



# California Regional Water Quality Control Board San Diego Region

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**Matthew Rodriguez**  
Secretary for  
Environmental Protection

**Edmund G. Brown Jr.**  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

September 23, 2011

**In reply refer to:**  
**735667:jebsen**

Mr. Ken Weinberg  
San Diego County Water Authority  
4677 Overland Avenue  
San Diego, CA 92123

Dear Mr. Weinberg:

**SUBJECT: Action on Request for Clean Water Act Section 401 Water Quality Certification for Tijuana River Valley Wetland Mitigation Project, 09C-021**

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) with acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017 DWQ for Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have received State Water Quality Certification for the Tijuana River Valley Wetland Mitigation Project. A description of the project can be found in the project information sheet and on location and site maps compiled by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), which are included as Attachments 1 through 7.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action (23 CCR § 3867). If no petition is received, it will be assumed that you have accepted and will comply with all the conditions of this Certification.

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the San Diego Water Board 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, referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

**California Environmental Protection Agency**

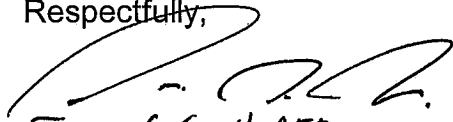
Ken Weinberg, SDCWA  
09C-021

- 2 -

September 23, 2011

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. If you have any questions regarding this notification, please contact Ms. Jody Ebsen directly at 858-636-3146 or by email via jebesen@waterboards.ca.gov.

Respectfully,



*James G. Smith, AEO*  
for DAVID W. GIBSON  
Executive Officer  
San Diego Regional Water Quality Control Board

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. 09C-021 Tijuana River Valley Wetland Mitigation Project, with 7 attachments

cc: Refer to Attachment 2 of Certification for Distribution List.

CIWQS Place ID	735667
WDID	9 000001905
Reg. Measure No.	363203
Party ID	278368
Person ID	286880



# California Regional Water Quality Control Board

## San Diego Region



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### 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:** Tijuana River Valley Wetland Mitigation Project,  
Certification Number 09C-021,  
WDID: 9 000001905

**APPLICANT:** San Diego County Water Authority  
Attention: Ken Weinberg  
4677 Overland Avenue  
San Diego, CA 92123

CIWQS Reg. Meas. ID: 363203 Place ID: 735667 Party ID: 278368
--

**ACTION:**

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004 DWQ

**PROJECT DESCRIPTION:**

This is a wetland restoration project that will create approximately 40-acres of wetland habitat on a former agricultural field south of the Tijuana River and west of Smugglers Gulch. The created wetlands will provide mitigation credits that are required by resource agencies for wetland impacts caused by various projects of the San Diego County Water Authority (SDCWA). There is the potential for wetland creation to be done in excess of previous commitments. This excess wetland creation may be used in a mitigation bank for future wetland impacts caused by SDCWA projects. The project is located in the Tijuana River Valley, west of Hollister Street and north of Monument Road within the Tijuana hydrologic unit (911.11).

Currently, east of Hollister Bridge, the Tijuana River bifurcates into two main stems, the southern arm and the northern arm. Near Hollister Bridge, the City of San Diego has an erodible berm to keep the water in the southern arm flowing

**California Environmental Protection Agency**

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west. During the 2004-2005 rainy season, the erodible berm on the west side of the bridge breached. This has allowed low flow waters in the southern arm of the Tijuana River to change direction (from west to east) and eventually join the northern arm of the Tijuana River. The project proposes to place a berm west of Hollister Bridge to prevent water in the low flow channel of the southern arm from reversing course during less than 5-year rain event conditions. The top of the berm will reach 28 feet above mean sea level (amsl). The estimated surface elevation at that point in the Tijuana River for a 2-year storm event is 27.99 amsl. The estimated 5-year flood event surface elevation is 29.49 amsl. The berm's height will keep flood waters from a 2-year flood event flowing to the west and allow flood waters from larger flooding events to flow over the berm. Preventing the low flows in the southern arm from reversing course is necessary to ensure success of the mitigation site.

