -
Stage 2: MP 216.65 to MP 218.3 Project.

Project Location: The proposed project is located on U.S. Marine Corps Camp
Pendleton in north-coastal San Diego County, California. The
project starts at approximately 0.5 mile south of the Old Pacific
Highway overcrossing at MP 216.65 and ends about 1,400 feet
south of Las Flores Creek at MP 218.3. The center of the project
is located approximately at latitude 33.310042° north and
longitude -117.463627° east.

Type of Project: Railway improvements.

Project Need and Description:

The Applicant has proposed to construct a 1.65 mile long second railroad track parallel to existing track to reduce existing and future train traffic.

The existing corridor consists of a single mainline track. The proposed project would construct a second mainline track and new bridges within the project area located on U.S. Marine Corps Base Camp Pendleton. The project limits are defined from rail MP 216.65 to MP 218.3. The project construction would be primarily confined to the existing rail corridor.

New track construction would consist of:

- Constructing a new west track between MP 216.65 and MP 218.3.
- Reconstructing (shifting as needed) the existing main track from MP 218.0 at the Las Flores Creek crossing to the project end at MP 218.3.
- Removing the existing turnout at the southern project terminus.

New railroad bridges would be constructed within the rail right of way at two locations:

MP 217.3 (Las Pulgas Road) – A new steel plate through girder bridge would be installed for the new track. The existing steel girder bridge would remain to carry the existing track.

MP 218.0 (Las Flores Creek/Red Beach Access Road) – A new three-span steel girder bridge would be constructed for the new track. The bridge would be approximately 175 feet long. As part of a separate project, U.S. Navy will be constructing the Red Beach project, which will provide a similar 175-foot long steel girder bridge located east of the existing arch culvert bridge. The Red Beach project will remove the existing arch bridge and construct the abutments for the new track mentioned above. The proposed action would utilize the abutment and construct new intermediate piers avoiding additional impacts to Las Flores Creek.

The proposed project would require the extension of several existing culverts at unnamed drainages to accommodate the proposed second track.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, Nationwide Permits 14, Ms. Courtney Stevens, San Diego Field Office.

U.S. Fish and Wildlife Service, Endangered Species Act Consultation, Ms. Lauren Kershek.

Other Required Regulatory Approvals: California Department Coastal Commission, Federal Coastal Consistency Certification, Mr. Larry Simon.

California Environmental Quality Act (CEQA) Compliance: The federal Surface Transportation Board has jurisdiction over rail projects related to interstate commerce and has concluded that, under title 49 United States Code §10501(b), state and local agencies are preempted from requiring permits or other approvals for interstate railroads' maintenance, use or upgrading of facilities, including construction of a passing track, where such railroads are subject to the jurisdiction of the Surface Transportation Board. (See, Surface Transportation Board Docket No. 34111, North San Diego County Transit Development Board - Petition for Declaratory Order, Aug. 19, 2002.) The San Diego Water Board concurs that it is preempted from requiring environmental permits, including compliance with the California Environmental Quality Act (Pub. Res. Code section 21100 et seq.) and finds that this project is not subject to the California Environmental Quality Act. In addition, this project would also be statutorily exempt from CEQA were it applicable, pursuant to CEQA Guideline section 15275(a), which exempts from CEQA projects for "institution or increase of passenger or commuter service on rail lines . . ."

Receiving Waters: Nine un-named ephemeral tributaries to the Pacific Ocean and twelve wetlands; San Juan hydrologic unit, San Onofre hydrologic area, San Onofre Valley (901.51) and Las Pulgas (905.52) hydrologic subareas.

Impacted Wetlands and Waters of the United States and State:

Permanent impacts:

Wetland waters – 0.38 acre, 1,132 linear feet.
Non-wetland waters – 0.017 acre, 125 linear feet.

Temporary:

Wetland waters – 0.34 acre, 1,395 linear feet.
Non-wetland waters – 0.021 acre, 161 linear feet.

Impacted Waters for CDFG jurisdiction only:

The project is not subject to CDFG jurisdiction.

Dredge Volume:

None.

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

Certification No. 12C-018 – CP San Onofre to CP Pulgas Double Track Project – Stage 1.

U.S. Navy Red Beach Project.

Compensatory Mitigation:

Compensatory mitigation will include the following:

- Offsite establishment of a minimum of 0.38 acre, 1,132 linear feet, of wetlands as Mulefat scrub and Riparian scrub.
- Offsite enhancement of a minimum of 1.101 acres of wetlands as Mulefat scrub and Riparian scrub with linear fee to be determined.
- Offsite establishment of establishment of 0.017 acre, 125 linear feet, of non-vegetated drainages.
- Offsite enhancement of 0.021 acre of non-vegetated drainages with linear feet to be determined.
- Onsite restoration of 0.34 acre, approximately 1,395 linear feet, of riparian trees and associated understory.

Best Management Practices (BMPs):

Construction BMPs are described in the *Storm Water Pollution Prevention Plan for Order No. 2009-0009-DWQ San Onofre to Pulgas Double Track Stage 2*, prepared by Project Design Consultants, and dated September 13, 2012. Proposed BMPs include:

- Sediment Control
- Erosion Control
- Material Delivery and Storage
- Material Use
- Stockpile Management
- Spill Prevention and Control
- Solid Waste Management
- Hazardous Waste Management
- Sanitary/Septic Waste Management
- Storm Drain Inlet Protection
- Water Conservation Practices
- Dewatering Operations
- Vehicle and Equipment Cleaning
- Vehicle and Equipment Fueling
- Vehicle and Equipment Maintenance
- Stabilized Construction Ingress/Egress
- Wind Erosion Control

There are no post-construction BMPs proposed as the proposed project does not add impervious areas and generate runoff.

Public Notice:

On October 5, 2012, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No comments were received.

Fees:

Total Due: \$8,332.00
Total Paid: \$944.00 (Check No. 00833823)
Total Paid: \$7,378.00 (Check No. 00839290)

CIWQS:

Regulatory Measure ID: 387689
Place ID: 787023
Party ID: 39834
Person ID: 524619
WDID 9 000002522

**ATTACHMENT 2
DISTRIBUTION LIST**

Ms. Courtney Stevens
U.S. Army Corps of Engineers
San Diego Field Office
courtney.stevens@usace.army.mil

Mr. Eric Raffini
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
R9-WTR8-Mailbox@epa.gov

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

U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

Mr. Erich Lathers
President
BRG Consulting, Inc.
erich@brginc.net

Mr. Tom Huffman
Chief Development Officer
HELIX Environmental Planning, Inc.
tomh@helixepi.com

