



# California Regional Water Quality Control Board

## San Diego Region



**Arnold Schwarzenegger**  
Governor

**Linda S. Adams**  
Secretary for  
Environmental  
Protection

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

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

July 8, 2009

Certified Mail No. 7008 1140 0002 8455 9862

Mr. Nathan Mertz  
Parks Development Manager  
Engineering Division – CIP  
City of Oceanside  
300 North Coast Highway  
Oceanside, California 92008

WDID	9 000001828
Reg. Measure	351581
Place	725644
Party	484213
Person	356190

**SUBJECT:** Action on Request for Clean Water Act Section 401 Water Quality Certification for the San Luis Rey River Trail Extension and Sewer Access Road Improvement project, Water Quality Certification No. 08C-064

Dear Mr. Mertz:

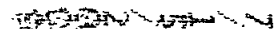
Enclosed is the Clean Water Act Section 401 Water Quality Certification for the **San Luis Rey River Trail Extension and Sewer Access Road Improvement project**. A description of the project and project location can be found in the project information sheet, project location map, and project site maps which are included as Attachments 1 through 5. 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 the City of Oceanside has accepted and will comply with all conditions of the Certification. Failure to comply with all conditions of this Certification may result in enforcement actions against the City of Oceanside.

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

**California Environmental Protection Agency**

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

Recycled Paper



Mr. Mertz  
401 Certification 08C-064

July 8, 2009

If you have any questions regarding this notification, please call Mike Porter directly at (858) 467-2726 or via email at [mporter@waterboards.ca.gov](mailto:mporter@waterboards.ca.gov).

Respectfully,



JOHN H. ROBERTUS

Executive Officer  
Regional Water Quality Control Board

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 08C-068 for the San Luis Rey River Trail Extension and Sewer Access Road Improvement project, with 5 attachments.

CC: Refer to Attachment 2 of Certification 08C-064 for Distribution List.



Linda S. Adams  
Acting Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board San Diego Region

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



Arnold  
Schwarzenegger  
Governor

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

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

**PROJECT:** San Luis Rey River Trail Extension and  
Sewer Access Road Improvement  
Water Quality Certification No. 08C-064

**APPLICANT:** Mr. Nathan Mertz  
Parks Development Manager  
Engineering Division – CIP  
City of Oceanside  
300 North Coast Highway  
Oceanside, California 92008

WDID	9 000001828
Reg. Measure	351581
Place	725644
Party	484213
Person	356190

**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 Programmatic Certification	<input checked="" type="checkbox"/> Waiver of Waste Discharge Requirements, R9-2007-0104
<input type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

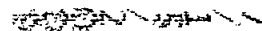
**PROJECT DESCRIPTION:**

The proposed project is the extension of the San Luis Rey River Trail from the Andrew Jackson / Polk Street intersection to a future trail staging area at Mission Avenue near the North Santa Fe Drive intersection. The asphalt-paved trail will also provide vehicular access to the nearby sewer line for inspections and maintenance. The project will also remove and reconstruct 5 culverts. Mitigation will be the removal of four culverts and revegetation with native plant species.

**California Environmental Protection Agency**

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

Recycled Paper



**STANDARD CONDITIONS:**

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

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

**ADDITIONAL CONDITIONS:**

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

**A. GENERAL CONDITIONS:**

1. The City of Oceanside must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (Regional Board), to support this 401 Water Quality Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede conflicting provisions within such plans submitted prior to the certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.
2. Water Quality Certification No. 08C-064 expires **5 years** after issuance.
3. During construction activities, the City of Oceanside must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.

4. The City of Oceanside must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
  - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  - b. Access to copy any records required to be kept under the terms and conditions of this certification.
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
  - d. Sampling of any discharge or surface water covered by this Order.
5. The City of Oceanside must notify the Regional Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
6. The City of Oceanside must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
7. 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.
8. In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

9. In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

**B. PROJECT CONDITIONS:**

1. Prior to the start of the project, and annually thereafter, the City of Oceanside must educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and Best Management Practices implementation and maintenance.
2. The City of Oceanside must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for discharges of dredged or fill material that have received State Water Quality Certification. These General Waste Discharge Requirement are accessible at:  
[http://www.waterboards.ca.gov/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
3. The City of Oceanside must notify the Regional Board in writing at least **5 days** prior to the actual commencement of construction activities.
4. The coffering of and rerouting of stream flows is prohibited.
5. 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.

**C. MAINTENANCE BEST MANAGEMENT PRACTICES:**

1. Proposed construction BMPs must include, but not be limited to:
  - a) Silt fencing.
  - b) Fiber rolls.
  - c) Gravel bags.
  - d) Contained material storage area(s).
  - e) Contained concrete washout area(s).
  - f) Contained sanitary facilities.
  - g) Street sweeping and/or vacuuming.
  - h) Drip pans/sheets under equipment.
  - i) No onsite fueling and/or repair of equipment.

2. Post-construction BMPs are described in an E-mail dated July 2, 2009, from Nathan Mertz (City of Oceanside) to Mike Porter (Regional Board). The BMPs must include, but be limited to two, 2-feet to 3-feet wide, 10-inch deep gravel strips that are parallel to, adjacent of, and run the length of the trail extension (4960-linear feet).

**D. MITIGATION**

1. Permanent impacts must not exceed 0.001-acre (5.5 linear feet) of vegetated (wetland) and 0.003-acre (44-linear feet) non-vegetated (streambed) waters of the U.S. and State. Impacts are limited to trimming/cutting of native and non-native plant species and removal of and replacement of five culverts.
2. Proposed mitigation must include the removal of four, 36-inch diameter by 25-foot long steel culverts and associated fill and the revegetation of 0.17-acre with native riparian and upland plants (restoration) on an existing dirt road near Tyler Street. The mitigation ratio will be 56.7:1.
3. The City of Oceanside must notify the Regional Board in writing at least **5 days** prior to the actual commencement of mitigation installation, and **5 days** after completion of mitigation installation.
4. Mitigation Site Preparation: The City of Oceanside must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are free of invasive exotic species for use in on-site mitigation areas.
5. The City of Oceanside must also salvage large cuttings from appropriate, native tree species if they exist at the impact site and use them as live pole plantings at the mitigation site.
6. Within **90 days** of the issuance of this Certification, City of Oceanside must provide the Regional Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. Within one year of the issuance of this Certification, the City of Oceanside must submit proof of a completed preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. Construction of the site must not be initiated until a completed preservation mechanism is received. 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 U.S. 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.