Along the northern edge of the mitigation site there is an earthen berm which prevents flooding from the Tijuana River from occurring on the site. At the northeast corner of the mitigation site part of the existing berm will be removed and a spillway will be created to allow flood waters to enter the site from the southern arm of the Tijuana River. Along the northwest edge of the site part of the existing berm will be removed to allow exiting flood waters to rejoin the Tijuana River.

The impacts caused by project implementation to the Tijuana River are limited to:

Permanent Impacts –

Wetlands	0.64 acres,	122 linear feet
Waters	0.11 acres,	43 linear feet

Temporary Impacts –

Wetlands	3.1 acres,	457 linear feet
Waters	0.07 acres,	50 linear feet

Mitigation for non-avoidable impacts shall be implemented as described in the *Memo: Revisions of Permit Applications for Construction of the Tijuana River Valley Wetlands Mitigation Project – San Diego County Water Authority, September 17, 2010*, Dudek. Mitigation will occur on-site which must include: establishment of 6.96 acres of southern willow scrub, 0.57 mulefat scrub, and restoration of 0.14 acres open channel and 0.15 acres open waters.

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## I. STANDARD CONDITIONS:

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

- 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 California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
- B. 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.
- C. 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.

## II. ADDITIONAL CONDITIONS: GENERAL

- A. Water Quality Certification No. 09C-021 (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 expires.
- B. San Diego County Water Authority (SDCWA) must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2078-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
- C. SDCWA 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.

- D. During construction, SDCWA must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
- E. SDCWA must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:
  - 1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  - 2. Access to copy any records required to be kept under the terms and conditions of this Certification.
  - 3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
  - 4. Sampling of any discharge or surface water covered by this Order.
- F. 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.
- G. In response to a suspected violation of any condition of this Certification, the San Diego Water 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 San Diego Water 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.
- H. 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 add to or modify the conditions of this Certification as appropriate to ensure compliance.

### III. ADDITIONAL CONDITIONS: CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Prior to the start of the project, and annually thereafter, SDCWA must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMPs) implementation and maintenance.
- B. SDCWA 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 United States and/or State.
- C. SDCWA 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 Activity*.
- D. 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 CWC § 13260.
- E. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.
- F. 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.
- G. 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.
- H. Removal and disposal of exotic invasive species shall be done in a manner that prevents the spread of exotic invasive species downstream or to other areas.



- I. All areas that will be left in a rough graded state must be stabilized no later than one week after completion of grading. SDCWA and subsequent owners are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas to prevent flow from this area from causing negative impacts to beneficial uses. 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. 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 U.S. 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, and any subsequent reissuance as applicable.
- L. SDCWA is prohibited from allowing post-construction discharges to cause onsite or offsite downstream erosion, damage to properties or damage to stream habitats in the Tijuana River that will receive post-construction discharges from project site.
- M. No soil from the agriculture fields shall be placed in the established floodway locations.
- N. SDCWA must follow protocols set in the *Soil Management Plan Provisions for the San Diego County Water Authority Tijuana River Valley Wetlands Mitigation Project*, Dudek, July 2011. Based on past soil sampling the areas identified as chemical "hot spots" and the soil immediately surrounding the area will be removed from the site. Test results will be used to appropriately identify the type of landfill used for offsite disposal. Confirmatory soil sampling will be used to ensure that all hot spot soils will be removed.
- O. Waste manifests for all soil disposed offsite must be submitted with mitigation site as built report.
- P. All stockpiled soil must comply with San Diego Water Board's Resolution No. R9-2007-0104.

