



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

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Kevin Dillard
AC-Catalina Landing, LLC
310 Golden Shore, Suite 300
Long Beach, CA 90802

WATER QUALITY CERTIFICATION FOR PROPOSED CATALINA LANDING MARINA PROJECT (Corps' Project No. 2009-00346-MAS), LOS ANGELES RIVER ESTUARY, CITY OF LONG BEACH, LOS ANGELES COUNTY (File No. 08-140)

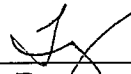
Dear Mr. Dillard:

Board staff has reviewed your request on behalf of AC-Catalina Landing, LLC (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on January 27, 2010.

I hereby issue an order certifying that any discharge from the referenced project 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, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

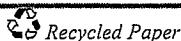


Tracy J. Egoscue
Executive Officer

3/29/10

Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information
File No. 08-140

1. Applicant: Kevin Dillard
AC-Catalina Landing, LLC
310 Golden Shore, Suite 300
Long Beach, CA 90802

Phone: (562) 435-2100
2. Applicant's Agent: Greg Asher
URS
5772 Bolsa Avenue, Suite 100
Huntington Beach, CA 92649

Phone: (714) 895-2072 Fax: (714) 895-1291
3. Project Name: Catalina Landing Marina
4. Project Location: Long Beach area, Los Angeles County

<u>Longitude</u>	<u>Latitude</u>
-118.19941	33.76142
-118.19872	33.76387
-118.19913	33.76404
-118.20050	33.76231

5. Type of Project: Marina dock construction
6. Project Purpose: The project will replace four (4) existing long docks, dolphins, and mooring piles with new docks totaling 21,000 ft² of concrete dock for the recreational marina.
7. Project Description: The proposed project (Project) will demolish four existing long docks, dolphins (pile construction which consist of a number of driven piles and connected together above the water level to provide a platform or fixing point), and mooring piles. Then, new concrete docks and a sewage pump-out system will be constructed to replace

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the existing structures. The uses above are consistent with the Long Beach Coastal Plan, and approved by the California Coastal Commission.

Catalina Landing is a deepwater basin at the mouth of the Los Angeles River. It was created from urban fill of tidal lands. The State of California deeded ownership of this tideland to the City of Long Beach over 40 years ago. The City subsequently entered into a lease agreement with AC-Catalina Landing, LLC for the land and the water space in order to provide property management services. The basin is designated in the Long Beach Local Coastal Plan to be used for recreational marina and ferry service purposes, as well as ocean-going vessel traffic.

The Project will build a new 21,000 square foot 18-slip marina in an underutilized portions of the Catalina Landing basin. The marina will consist of 12 large boat slips ranging from 100- to 145-feet in length, one 50-foot slip, and at least five small boat side-ties designated for use by the managers of the large boat slips.

Most of the proposed marina will be on the west side of the basin (Slips A1 – A17). This dock will have two gangways servicing it, one of which will be an 80-foot long gangway. The other gangway will be eight feet wide and dedicated for the service of electric vehicles.

On the east side of the basin, one 100-foot slip, a side-tie dock, will be constructed between the currently-existing docks that will remain in service. This dock will have its own 80-foot long gangway.

Four barge-style docks approximately 5,500 square feet in size will be removed along with their gangways. Approximately 20 wood piles and 28 concrete piles will be removed. Existing piles will be removed by barge-mounted cranes. Extracted piles will be placed either directly on a truck waiting alongside the seawall or placed on a barge and transported to the boat launch staging area for placed on trucks there.

There will be up to 92 new round concrete piles ranging in size from 20- to 24-inches in diameter; 80 are proposed as dock guide piles and up to 12 are proposed as gangway platform support piles.

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New piles will be transported to the site via barge and driven using an impact hammer. Jetting of piles may be performed depending on soil conditions encountered by the Contractor. Silt curtains shall be used for all pile removal and installation activities to mitigate bottom sediment suspension in the water column.

The floating docks will be made of individual concrete shells and foam core modules 20- to 50-feet in length. The modules are connected together secured by wood and stainless steel.

Landside work will include (1) installation and construction of a new transformer and pad along Golden Shore directly across from the existing electrical utilities, (2) utility connections, and (3) striping for five loading zone stalls and two electric vehicle stalls on a portion of the concrete apron around the basin.