7. The City of Oceanside must submit a report (including topography maps and planting locations) to the Regional Board within **90 days** of completion of mitigation site preparation and planting, describing as-built status of the mitigation project.
8. 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% of the cumulative compensatory mitigation for each month of delay.
9. The mitigation site shall be designed and constructed to meet the following conditions:
  - a. Most of the channel through the mitigation site is characterized by equilibrium conditions, with no evidence of severe aggradation or degradation.
  - b. As viewed along cross-sections, the channel and buffer have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall.
  - c. The mitigation site has a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
12. Throughout the mitigation monitoring program mitigation areas must be maintained free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the onsite or offsite mitigation areas.
13. Regional Board acceptance of the final mitigation plan applies only to the site and plan that mitigates for the City of Oceanside Storm Water System Maintenance project and must not be construed as approval of the



mitigation site or plan for use by other current or future projects that are planning to use the City of Oceanside's Sports Park Mitigation area for mitigation.

14. 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 plant species and remedial measures deemed necessary for the success of the restoration program.
15. If at any time during the implementation and establishment of the mitigation area(s), and prior to verification of meeting success criteria, a catastrophic natural event (e.g., fire, flood) occurs and impacts the mitigation area, the City of Oceanside is responsible for repair and replanting of the damaged area(s).
16. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful by the Regional 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:
  - a) Names, qualifications, and affiliations of the persons contributing to the report.
  - b) Tables presenting the raw data collected in the field as well as analyses of the physical and biological data, including at a minimum.
  - c) Topographic complexity characteristics at each mitigation site.
  - d) Upstream and downstream habitat and hydrologic connectivity.
  - e) Source of hydrology.
  - f) Width of native vegetation buffer around the entire mitigation site.
  - g) Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results.
  - h) Photodocumentation from established reference points.
  - i) A Survey report documenting boundaries of mitigation area.

- j) Other items specified in the Conceptual Wetland Mitigation Plan, City of Oceanside, Storm Water Conveyance System Maintenance Project (Merkel & Associates, September 16, 2008).
17. Responsible Party Updates: the City of Oceanside must provide the name and contact information of any third party accepting responsibility for implementing the mitigation requirements of this Certification. The notification must be submitted to the Regional Board within **30 days** of the transfer of responsibility. The notification must include a signed statement from the new party demonstrating acceptance and understanding of the responsibility to meet the mitigation conditions and applicable requirements of the Certification.
18. For the purpose of determining mitigation credit for the removal of exotic/invasive plant species, only the actual area occupied by exotic/invasive plant species must be quantified to comply with mitigation requirements.
19. For the purposes of this Certification:
- (a) Establishment is defined as the creation of vegetated or unvegetated waters of the U.S./State where the resource has never previously existed (e.g. conversion of nonnative grassland to a freshwater marsh).
  - (b) Restoration is divided into two activities, re-establishment and rehabilitation.
    - (1) Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the U.S./State previously existed (e.g., removal of fill material to restore a drainage).
    - (2) Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the U.S./State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species).
  - (c) Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the U.S./State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species).

- (d) Preservation is defined as the acquisition and legal protection from future impacts in perpetuity of existing vegetated or unvegetated waters of the U.S./State (e.g., conservation easement).

**E. P RE-PROJECT AND POST-PROJECT PHOTO DOCUMENTATION PROCEDURE:**

The City of Oceanside must conduct photo documentation of project areas before and after construction activities. Photo-documentation must be modeled after the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 5. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced. The City of Oceanside must submit this information in a photo documentation report to the Regional Board no later than **30 days** after project completion at each site. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

**F. GEOGRAPHIC INFORMATION SYSTEM REPORTING:**

The City of Oceanside must submit Geographic Information System (GIS) shape files of the impact and mitigation areas within **30 days** of project impacts and the mitigation area within **30 days** of mitigation installation. All impact and mitigation areas shapefiles must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.

**G. REPORTING:**

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional Board must be submitted in both hardcopy and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable.
3. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:
  - a. For a corporation, by a responsible corporate officer of at least the level of vice president.

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

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

6. The City of Oceanside must submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. 08C-064  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

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

Report Topic	Certification Condition	Due Date(s)
Unauthorized Discharges	A.5. Report within 24 hours.	Within 24 hours.
Impacts to Waters	B.3. Notify before impacting Waters of U.S. and State.	5 Days prior to impacts.
Mitigation	D.5. Notify prior to mitigation commencement and completion.	5 Days prior to installation & 5 days after completion.
Mitigation	D.8. Provide draft and final preservation mechanisms.	Within 90 days and one year of issuance of Certification.
Mitigation	D.9. Provide mitigation as-built mitigation report.	Within 90 days of completion of mitigation site installation.
Mitigation	D.16. Provide annual mitigation monitoring reports.	Prior to December 1 of each year after installation of mitigation site.
Mitigation	D.17. Provide contact information for third party implementation of mitigation requirements.	Within 30 days of transfer of responsibility.
Photo Documentation	E. Provide photo documentation of project areas.	Within 30 days of project completion at each site.
GIS shapefiles	F. Submit GIS shapefiles of impacts and mitigation areas.	30 Days after impacts and 30 days after mitigation installation.

**PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

On September 9, 2008 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

Mike Porter  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
858-467-2726  
mporter@waterboards.ca.gov

**WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the **San Luis Rey River Trail Extension and Sewer Access Road Improvement** (Certification No. 08C-064) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under Regional Board Resolution No. R9-2007-0104 – Amendment to the Water Quality Control Plan for the San Diego Basin (9) to Incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region. Please note that the waiver of Waste Discharge Requirements under Resolution No. R9-2007-0104 is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue individual waste discharge requirements at that time.

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

  
\_\_\_\_\_  
JOHN H. ROBERTUS  
Executive Officer  
Regional Water Quality Control Board

7/8/09  
Date

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

**ATTACHMENT 1  
PROJECT INFORMATION**

**Applicant:** Mr. Nathan Mertz  
City of Oceanside  
Public Works Department  
300 North Coast Highway  
Oceanside, CA 92008  
Telephone: 760-435-5619  
Facsimile: 760-754-2958  
Email: NMertz@ci.oceanside.ca.us

**Applicant  
Representatives:** Mr. Steven Hongola  
Rincon Consultants, Inc.  
790 East Santa Clara Street  
Ventura, CA 93001  
Telephone: 805-641-1000  
Facsimile: 805-641-1072  
Email: shongola@rinconconsultants.com

**Project Name:** City of Oceanside (Certification 08C-064).

**Project Location:** The project is located in north-coastal San Diego County, within the City of Oceanside, south of and adjacent to the San Luis Rey River floodplain, and northeast of the intersection of Mission Avenue (SR 76) and College Boulevard. The center of the project is approximately located at 33°14' 56.19" north and -117° 17' 20.03" east.

