



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. Lenny Altherr
Catalina Island Conservancy
125 Clarissa Avenue, P.O. Box 2739
Avalon, California 90704

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1140 0002 8671 9257

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED WHITE'S LANDING PIER REPLACEMENT PROJECT (Corps' Project Non-notify), PACIFIC OCEAN, CATALINA ISLAND, LOS ANGELES COUNTY (File No. 15-032)

Dear Mr. Altherr:

Board staff has reviewed your request on behalf of Catalina Island Conservancy (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on April 28, 2015.

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.

Please read this entire document carefully. 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 Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.

for Paula Rasmussen
Samuel Unger, P.E.
Executive Officer

5-1-2015
Date

DISTRIBUTION LIST

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2177 Salk Avenue
Carlsbad, CA 92008

California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802

ATTACHMENT A

Project Information

File No. 15-032

1. Applicant: Lenny Altherr
Catalina Island Conservancy
125 Clarissa Avenue, P.O Box 2739
Avalon, California 90704

Phone: (310) 351-5676
2. Applicant's Agent: David T. Hughes
BonTerra Psomas
225 S. Lake Avenue, Suite 1000
Pasadena, California 91101

Phone: (626) 351-2000 Fax: (626) 351-2030
3. Project Name: White's Landing Pier Replacement Project
4. Project Location: Catalina Island, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.391423	-118.369702
33.391535	-118.369459
33.391655	-118.369236
33.391811	-118.368919
33.391705	-118.368835
33.391537	-118.369207
33.391434	-118.369431
33.391313	-118.369715

5. Type of Project: White's Landing Pier Replacement
6. Project Purpose: The purpose of the project is to reconstruct White's Landing pier which was severely damaged by Hurricane Marie on August 26, 2014. Reconstruction of the pier is necessary as it is the only means of access to the shore by the tenants of the cove.
7. Project Description: The Catalina Conservancy proposes to re-construct the landing pier at White's Landing on Catalina Island, which was destroyed by wave action from Hurricane Marie on August 26, 2014. The reconstructed pier will be increased by 10 percent. The length of the destroyed pier was 262 feet long (1,572 square feet total) while the new pier will be 288 feet long (1, 729 square feet total). The width

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of the pier, six feet, will be unchanged. The height of the pier will be raised six feet to deal with future storms. A new aluminum ramp will be installed for compliance with ADA access requirements.

The replacement pier will be constructed from treated timbers with a total of 32 pilings. Construction materials will be transported to White's Cove by barge that will land on the beach. No temporary structures or ramps will be required to unload materials and equipment.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Reconstruction)
11. Receiving Water: Pacific Ocean (Hydrologic Unit Code: 180701010202)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL
13. Impacted Waters of the United States: Ocean: 0.04 permanent acres (288 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:
- No construction materials, equipment, debris, or waste shall be placed or stored where it may be subjected to tidal/wave erosion and dispersion.
 - Any and all debris resulting from construction activities shall be

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removed from the site within 24 hours of completion of construction.

- Machinery or construction materials not essential for project improvements shall not be allowed at any time in the intertidal zone.
- Sand from the beach, cobbles, or shoreline rocks shall not be used as construction material.
- Contractor shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into coastal waters.
- Reasonable and prudent measures shall be taken by the contractor to prevent any discharge of fuel or oily waste from heavy machinery, construction equipment or power tools into coastal waters. Contractor shall have adequate equipment available to contain any such discharge immediately.
- All stockpiles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- All debris and trash shall be disposed of in the proper trash and recycling receptacles provided by contractor at the end of each construction day.
- Turbidity plumes generated by construction activity shall be monitored continuously by contractor. All turbidity generated by construction activities shall be contained within the confines of the silt curtain. If visible turbidity is observed outside the perimeter of the curtain, contractor shall immediately suspend operations in the affected area until compliance with this condition is resumed.
- Throughout the site care will be taken in the prevention of pollutants and other discharged associated with the construction process from entering the storm water system or the harbor.

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- All material to be used in the construction process shall be stored at the site in a covered storage unit, or with some form of overhead covering either by a tarp or in a storage unit and off the ground during storage. Any debris created in the construction process shall be collected and disposed of in the appropriate dumpster at the end of each day of work.
- All tarps will be weighted down with sand bags to prevent high winds from blowing them off.
- During construction of the facilities over water, material will be stored off the deck of the floats and covered with a tarp if not in used and if rain is forecasted as a 50% or greater chance. All excess material will be removed at the end of the day and disposed of in the proper disposal bins. Anytime there is a possibility of debris escaping into the water, the area shall be enclosed with a floating boom.
- Should any work be in progress during rains that might allow runoff to enter into the bay or the storm drain system, work will be immediately stopped and all work areas covered with tarps.
- All piles will be wrapped with a 130 mil polyethylene cover from 4 feet below mudline to elevation 6.0 feet above mean lower low water (MLLW) boundary.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any additional compensatory mitigation.

18. Required
Compensatory
Mitigation:

The Regional Board will require the Applicant to provide compensatory mitigation for any impacts to surfgrass or rocky habitat at a ratio of 1:1 and eelgrass in compliance with the National Marine Fisheries Services' Southern California Eelgrass Mitigation Policy.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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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 Coastal Development Permit. **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 Coastal Development Permit 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.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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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. 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.
8. All waste 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.
9. 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.
10. 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.
11. 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.
12. The Applicant shall not conduct any construction activities within waters during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters.
13. All project/construction/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting.
14. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary for each phase. All

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other sampling shall take place at a minimum of two locations. Monitoring for the following shall be included:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids (TSS)
- visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis; thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2012 Ocean Plan.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

15. The Applicant shall restore **all acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters.
16. The Applicant shall implement a post-construction survey for surfgrass, eelgrass, *Caulerpa taxifolia*, and rocky habitat. Surfgrass or rocky habitat lost due to project impacts will be mitigated at a ratio of 1:1 and eelgrass in compliance with the National Marine Fisheries Services' Southern California Eelgrass Mitigation Policy. Surveys shall be performed for *Caulerpa taxifolia* within the project area shall be in accordance with the Caulerpa Control Protocol.
17. 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 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 efforts; including percent survival by plant species. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;

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- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project including whether or not work has begun on the Project and a detailed schedule;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results (as required) compiled in a spreadsheet format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities (photo documentation for BMPs) such as turbidity curtains and exotic plant control efforts, such as eelgrass and *Caulerpa*; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
18. All applications, reports, or information submitted to the Regional Board shall be signed:
- (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.
19. 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 _____.

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(Signature)
(Title)"

20. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-032**. Submittals shall be sent to the attention of the 401 Certification Unit.
21. 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.
22. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
23. 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.
24. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The 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.
25. *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.

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- (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.
26. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.