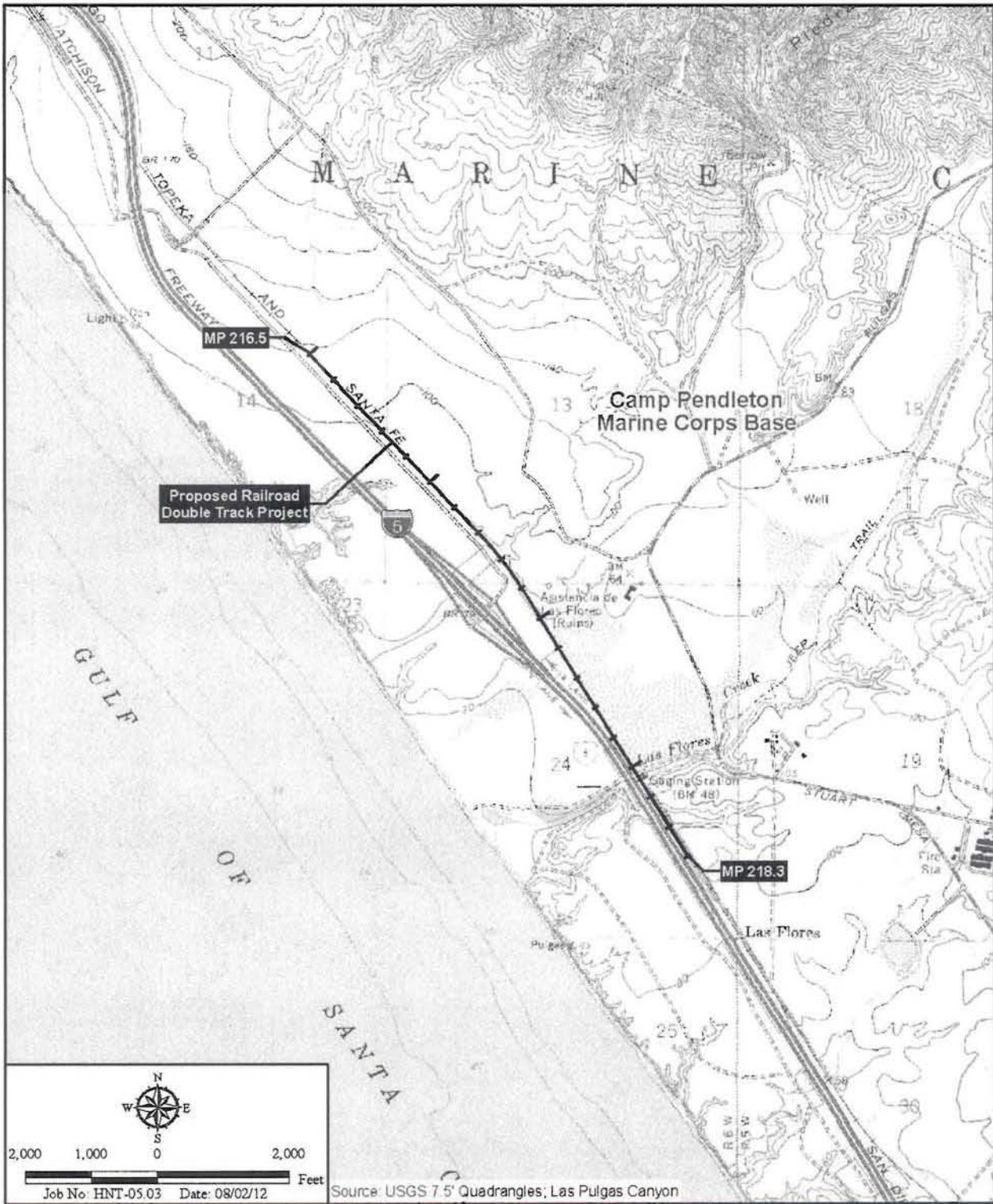
ATTACHMENT 3

LOCATION MAPS

Figure 1: Location and Aerial View of Project Limits



Figure 2: USGS Quadrangle Map, Las Pulgas Canyon



ATTACHMENT 4

SITE FIGURES

Figure 3: Proposed Improvements