**Type of Project:** Sewer line maintenance access and recreation.

**Project Description:** The proposed project is the extension of the San Luis Rey River Trail from the Andrew Jackson / Polk Street intersection to a future trail staging area at Mission Avenue near the North Santa Fe Drive intersection. The trail will also provide vehicular access to the nearby sewer line for inspections and maintenance. The project will also remove and reconstruct 5 culverts, which will be the source of impacts to waters of the U.S. and State.

Project Purpose: The purpose of the project is to provide sewer line maintenance access and additional recreation opportunities.

Federal Agency/Permit: U.S. Army Corps of Engineers, CWA §404, NWP 42, Mr. Terry Dean.

U.S. Fish and Wildlife Service, Biological Opinion, Dr. Marci Koski.

Other Required Regulatory Approvals: California Department of Fish and Game, Streambed Alteration Agreement, Ms. Tamara Spear.

California Environmental Quality Act (CEQA) Compliance: City of Oceanside Final Mitigated Negative Declaration, San Luis Rey River Trail Extension Storm Water Conveyance System Maintenance Project, February 2009, SCH # 2008111031.

Receiving Waters: Five unnamed drainage features that drain to another unnamed stream which is tributary to the San Luis Rey River. San Luis Rey hydrologic unit, Lower San Luis hydrologic area, Mission hydrologic subarea (903.11).

Affected Waters of the United States and State:

Temporary:

Wetland	None
Streambed	None
Lake	None
Ocean	None

Permanent:

Wetland	0.001-acre / 5.5-linear feet
Streambed	0.003-acre / 44-linear feet
Lake	None
Ocean	None

Dredge Volume: None



San Luis Rey River Trail Extension and  
Sewer Access Road Improvement

Certification No. 08C-064

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

None disclosed.

Compensatory  
Mitigation:

The proposed mitigation is described in an E-mail dated April 6, 2009, from Steven Hongola (Rincon Consultants) to Mike Porter (Regional Board) and on Sheet 22 of 22 of the landscape plan prepared by the RRM Design Group. Proposed mitigation is the removal of four, 36-inch diameter by 25-foot long steel culverts and associated fill and the revegetation (seeding) of 0.17-acre with native riparian and upland plants (restoration). The mitigation ratio will be 56.7:1. The mitigation site is located in the City of Oceanside near Tyler Street, adjacent to the proposed trail extension.

Best Management  
Practices (BMPs):

Construction BMPs are described in the Runoff Assessment Report for San Luis Rey River Trail Extension – Phase 2, Oceanside, California, Buccola Engineering, Inc., and dated January 6, 2009. Proposed construction BMPs include:

- Silt fencing.
- Fiber rolls.
- Gravel bags.
- Contained material storage area(s).
- Contained concrete washout area(s).
- Contained sanitary facilities.
- Street sweeping and/or vacuuming.
- Drip pans/sheets under equipment.
- No onsite fueling and/or repair of equipment.

Post-construction BMPs are described in an E-mail dated July 2, 2009, from Nathan Mertz (City of Oceanside) to Mike Porter (Regional Board). The proposed BMPs are two, 2-foot to 3-foot wide, 10-inch deep gravel strips that are parallel to, adjacent of, and run the length of the trail extension (4960-linear feet). The purpose of the gravel strips is to capture volume and contaminants from the (impervious, asphalt) trail extension. An 85<sup>th</sup> percentile storm would generate 2,683-cubic feet of runoff from the trail extension; the gravel strips would provide 3,293-cubic feet of runoff storage.

San Luis Rey River Trail Extension and  
Sewer Access Road Improvement

Certification No. 08C-064

Public Notice: September 8, 2008 – Regional Board website.

Fees: Total Due: \$521.50  
Total Paid: \$521.50, Check No. 01015956

CIWQS: Regulatory Measure: 351581  
Place: 725644  
Party: 484213



**ATTACHMENT 2  
DISTRIBUTION LIST**

Mr. Terry Dean  
U.S. Army Corps of Engineers  
San Diego Field Office  
6010 Hidden Valley Road  
Suite 105  
Carlsbad, CA 92011

Ms. Tamara Spear  
California Department of Fish and Game  
South Coast Region  
Habitat Conservation Planning – North  
4949 Viewridge Avenue  
San Diego, CA 92123

Mr. Eric Raffini  
Wetlands Regulatory Office  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
R9-WTR8-Mailbox@epa.gov