#### IV. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. Impacts to the Tijuana River are limited to:
1. Permanent Impacts –  
Wetlands 0.64 acres, 122 linear feet  
Waters 0.11 acres, 43 linear feet
  2. Temporary Impacts –  
Wetlands 3.1 acres, 457 linear feet  
Waters 0.07 acres, 50 linear feet
- B. Mitigation for non-avoidable impacts shall be implemented as described in the *Memo: Revisions of Permit Applications for Construction of the Tijuana River Valley Wetlands Mitigation Project – San Diego County Water Authority, September 17, 2010*, Dudek. Mitigation will occur on-site which must include: establishment of 6.96 acres of southern willow scrub, 0.57 mulefat scrub, and restoration of 0.14 acres open channel and 0.15 acres open waters.
- C. The success criteria for the 5 year monitoring plan as described in *Conceptual Wetlands Mitigation Plan for the San Diego County Water Authority Tijuana River Valley Wetlands Mitigation Project, December 2008*, Dudek, will be used with the following exception: the percent of exotic species must meet conditions in IV.D (below).
- D. 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 mitigation areas.
- E. 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.
- F. SDCWA must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States/State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. SDCWA must implement all necessary BMPs to control erosion and runoff from areas associated with this project.

- G. SDCWA must salvage leaf litter, coarse woody debris, and upper soil horizons from impacted jurisdictional water sites that are relatively free of invasive exotic species for use in on-site mitigation areas.
- H. SDCWA must also salvage large cuttings from appropriate tree species if they exist at the impact site and use them as pole plantings at the mitigation site.
- I. The mitigation site must be designed and constructed to have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.
- J. Mitigation shall be considered acceptable once it has met the pre-determined success criteria for that site, and shall be maintained, in perpetuity, in a manner that consistently meets the final success criteria identified.
- K. San Diego Water Board acceptance of the final mitigation plan applies only to the site and plan that mitigates for the Tijuana River Valley Wetland Mitigation 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 additional acreage at the site for mitigation.
- L. 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.
- M. 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, SDCWA is responsible for repair and replanting of the damaged area(s).
- N. 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.
- O. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated waters of the United States/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 United States/State previously existed (e.g., removal of fill material to restore drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the United States/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 United States/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 United States/State (e.g., conservation easement).

## V. MONITORING REQUIREMENTS:

- A. Monitoring of the mitigation site based on conditions described in section IV.C will be performed and reported on an annual basis for no less than a 5 year monitoring period.
- B. Monitoring of the mitigation site must also include a quantitative function-based assessment to establish baseline conditions, and assess mitigation site progress using the California Rapid Assessment Method (CRAM) at three assessment stations. The first assessment may be done after mitigation construction has been completed and then three years and five years following construction completion and continue annually until success criteria have been met. The appropriate assessment window will be identified in the first functional assessment and subsequent assessments must be done within the same assessment window each year. The results of the CRAM assessment must be submitted with the respective annual reports.
- C. 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.

## VI. NOTIFICATION REQUIREMENTS:

- A. SDCWA must notify the San Diego Water Board within **24 hours** of any unauthorized discharge, including hazardous or toxic materials, to waters of the United States 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 practices (BMPs) or other measures that will be implemented to prevent future discharges.

- 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:** SDCWA 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 SDCWA 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 Executive Officer of 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 Section IV of 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 SDCWA will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve SDCWA of this Certification in the event that a transferee fails to comply.

- C. SDCWA must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.
- D. The SDCWA must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of mitigation installation, and within 5 days of completion of mitigation installation.
- E. Prior to the start of construction, SDCWA must provide the San Diego Water 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 start of construction, the SDCWA 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 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.