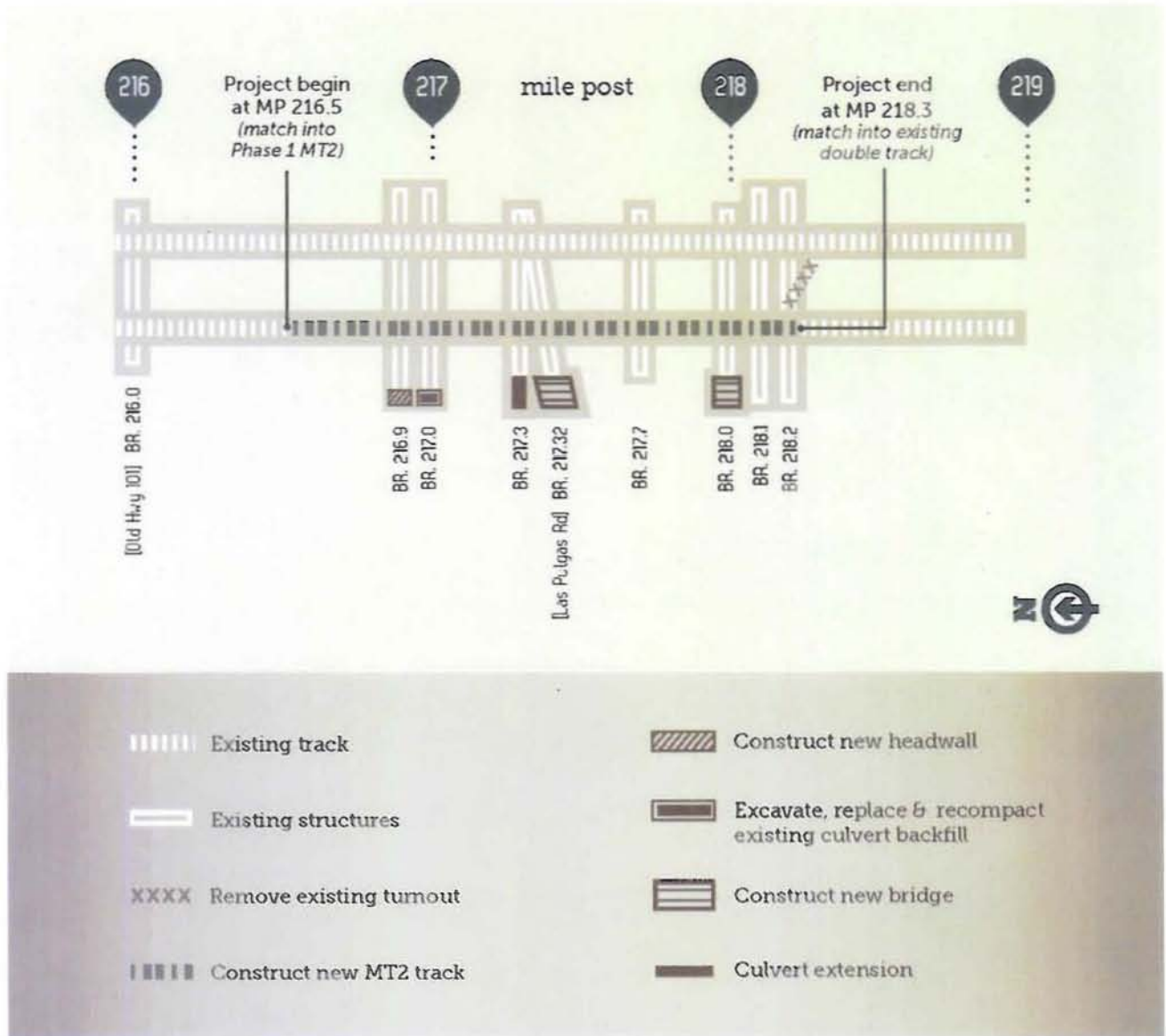
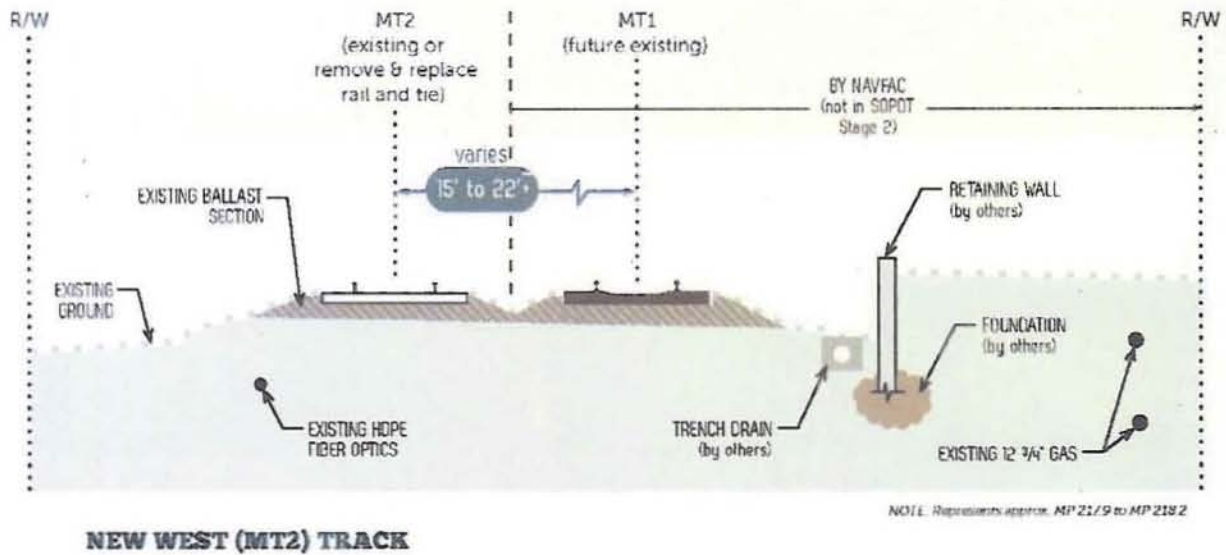
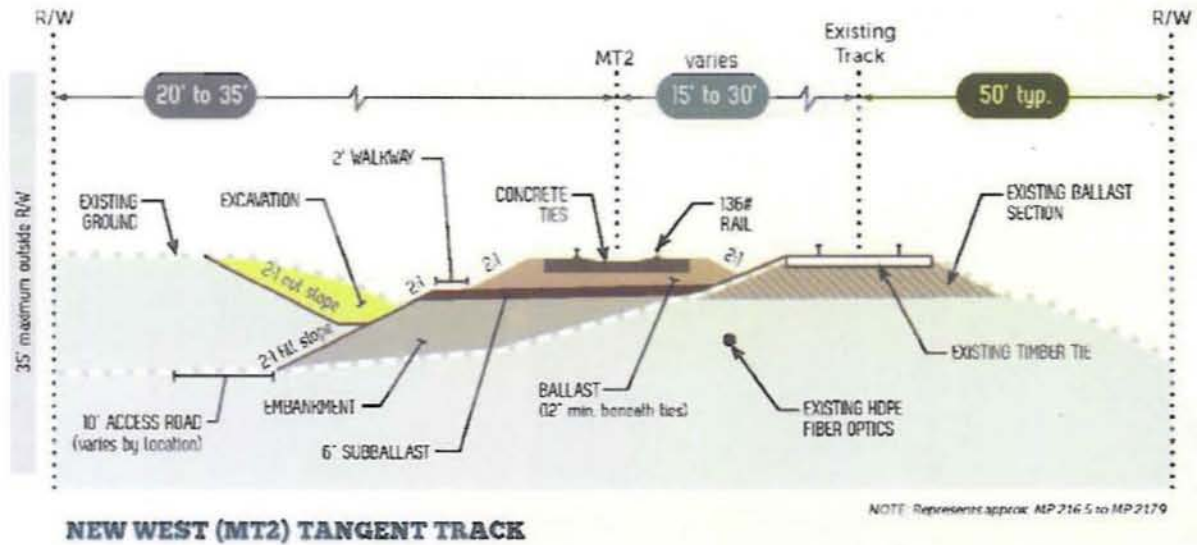
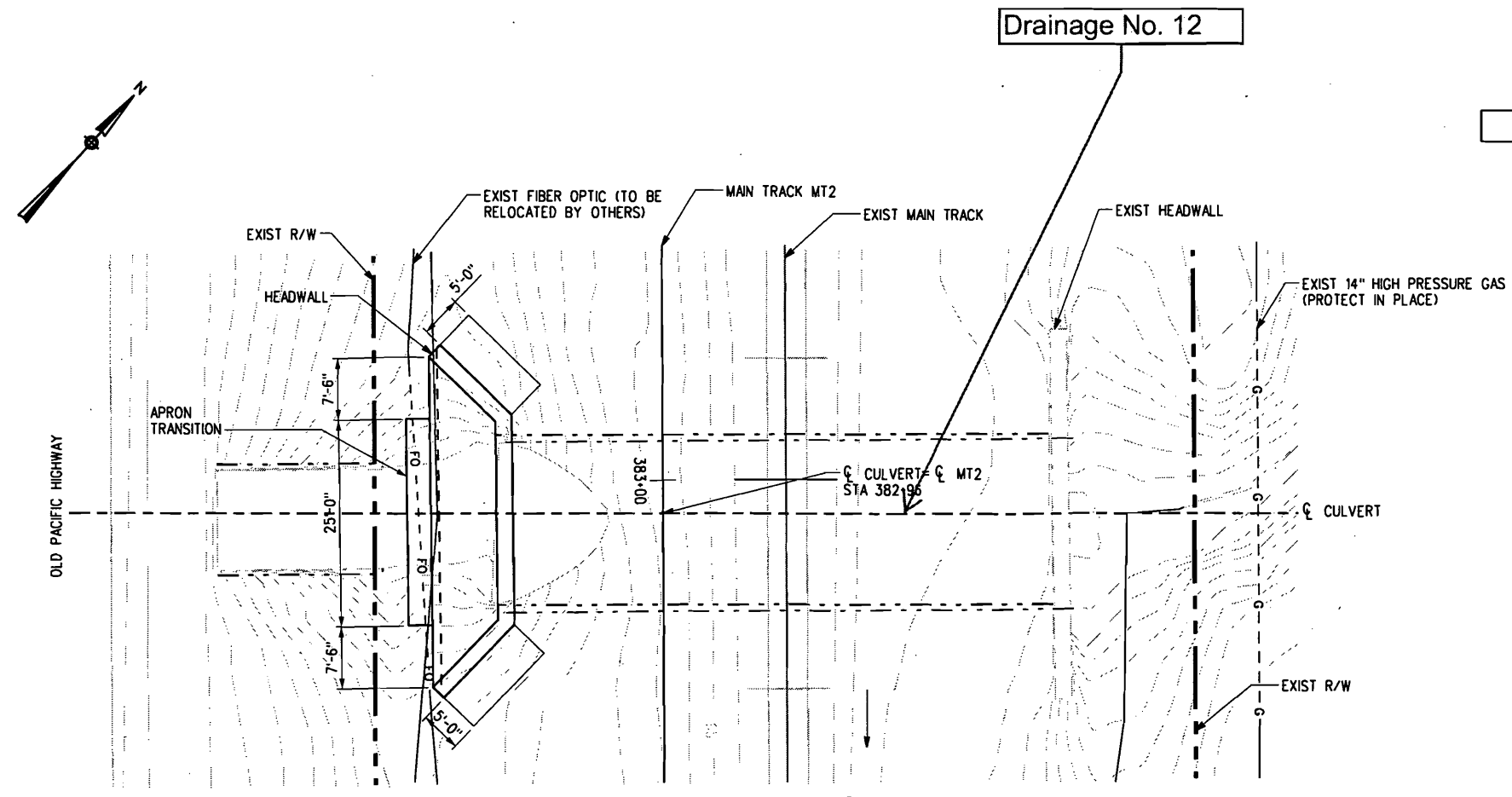
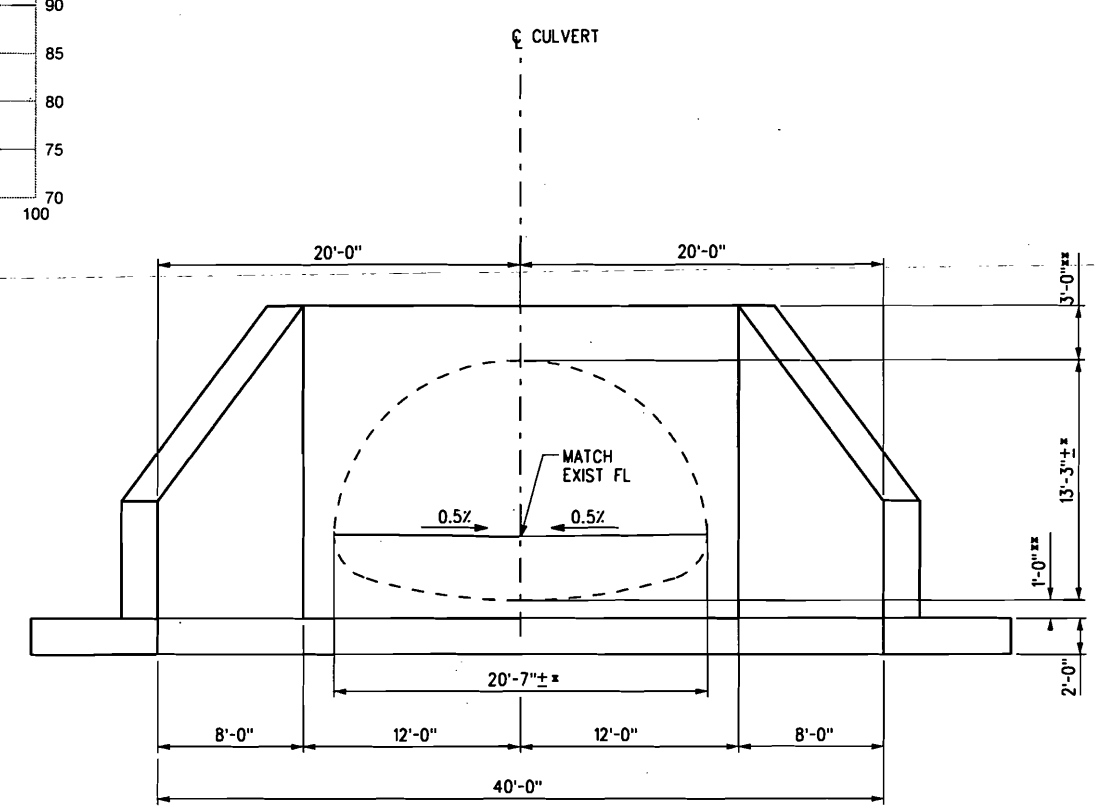
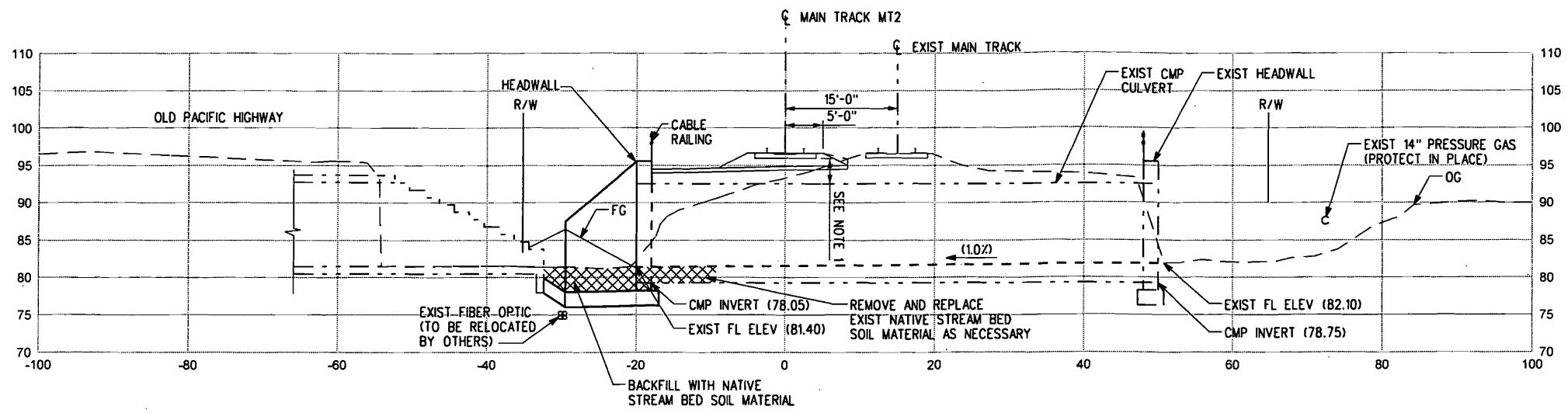