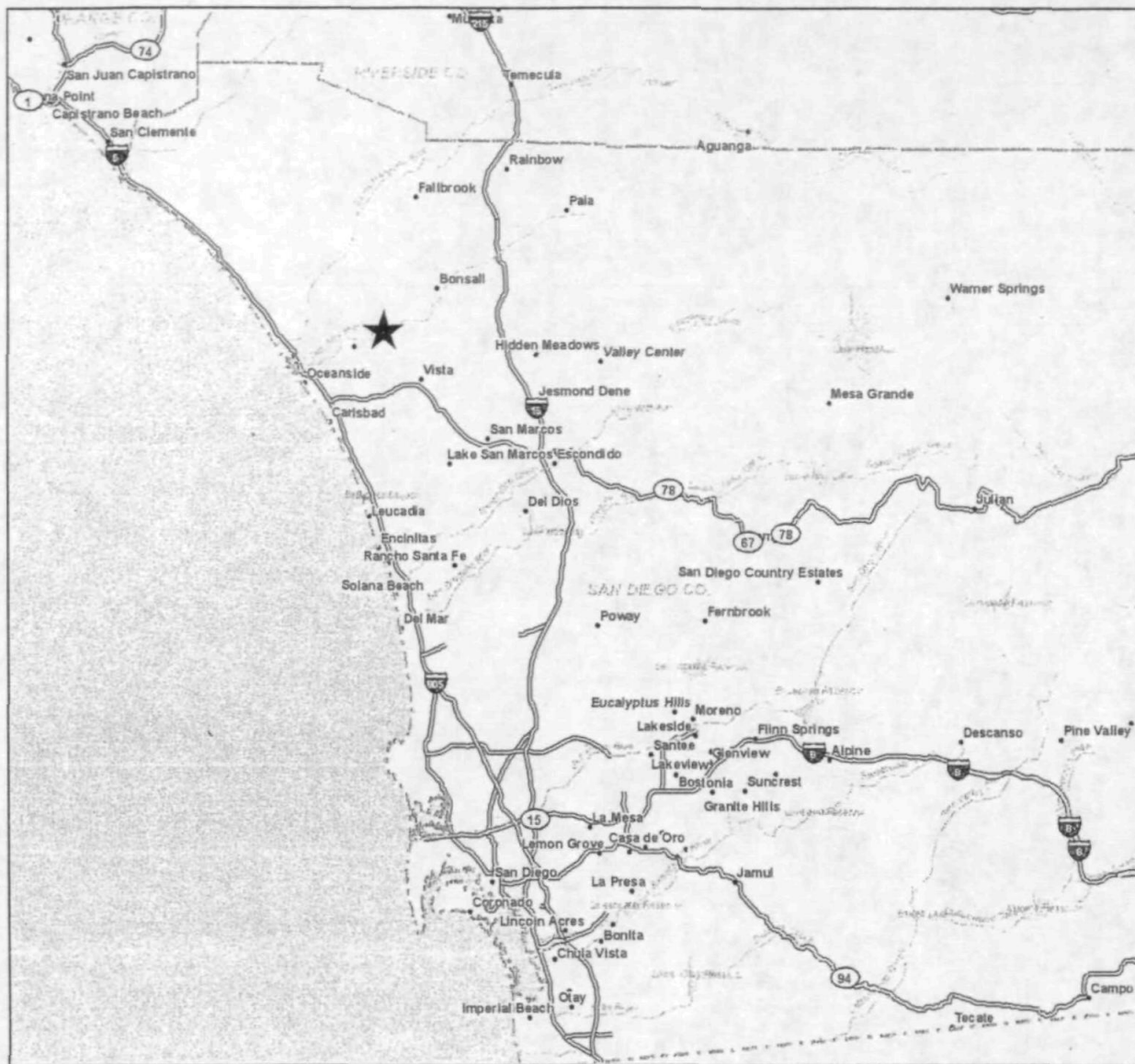
Mr. Steven Hongola  
Rincon Consultants, Inc.  
790 East Santa Clara Street  
Ventura, CA 93001

State Water Resources Control Board  
Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
P.O. Box 100  
Sacramento, CA 95812-0100  
Stateboard401@waterboards.ca.gov

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

**ATTACHMENT 3**

Location Map



0 2.5 5 7.5 10 20 Miles

★ Project Location



Source: US Bureau of the Census TIGER 2004 data.

Regional Location

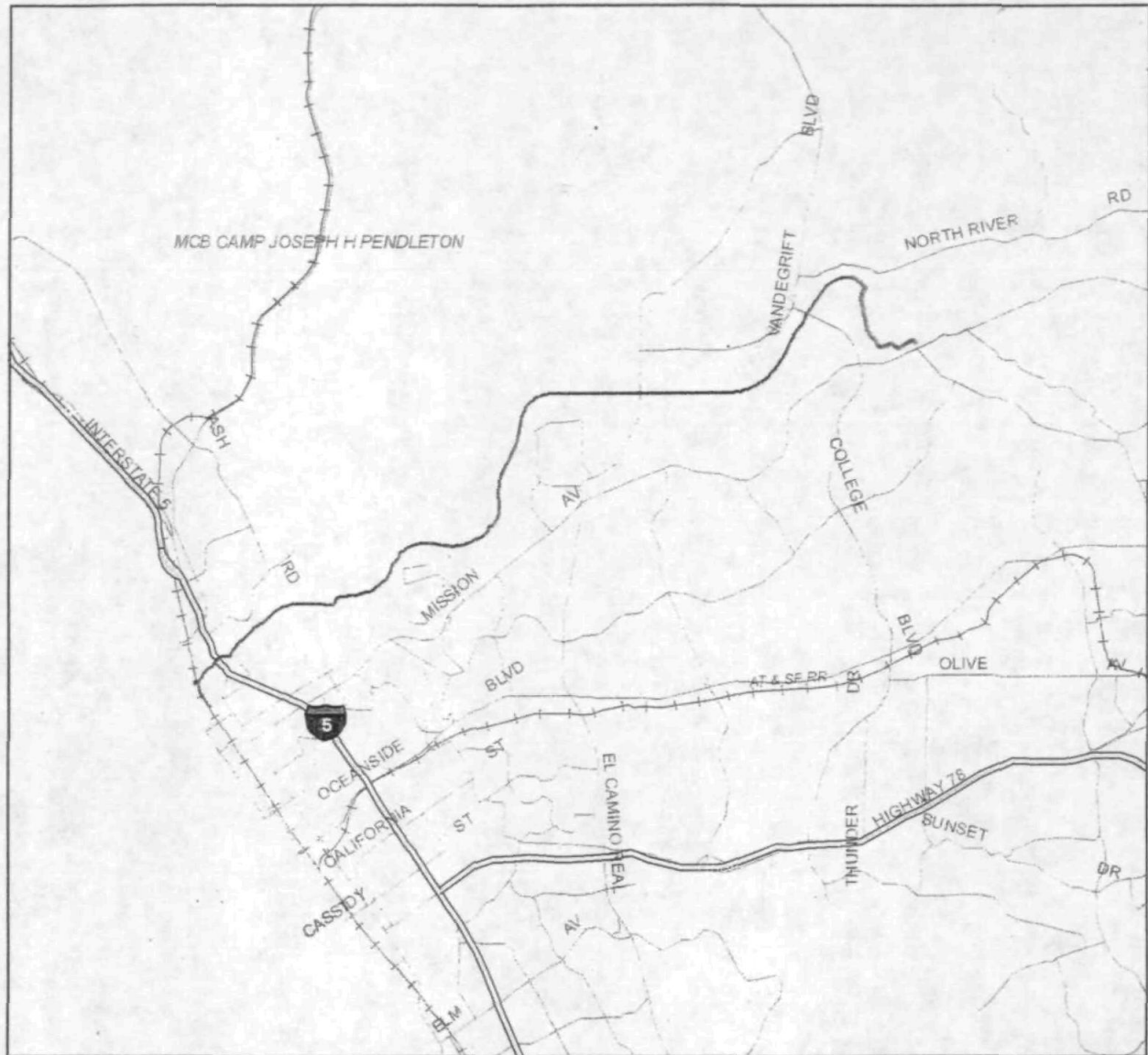
Figure 1

City of Oceanside

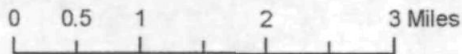


**ATTACHMENT 4**

**Site Maps**



Source: San Diego County SanGIS, 2007.