## VII. REPORTING REQUIREMENTS:

- A. SDCWA must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **August 1** of each year following the issuance of this Certification until the mitigation construction has reached completion.
- B. SDCWA must submit a Final Mitigation Construction Report to the San Diego Water Board **within 60 days following completion of the mitigation construction**. The report must include the following:
  1. Date of construction initiation.
  2. Date of construction completion.
  3. As-built drawings no bigger than 11"X17."
- C. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted **by 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. Results from qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results, including but not limited to, results from using the CRAM assessment.
  10. Stream Photodocumentation, including all areas of permanent and temporary impact, prior to and after project construction, and mitigation areas, including all areas of permanent and temporary impact, prior to and after project construction. 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](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, 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.
  12. SDCWA must conduct a CRAM assessment with the first assessment performed after completion of mitigation construction, and then three years and five years following construction completion and continue annually until success criteria have been met. The results of the functional assessments must be submitted to the San Diego Water Board in the respective annual mitigation monitoring reports.
- D. In the event that the proposed mitigation does not obtain the 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> year success criteria milestones for mitigation as presented in *Conceptual Wetlands Mitigation Plan for the San Diego County Water Authority*

*Tijuana River Valley Wetlands Mitigation Project, December 2008*, Dudek, the applicants must provide the San Diego Water Board with a technical report detailing the actions that will be taken to bring the mitigation up to the success criteria. The subsequent annual monitoring report must describe all necessary actions taken in the previous year.

- E. Once the 5<sup>th</sup> year success criteria for the mitigation site has been met, SDCWA must submit within 120 days an analysis to determine the need for the continued existence of the berm near Hollister Bridge in order for the mitigation site to remain successful.
- F. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC section 13268.
- G. All reports and information submitted to the San Diego Water 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.
- H. 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.



- I. 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."

- J. SDCWA 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; Project No. 10C-094  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

## **VIII. CEQA FINDINGS:**

- A. The SDCWA is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and filed a Notice of Determination on December 18 2008, for an Environmental Impact Report for the Tijuana River Valley Wetlands Mitigation Project under CEQA Guidelines Title 14, California Code of Regulations. The SDCWA has determined the project will not have a significant effect on the environment and mitigation measures were made a condition of the project.
- B. The San Diego Water Board has reviewed the lead agency's Environmental Impact Report and also finds that the project as proposed will not have a significant effect on the environment with conditioned mitigation measures and therefore determines that issuance of this Certification is consistent with the Environmental Impact Report.

## **IX. PUBLIC NOTIFICATION OF PROJECT APPLICATION:**

- A. On March 30, 2009, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. Public comments were received from California Department of Parks and Recreation (June 7, 2011), Tijuana River National Estuarine

Research Reserve (June 7, 2011), Southwest Wetlands Interpretive Association (June 7, 2011), and the San Diego Audubon Society (June 27, 2011). The SDCWA submitted a response (June 23, 2011) to the three comment letters that were submitted on June 7, 2011. On July 13, 2011, a meeting was held with SDCWA and commenters. On September 7, 2011, a meeting was held with members of the Tijuana River Valley Recovery Team. Their comments were considered, including the need for the berm near Hollister Bridge. It was determined that the water quality impacts have been appropriately mitigated and the placement of the berm near Hollister Bridge is justified to support the project and will not pose as an impediment to other restoration efforts within the Tijuana River Valley.

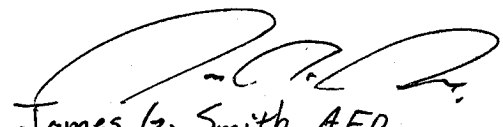
**X. SAN DIEGO WATER BOARD CONTACT PERSON:**

Jody Ebsen  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
858-636-3146  
jebsen@waterboards.ca.gov

## XI. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Tijuana River Valley Wetland Mitigation Project (Project No. 09C-021) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue waste discharge requirements at that time.