Figure 4: Track Typical Cross Sections





* INSIDE SPAN OF CULVERT
** MEASURED FROM INSIDE OF CULVERT

APRON TRANSITION NOT SHOWN FOR CLARITY.

- NOTES:
1. MINIMUM COVER SHALL BE 4'-0" (BOTTOM OF TIE TO TOP-OF-CMP) AT 5'-0" FROM ζ MT2.
 2. CONTRACTOR TO INSTALL TEMPORARY SHORING TO SUPPORT EXISTING EMBANKMENT AS NECESSARY.
 3. CONTRACTOR TO VERIFY THE LOCATION OF UTILITIES AFFECTED BY THE CONSTRUCTION.

NOTE: THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.

NO.	DATE	REVISIONS	BY	CHK	APRV
	08/08/12	60% SUBMITTAL			

HNTB
401 B Street
Suite 510
San Diego, CA 92101

DESIGNED BY
L. ZHOU
DATE
07/30

DRAWN BY
L. ZHANG
DATE
07/30

CHECKED BY
P. PENCE
DATE
08/02

SANDAG PRJ. ENG.
B. SMITH
DATE
8/08

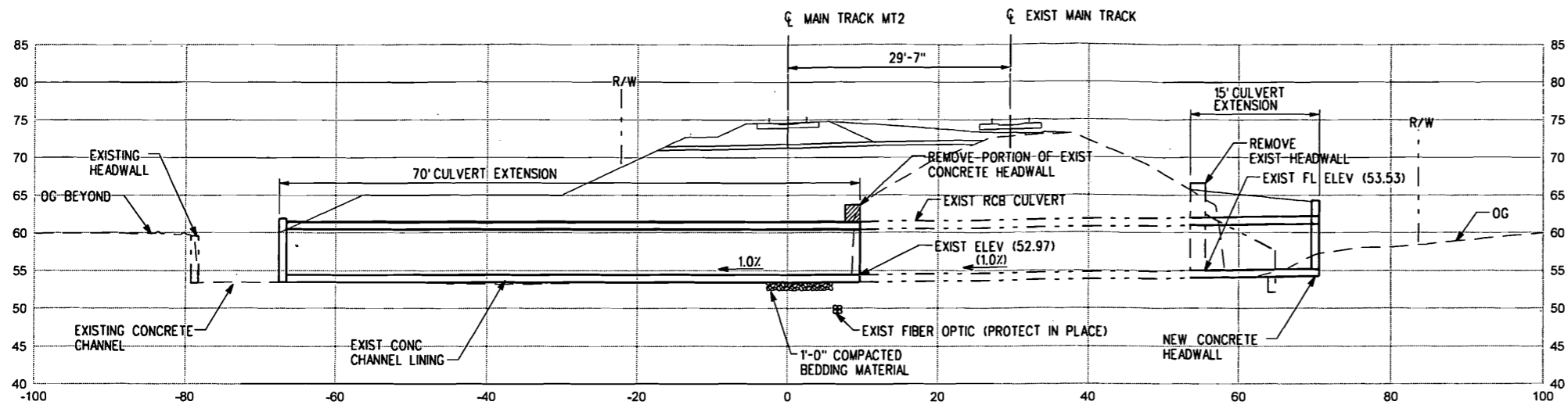


CP SAN ONOFRE TO
CP PULGAS DOUBLE TRACK - STAGE 2

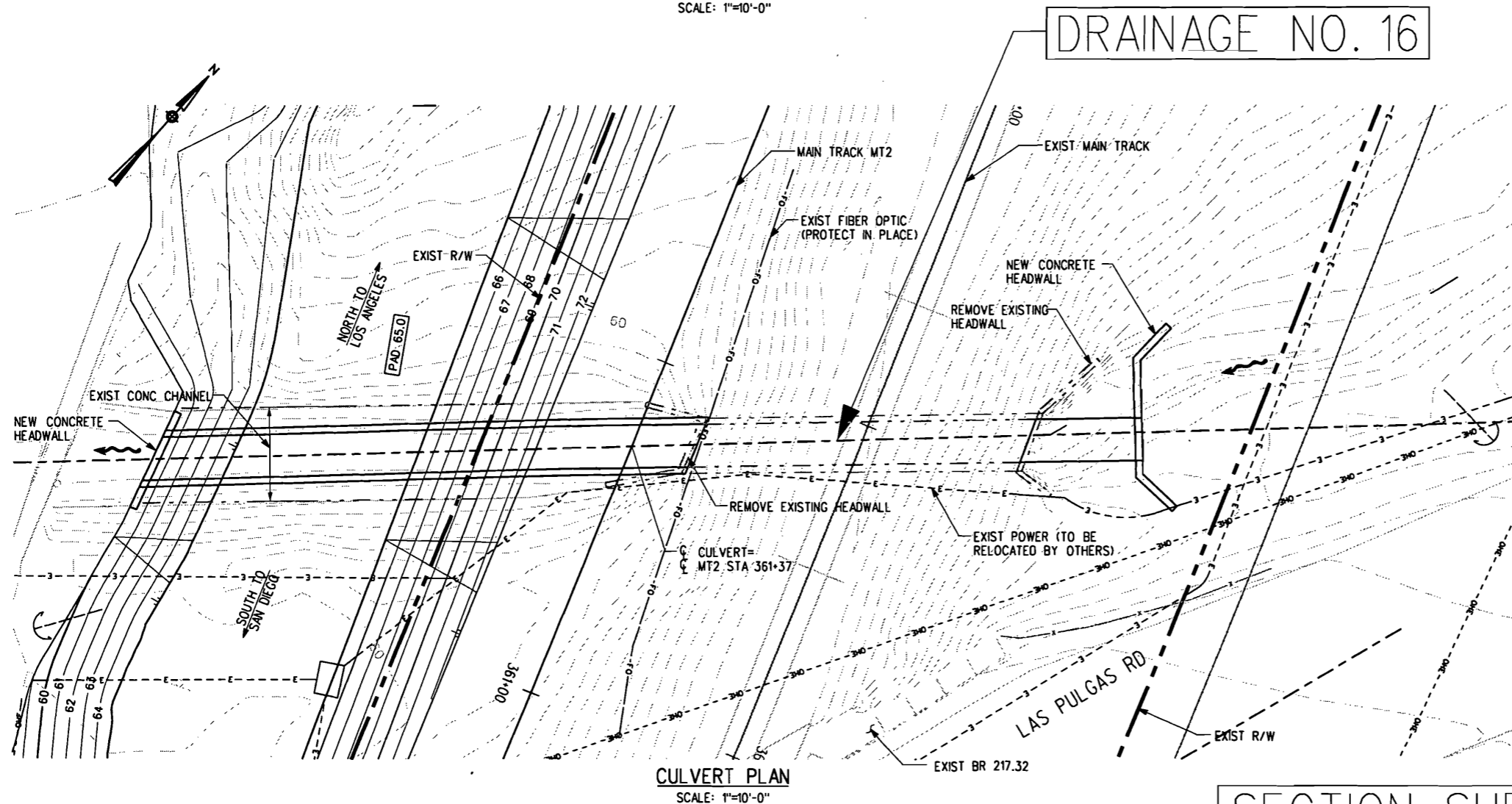
BRIDGE 216.9
(STATION 382+96)
GENERAL PLAN

SCALE AS SHOWN
SANDAG CONTRACT NO. 5000923
DRAWING NO. S-101
SHEET NO.