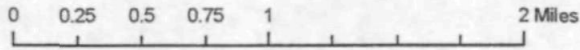
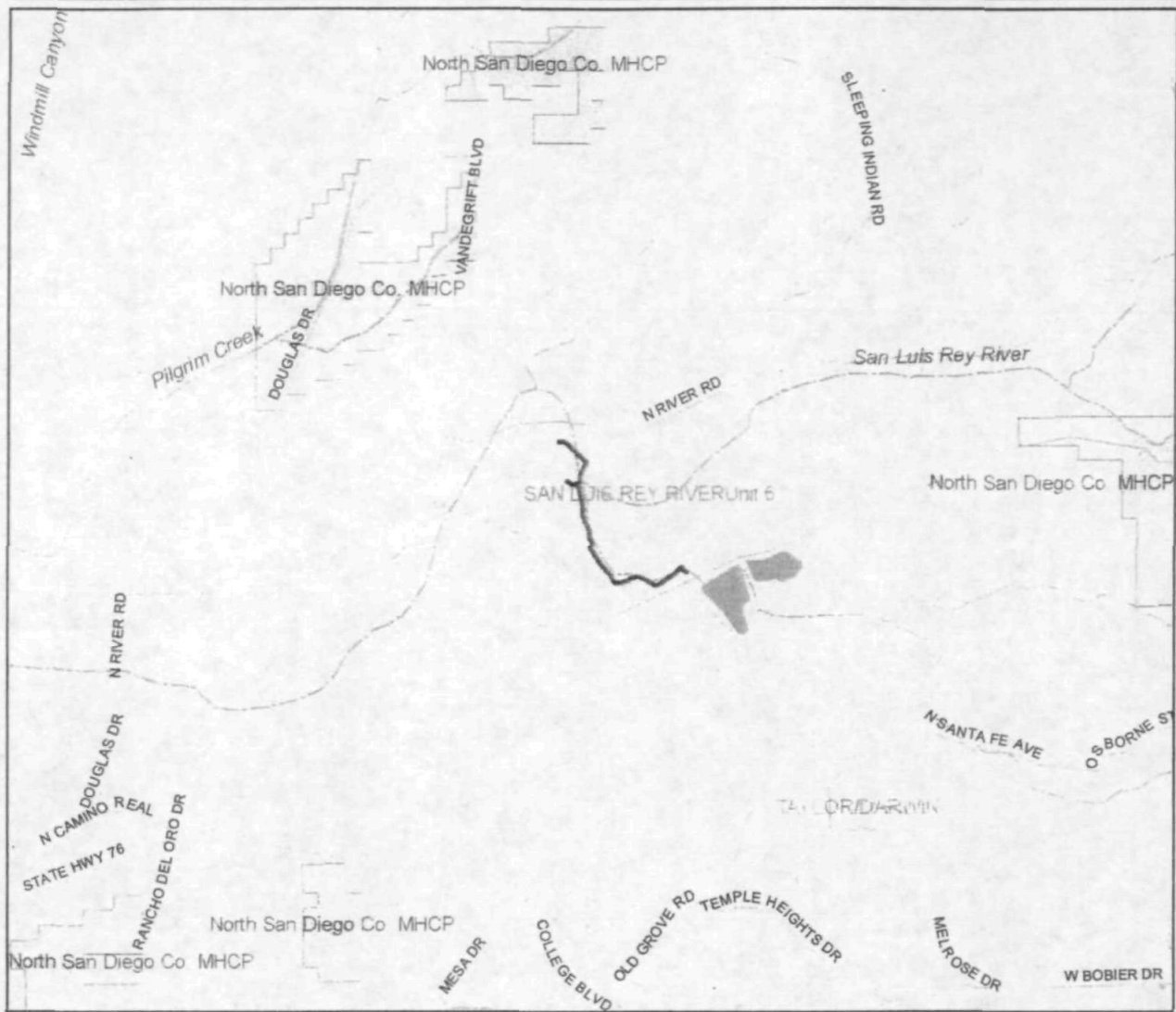
**Legend**

- Proposed Trail Extension**
- Proposed Project (Segments 2 and 3)
  - - - Existing San Luis Rey Bike Trail
  - ▭ City of Oceanside
  - ▭ Parks



San Luis Rey River Trail Project

Initial Study/Mitigated Negative Declaration  
**San Luis Rey River Trail Project**



- Proposed Trail Location
- CA Gnatcatcher FCH (10/12/2000)
- Least Bell's Vireo FCH
- Thread-leaved Brodiaea

Sources: U.S. Fish and Wildlife Service, 2007.  
 Note: Critical habitat shown is that most recently available from U.S. FWS.  
 Check with U.S. FWS or Federal Register to confirm.  
 FCH = Final critical habitat.