A sewage pump-out system is planned for the main portion of the proposed marina. It will consist of two peristaltic pumps with pump-out hydrants at every mega (90 feet or larger) yacht slip and shared pump-outs for the smaller vessels. The pump-out system is proposed to be connected to the sewer collection system on site. Only the lone side-tie dock on the eastern side of the basin will not have a pump-out connection and will have to use the pump-out hydrant at an empty slip, or contract for on-call service from a sewage pump-out boat.

The Catalina Landing Basin has a design dredge depth of minus 15-foot mean lower low water (MLLW) which the City of Long Beach is required to maintain. At such depths eelgrass will not grow, which is consistent with the findings in the biological surveys performed by Coastal Resources Management at the Catalina Landing in March 2009, and submitted to this Regional Board on December 2, 2009. According to that report neither eelgrass (*Zostera marina*) nor invasive algae (*Cualerpa taxifolia*) was observed in the survey area.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
Individual Permit (Permit No. 2009-00346-MAS)
9. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement

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10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15303 New Construction of Small Structures
11. Receiving Water: Los Angeles River Estuary (Hydrologic Unit No. 405.12)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL, WET
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 3.00 temporary acres (600 linear feet) and 0.50 permanent acres (45 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Sand bags and sediment control measures around storm drain inlets and along the seawall
 - Runoff and erosion control devices such as sandbag berms shall be constructed along the perimeter of the work areas and along the seawall to trap trash and sediment and filter runoff.
 - Filter fabrics shall cover all affected catch basin inlets.
 - Trash booms shall be used on the surface and will encircle all work areas.
 - Oil booms will be deployed in the event of a hydrocarbon spill.

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- Silt curtains shall be used during pile driving operations.
- Landside construction will be performed by dry operations only.
- The Contractor shall recover all the items which fall into the water including those that require a diver to retrieve.
- During the first week of pile work, water quality testing will be conducted to establish a baseline for monitoring of any exceedance of water quality standards for turbidity.
- Testing will occur only when the bottom is impacted (e.g. pile removal/driving), or when heavy machinery is operating in the water (e.g. barge-mounted cranes to place the dock modules), or if there is any visual exceedance in turbidity during the hand-work portion of the project, or if there is any presence of turbidity plumes hydrocarbons.
- If no exceedance occurs, then the testing frequency will be reduced unless an exceedance occurs.
- The Contractor will self monitor for turbidity plumes, hydrocarbons, floating debris in the water, and items which may fall in the water.
- The Contractor shall deploy hydrocarbon and trash booms as required by the permit conditions and the Engineer's specifications.

17. Required Monitoring

During the first week of work when the bottom is impacted, water quality testing for turbidity will be conducted on a daily basis to establish a baseline for evaluation of any exceedance of water quality standards.

Work 'when the bottom is impacted' includes pile removal/driving, heavy machinery operating in the water (e.g. barge-mounted cranes to place the dock modules), or if there is any visual exceedance in turbidity during the hand-work portion of the project, or if there is any presence of turbidity plumes or a hydrocarbon sheen on the water.

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If no exceedance occurs during the first week of work, then the testing frequency will be reduced to weekly unless an exceedance occurs.

If an exceedance occurs, then sampling will return to daily frequency for the duration of the project.

18. Proposed
Compensatory
Mitigation:

None

19. Required
Compensatory
Mitigation:

Impacts are considered minimal with replacing piers and no eelgrass or invasive species (*Cualerpa taxifolia*) is present. As such, this Regional Board will not require any additional mitigation.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions required in this 401 Certification.

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Conditions of Certification File No. 08-140

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to 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 the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)* as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. All project, construction, or maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
14. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until project completion has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation and answered appropriately whether or not mitigation has been performed:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results compiled in an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
15. All applications, reports, or information submitted to the Regional Board shall be signed:

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- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
16. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

 _____ (Signature)
 _____ (Title)"

- 17. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **08-140**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 18. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
- 19. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
- 20. The Applicant or their agents shall report any noncompliance or water quality exceedance. Any such information shall be provided verbally to the Executive Officer within 24 hours

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Conditions of Certification File No. 08-140

from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

21. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) 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 SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
22. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.