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CULVERT EXTENSION CROSS-SECTION
SCALE: 1"=10'-0"



CULVERT PLAN
SCALE: 1"=10'-0"

DRAINAGE NO. 16

NOTES:

1. CONTRACTOR TO INSTALL TEMPORARY SHORING TO SUPPORT EXISTING EMBANKMENT AS NECESSARY.
2. REMOVE EXISTING INLET APRON AND WINGWALLS. CHIP BACK END OF EXISTING CULVERT A MINIMUM OF 3" LEAVING A 1/4" AMPLITUDE ROUGHENED SURFACE BEFORE PLACING CONCRETE AND CULVERT EXTENSION.
3. CONTRACTOR TO VERIFY THE LOCATION OF UTILITIES AFFECTED BY THE CONSTRUCTION.

SECTION SHEET FOR DRAINAGE NO. 16

NOTE: THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.

NO.	DATE	REVISIONS	BY	CHK	APRV
	08/08/12	60% SUBMITTAL			

HNTB
401 B Street
Suite 510
San Diego, CA 92101

DESIGNED BY M. VAN DUYN	DATE 07/30
DRAWN BY L. ZHANG	DATE 07/30
CHECKED BY P. PENCE	DATE 08/02
SANDAG PRJ. ENG. B. SMITH	DATE 8/08

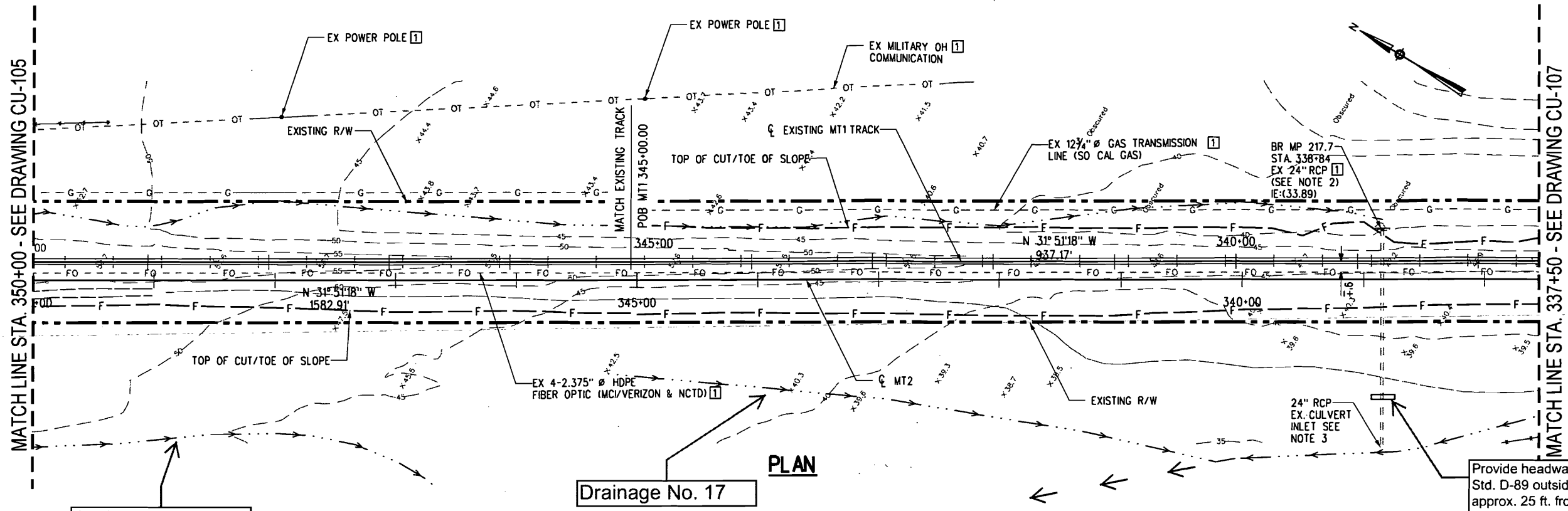


CP SAN ONOFRE TO
CP PULGAS DOUBLE TRACK - STAGE 2

BRIDGE 217.3 (STATION 361+37)
GENERAL PLAN

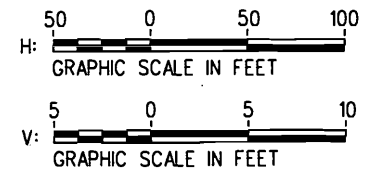
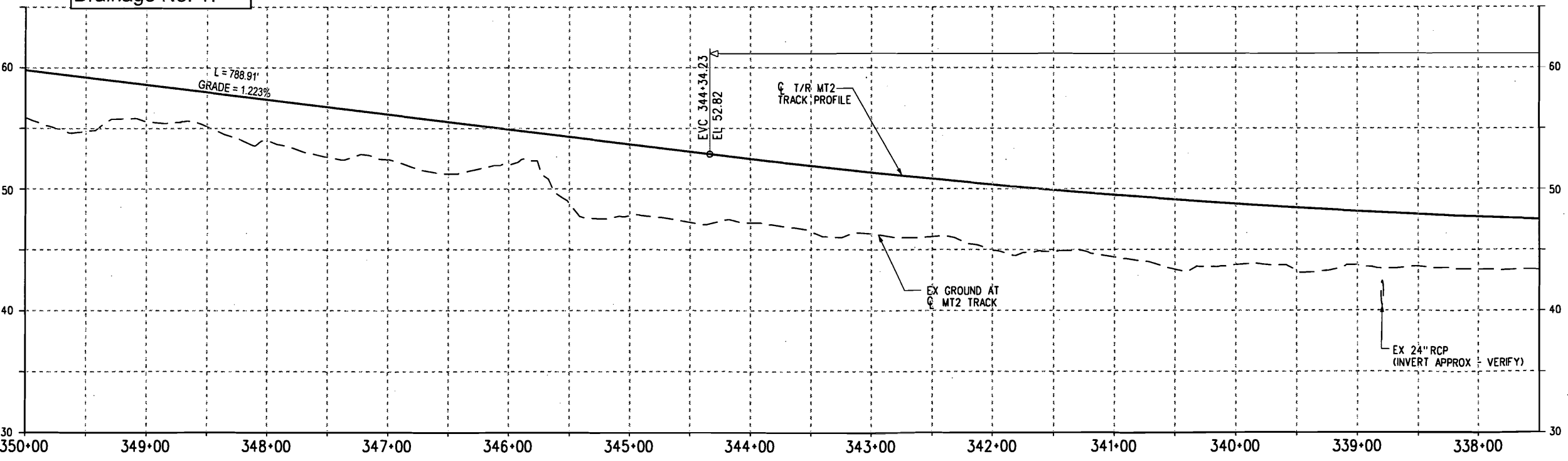
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SANDAG CONTRACT NO. 5000923
DRAWING NO. S-301
SHEET NO.

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- NOTES:**
- FOR GENERAL NOTES, SEE DRAWING CU-101.
 - CLEAN OUT AND REGRADE THE SWALE.
 - Clean out culvert. Sawcut and remove top half of culvert from outlet to headwall. Provide 2:1 side slopes from culvert springline to daylight to existing grade.
- KEY NOTES:**
- 1 PROTECT IN PLACE
 - 2 TO BE REMOVED
 - 3 TO BE RELOCATED BY OTHERS
 - 4 TO BE ABANDONED

Provide headwall per CALTRANS Std. D-89 outside the ex. dirt road, approx. 25 ft. from end of pipe.