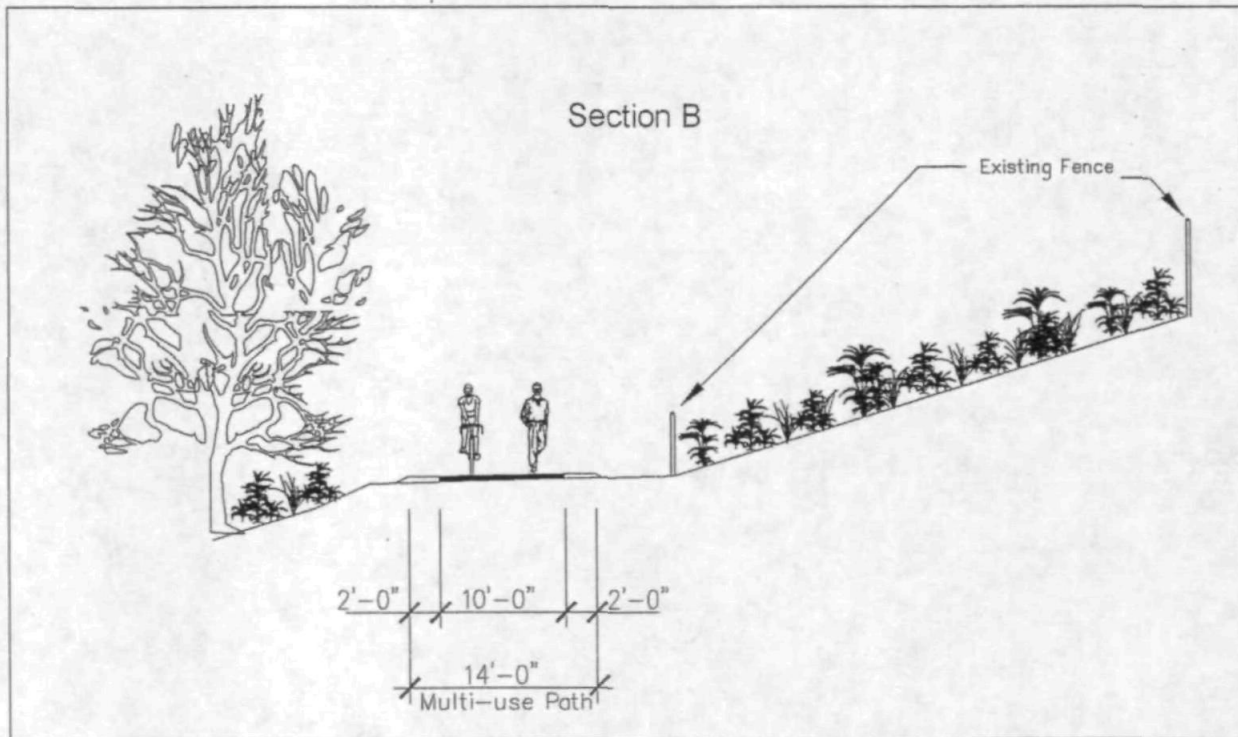
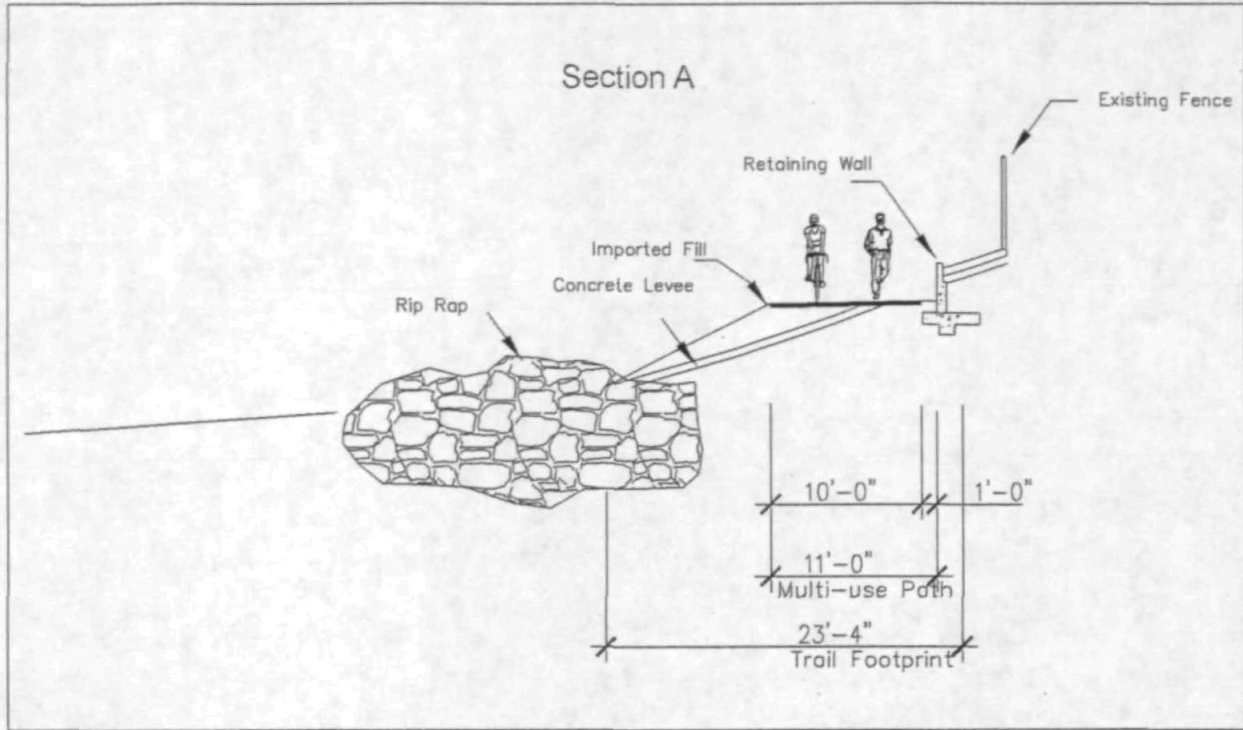


Critical Habitat

Figure 10







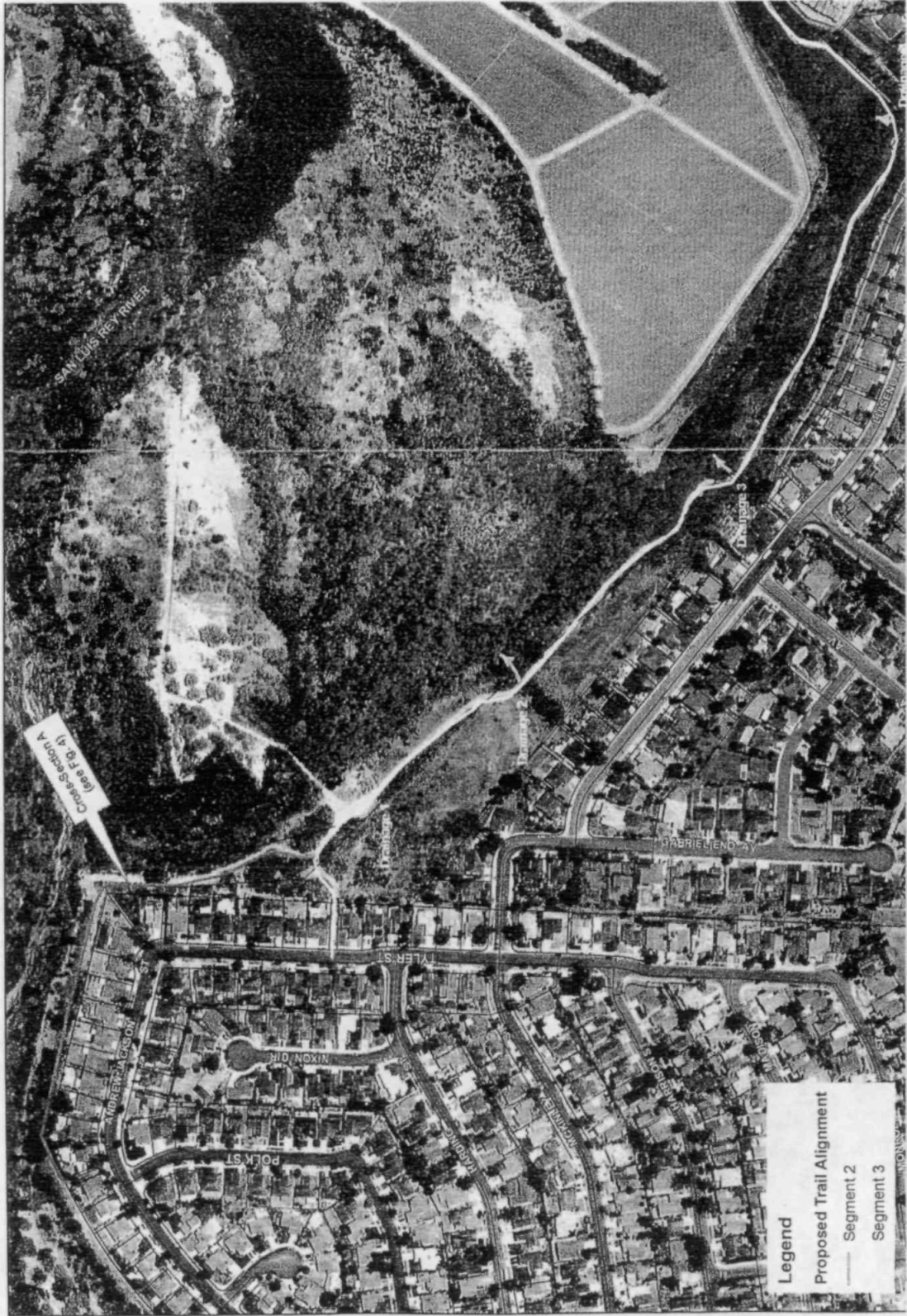
Source: RRM Design Group, December 2006 and 2008.

Trail Cross-Sections

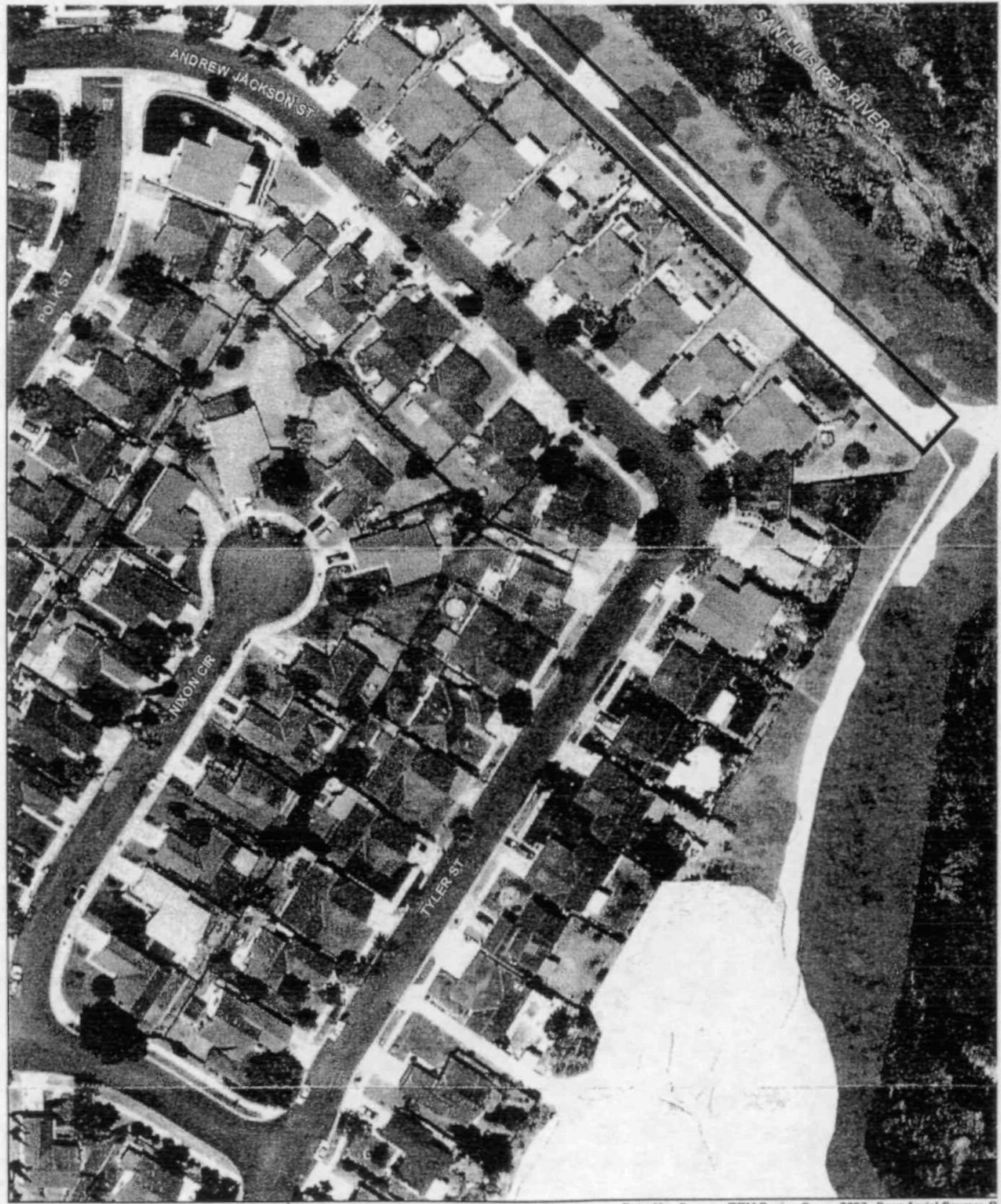
Figure 4  
City of Oceanside



Initial Study/Mitigated Negative Declaration  
San Luis Rey River Trail Project



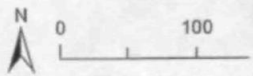




Base Map Source: RRM Design Group, 2007. Base Aerial Source: R

Levee Modification Area of Potential Effect  
 Segment 2  
 Segment 3

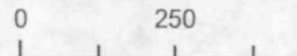
- Annual grassland
- Asphalt/paved
- Barren/cleared
- Coastal sage scrub/Ruderal
- Coastal sage scrub
- Concrete/rock
- Riparian
- Ruderal