MT2 PROFILE

Plan Sheet for Drainage No. 17

NOTE: THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.

NO.	DATE	REVISIONS	BY	CHK	APRV
	08/08/12	60% SUBMITTAL			

HNTB
401 B Street
Suite 510
San Diego, CA 92101

DESIGNED BY
A. BORRELL
DATE
07/30
DRAWN BY
C. SWANSON
DATE
07/30
CHECKED BY
M. WEBER
DATE
08/02
SANDAG PRJ. ENG.
B. SMITH
DATE
8/08



CP SAN ONOFRE TO
CP PULGAS DOUBLE TRACK - STAGE 2
GRADING, DRAINAGE, AND UTILITY
PLAN AND PROFILE
STA 337+50 TO STA 350+00

SCALE AS SHOWN
SANDAG CONTRACT NO. 500923
DRAWING NO. CU-106
SHEET NO.

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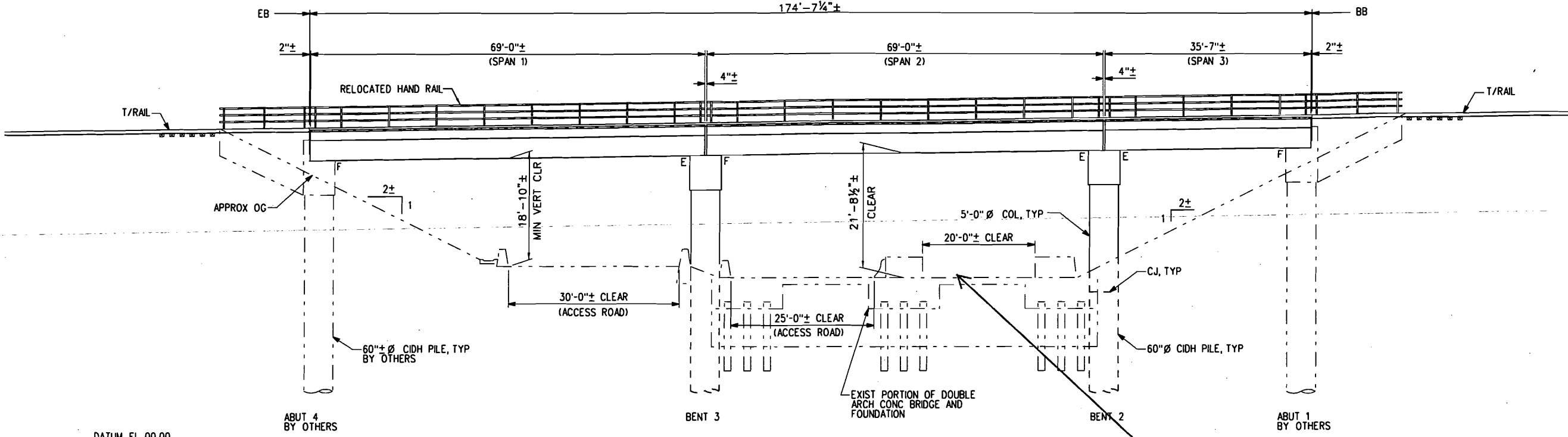
GRADE = -1.291%

BVC 324+81.61
EL 53.45

POE MT1 313+94.80
EL 67.48

PROFILE GRADE - T/R
NO SCALE

174'-7 1/2"±

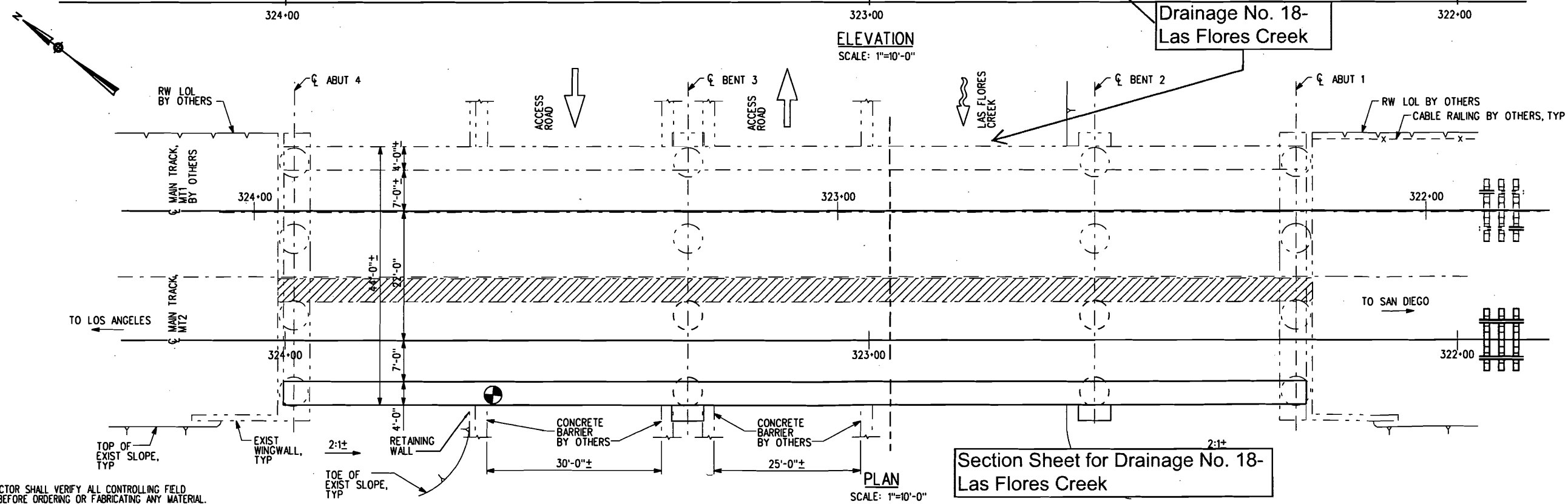


- LEGEND:**
- E EXPANSION BEARING
 - F FIXED BEARING
 - REMOVE & RELOCATE HAND RAILING & WALKWAY ASSEMBLY
 - POINT OF MINIMUM VERT CLEARANCE

DATUM EL 00.00

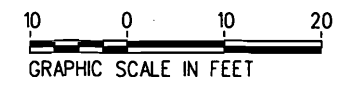
ELEVATION
SCALE: 1"=10'-0"

**Drainage No. 18-
Las Flores Creek**



**Section Sheet for Drainage No. 18-
Las Flores Creek**

PLAN
SCALE: 1"=10'-0"



NOTE: THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.

NO.	DATE	REVISIONS	BY	CHK	APRV
	08/08/12	60% SUBMITTAL			

HNTB
401 B Street
Suite 510
San Diego, CA 92101

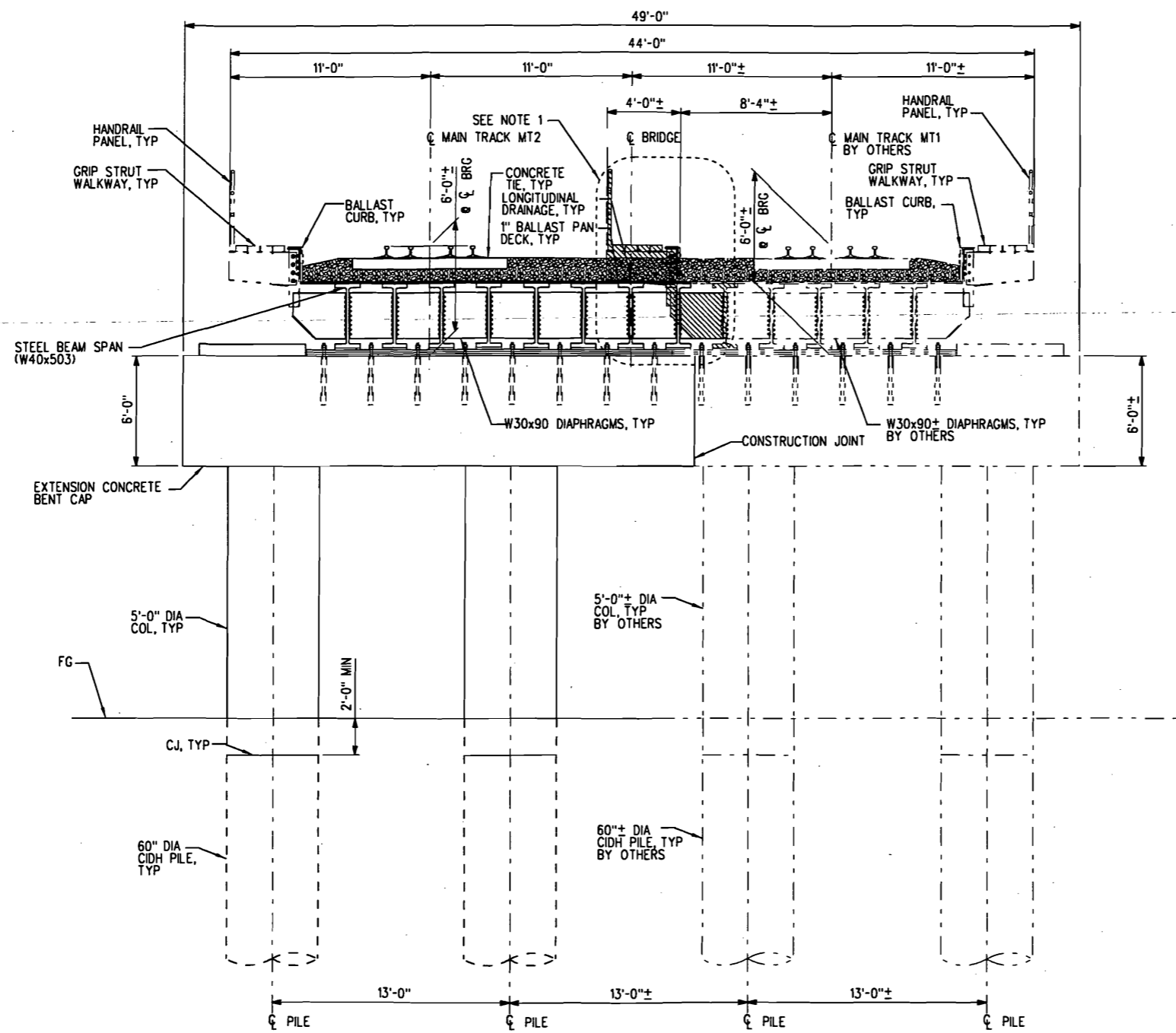
DESIGNED BY
M. BALLE
DATE
07/30
DRAWN BY
L. ZHANG
07/30
CHECKED BY
P. PENCE
08/02
SANDAG PRJ. ENG.
B. SMITH
8/08



CP SAN ONOFRE TO
CP PULGAS DOUBLE TRACK - STAGE 2
BRIDGE 218.0
STATION 322+91 (WIDEN)
GENERAL PLAN

SCALE AS SHOWN
SANDAG CONTRACT NO. 5000923
DRAWING NO. S-601
SHEET NO.

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TYPICAL SECTION - BENT 2
SCALE: 1/4"=1'-0"

NOTE:
BENT 2 SHOWN, BENT 3 SIMILAR.

Section Sheet for Drainage No. 18-
Las Flores Creek

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NOTE: THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.

NO.	DATE	REVISIONS	BY	CHK	APRV
	08/08/12	60% SUBMITTAL			

HNTB

401 B Street
Suite 510
San Diego, CA 92101

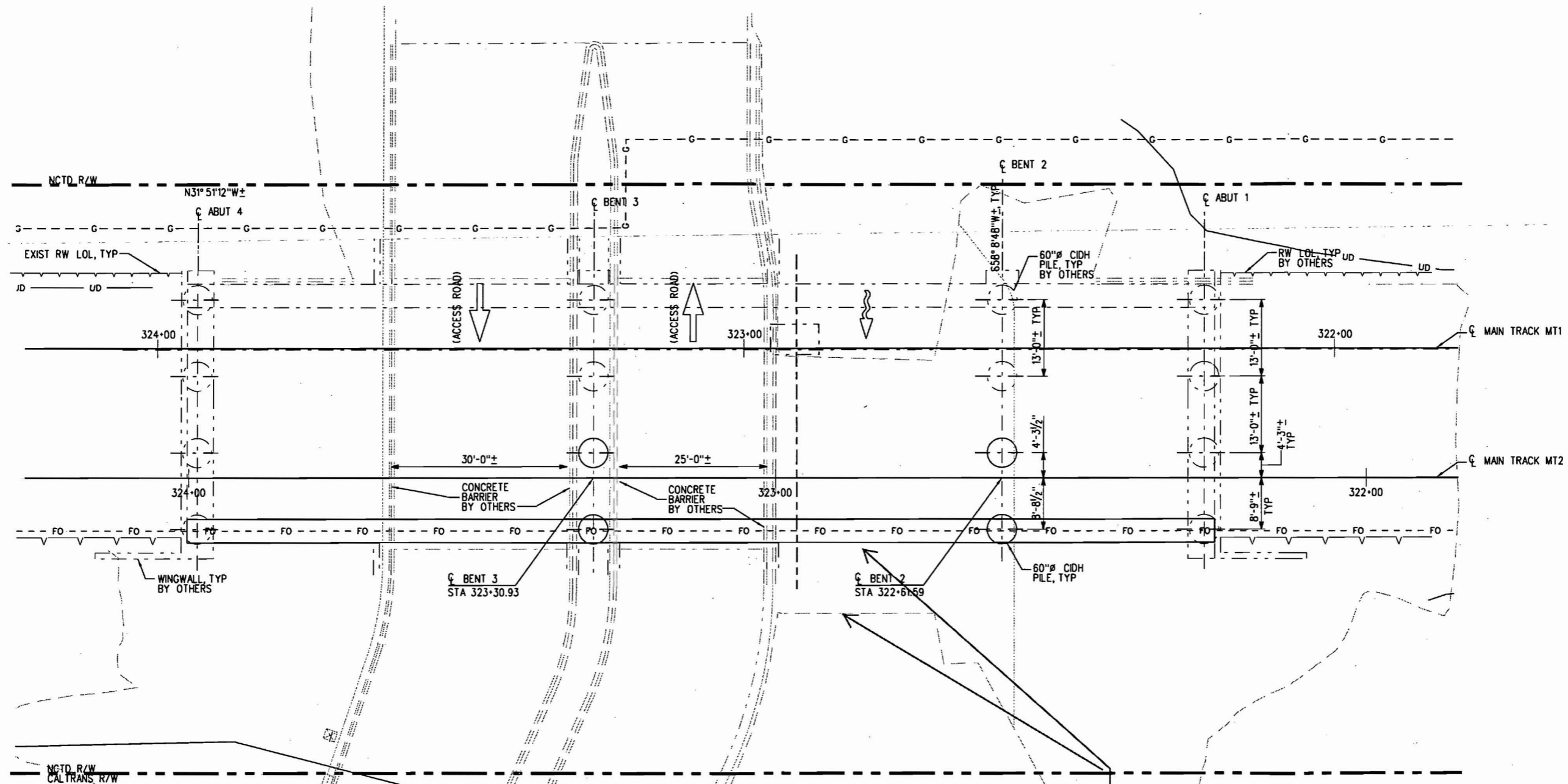
DESIGNED BY M. BALLE	DATE 07/30
DRAWN BY L. ZHANG	DATE 07/30
CHECKED BY P. PENCE	DATE 08/02
SANDAG PRJ. ENG. B. SMITH	DATE 8/08



CP SAN ONOFRE TO
CP PULGAS DOUBLE TRACK - STAGE 2

BRIDGE 218.0
STATION 322+91 (WIDEN)
TYPICAL SECTION

SCALE AS SHOWN
SANDAG CONTRACT NO. 5000923
DRAWING NO. S-602
SHEET NO.



PLAN
SCALE: 1"=10'-0"

Drainage 18 - Las Flores Creek flows over existing spillway here.

NOTE: THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.

NO.	DATE	REVISIONS	BY	CHK	APRV
	08/08/12	60% SUBMITTAL			

HNTB
401 B Street
Suite 510
San Diego, CA 92101

DESIGNED BY M. BALLE	DATE 07/30
DRAWN BY L. ZHANG	DATE 07/30
CHECKED BY P. PENCE	DATE 08/02
SANDAG PRJ. ENG. B. SMITH	DATE 8/08



CP SAN ONOFRE TO
CP PULGAS DOUBLE TRACK - STAGE 2

BRIDGE 218.0
STATION 322+91 (WIDEN)
FOUNDATION PLAN

SCALE AS SHOWN
SANDAG CONTRACT NO. 5000923
DRAWING NO. S-604
SHEET NO.