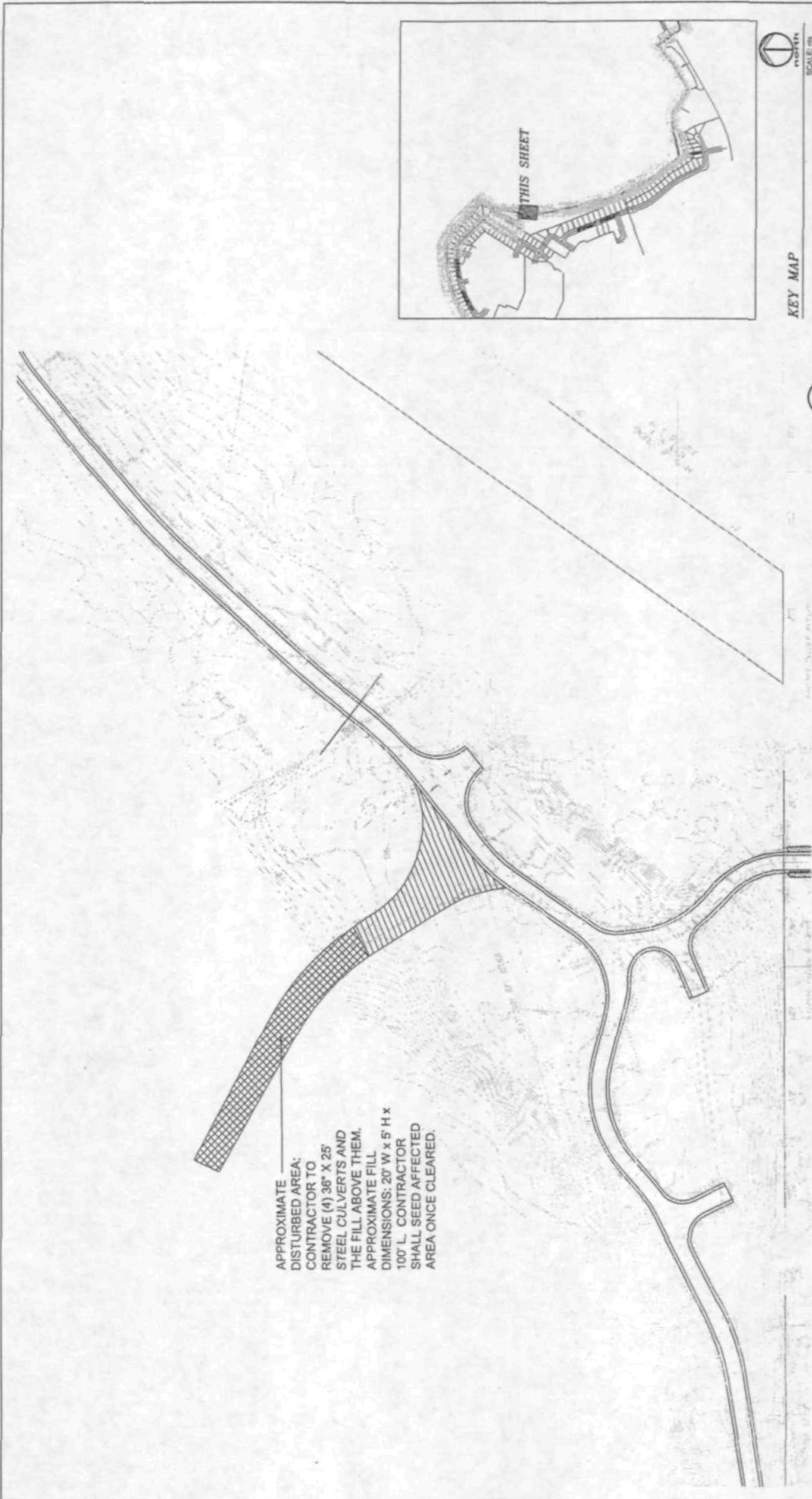




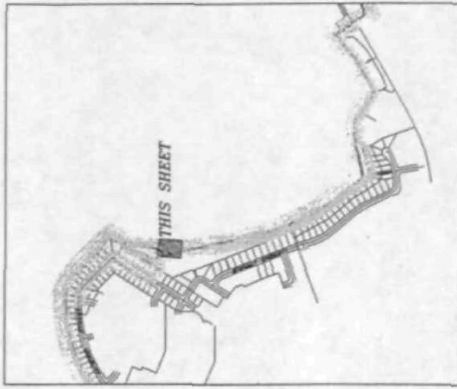
Base Map Source: RRM Design Group, 2007. Base Aerial Source: RRM Design

- Drainage Feature (USACE/RWQCB/CDFG Jurisdiction)
- Unnamed Drainage Feature
- Segment 2
- Segment 3
- Data Point





APPROXIMATE  
DISTURBED AREA:  
CONTRACTOR TO  
REMOVE (4) 36" X 25"  
STEEL CULVERTS AND  
THE FILL ABOVE THEM.  
APPROXIMATE FILL  
DIMENSIONS: 20' W X 5' H X  
100' L. CONTRACTOR  
SHALL SEED AFFECTED  
AREA ONCE CLEARED.



KEY MAP  
SCALE: 1/8" = 100'

USDA SUBMITTAL  
DATE: 12/15/2011  
PROJECT: SAN JUAN RIVER TRAIL EXTENSION PHASE II  
A. SHOW P.C. TO TRAIL ST. CENTER  
LANDSCAPE PLAN  
DRAWN BY: JRM  
CHECKED BY: JRM  
DATE: 12/15/2011  
PROJECT NO.: 12P-0001

SCALE: 1" = 30'  
PROJECT: SAN JUAN RIVER TRAIL EXTENSION PHASE II  
A. SHOW P.C. TO TRAIL ST. CENTER  
LANDSCAPE PLAN  
DRAWN BY: JRM  
CHECKED BY: JRM  
DATE: 12/15/2011  
PROJECT NO.: 12P-0001

NO.	DESCRIPTION	QUANTITY	UNIT



LANDSCAPE PLAN  
SEED PLANT MIX

Plant Name	Quantity	Plant Spacing

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

Nathan Mertz  
 City of Oceanside  
 300 North Coast Hwy  
 Oceanside, CA 92008

2. Article Number

7008 1140 0002 8455 9862

(Transfer from service lab...)

PS Form 3811, February 2004

Domestic Return Receipt

Porter

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS (FOLD AT DOTTED LINE)  
**CERTIFIED MAIL™**



7008 1140 0002 8455 9862  
 7008 1140 0002 8455 9862

U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.83

Postmark Here

Sent To Nathan Mertz, City of Oceanside

Street, Apt. No., or PO Box No. 300 N. Coast Hwy

City, State, ZIP+4 Oceanside, CA 92008

PS Form 3800, August 2006

See Reverse for Instructions