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Existing Vegetation and Sensitive Resources/Project Impacts

CP SAN ONOFRE TO CP PULGAS DOUBLE TRACK PROJECT - STAGE 2: MP 216.5 TO MP 218.3



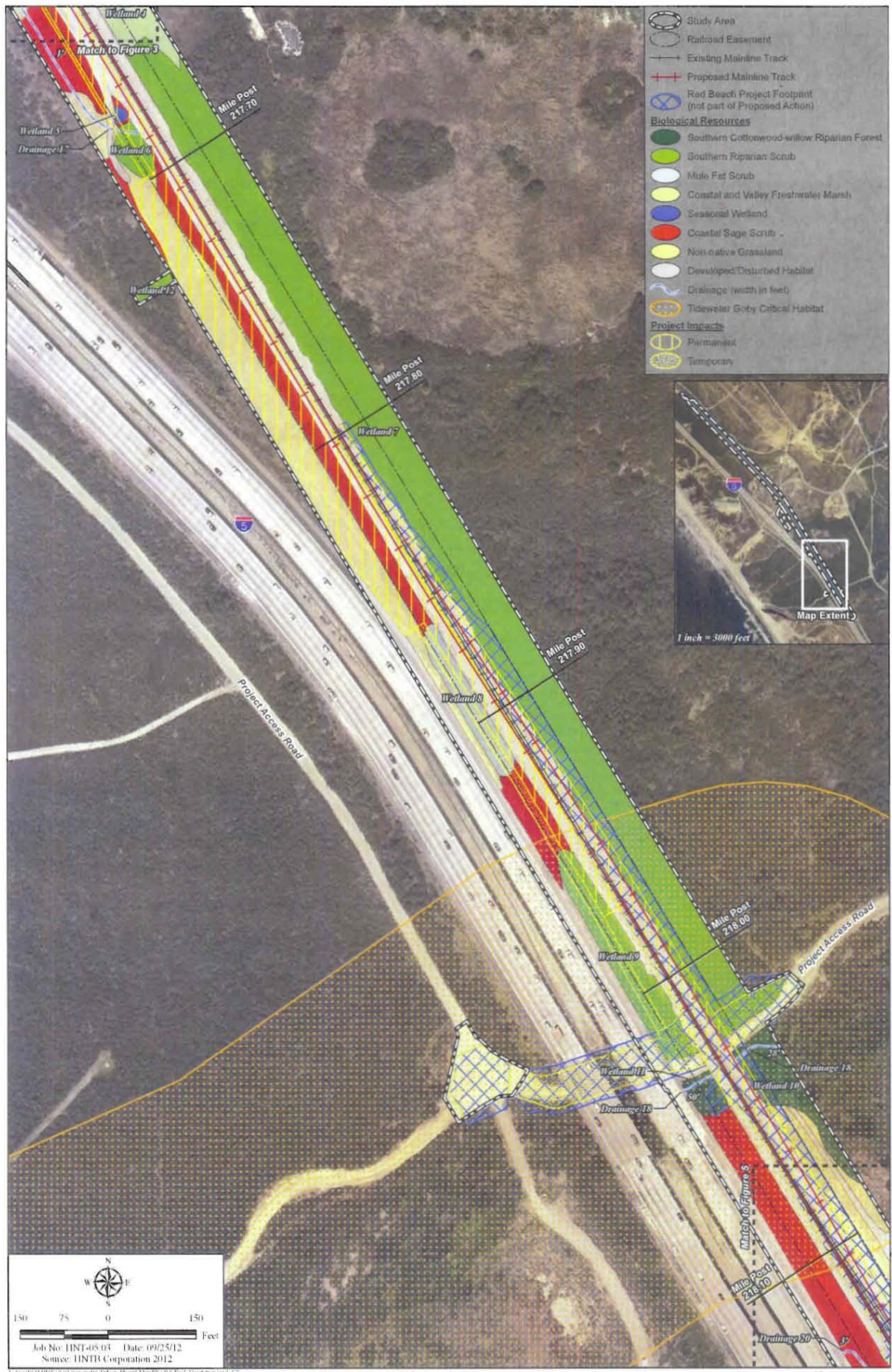
Existing Vegetation and Sensitive Resources/Project Impacts

CP SAN ONOFRE TO CP PULGAS DOUBLE TRACK PROJECT - STAGE 2: MP 216.5 TO MP 218.3



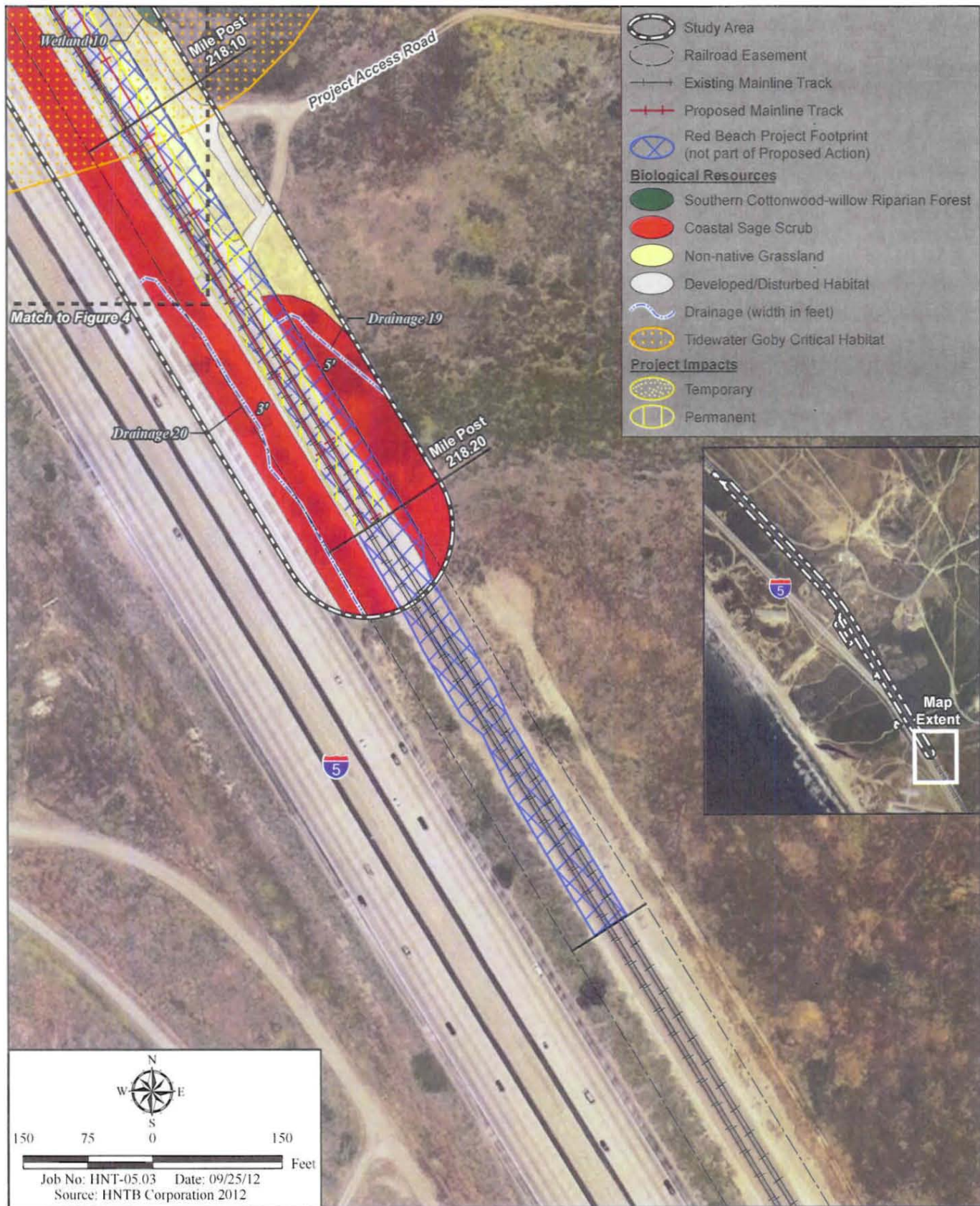
Existing Vegetation and Sensitive Resources/Project Impacts

CP SAN ONOFRE TO CP PULGAS DOUBLE TRACK PROJECT - STAGE 2: MP 216.5 TO MP 218.3



Existing Vegetation and Sensitive Resources/Project Impacts

CP SAN ONOFRE TO CP PULGÁS DOUBLE TRACK PROJECT - STAGE 2: MP 216.5 TO MP 218.3



Existing Vegetation and Sensitive Resources/Project Impacts

CP SAN ONOFRE TO CP PULGAS DOUBLE TRACK PROJECT - STAGE 2: MP 216.5 TO MP 218.3