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

  
for James G. Smith, AEO  
DAVID W. GIBSON  
Executive Officer  
Regional Water Quality Control Board

23 Sep 2011  
Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location Map
  4. Site Maps a and b
  5. Impact Maps a, b and c
  6. Final Project Maps a and b
  7. Mitigation Map

**ATTACHMENT 1  
PROJECT INFORMATION**

**Applicant:** San Diego County Water Authority  
Attention: Ken Weinberg  
4677 Overland Avenue  
San Diego, CA 92123  
Telephone: 858-522-6758  
Facsimile: 858-268-7881  
Email: kweinberg@sdcwa.org

**Applicant  
Representatives:** Vipul Joshi  
Dudek  
Telephone: 760-479-4284  
Facsimile: 760-632-8710  
Email: vjoshi@dudek.com

**Project Name:** Tijuana River Valley Wetland Mitigation Project

**Project Location:** Latitude: 117°05'32"W Longitude: 32°33'06"N

**Type of Project:** Mitigation restoration project

**Need for Project:** Wetland restoration is required by resource agencies to fulfill mitigation requirements for impacts to wetlands caused by various San Diego County Water Authority (SDCWA) projects.

**Project Description:** This is a wetland restoration project that will create approximately 40-acres of wetland habitat on a former agricultural field south of the Tijuana River and west of Smugglers Gulch. The created wetlands will provide mitigation credits that are required by resource agencies for wetland impacts caused by various projects of the San Diego County Water Authority (SDCWA). There is the potential for wetland creation to be done in excess of previous commitments. This excess wetland creation may be used in a mitigation bank for future wetland impacts caused by SDCWA projects. The project is located in the Tijuana River Valley, west of Hollister Street and north of Monument Road within the Tijuana hydrologic unit (911.11).

Currently, east of Hollister Bridge, the Tijuana River bifurcates into two main stems, the southern arm and the northern arm. Near Hollister Bridge, the City of San Diego has an erodible berm to keep the water in the southern arm flowing west. During the 2004-2005 rainy season, the erodible berm on the west side of the bridge breached. This has allowed low flow

waters in the southern arm of the Tijuana River to change direction (from west to east) and eventually join the northern arm of the Tijuana River. The project proposes to place a berm west of Hollister Bridge to prevent water in the low flow channel of the southern arm from reversing course during less than 5-year rain event conditions. The top of the berm will reach 28 feet above mean sea level (amsl). The estimated surface elevation at that point in the Tijuana River for a 2-year storm event is 27.99 amsl. The estimated 5-year flood event surface elevation is 29.49 amsl. The berm's height will keep flood waters from a 2-year flood event flowing to the west and allow flood waters from larger flooding events to flow over the berm. Preventing the low flows in the southern arm from reversing course is necessary to ensure success of the mitigation site.

Along the northern edge of the mitigation site there is an earthen berm which prevents flooding from the Tijuana River from occurring on the site. At the northeast corner of the mitigation site part of the existing berm will be removed and a spillway will be created to allow flood waters to enter the site from the southern arm of the Tijuana River. Along the northwest edge of the site part of the existing berm will be removed to allow exiting flood waters to rejoin the Tijuana River.

The impacts caused by project implementation to the Tijuana River are limited to:

Permanent Impacts –

Wetlands	0.64 acres,	122 linear feet
Waters	0.11 acres,	43 linear feet

Temporary Impacts –

Wetlands	3.1 acres,	457 linear feet
Waters	0.07 acres,	50 linear feet

Mitigation for non-avoidable impacts shall be implemented as described in the *Memo: Revisions of Permit Applications for Construction of the Tijuana River Valley Wetlands Mitigation Project – San Diego County Water Authority, September 17, 2010*, Dudek. Mitigation will occur on-site which must include: establishment of 6.96 acres of southern willow scrub, 0.57 mulefat scrub, and restoration of 0.14 acres open channel and 0.15 acres open waters.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, NWP 27, 33, and 43, Peggy Bartels

Other Required Regulatory Approvals: California Department of Fish and Game Streambed Alteration Agreement, Kelly Fisher.  
City of San Diego, Coastal Development Permit and Site Development Permit, City of San Diego.

California Environmental Quality Act (CEQA) Compliance: Environmental Impact Report for the Tijuana River Valley Wetlands Mitigation Project, December 18, 2008, SCH# 2007111070, San Diego County Water Authority.

Receiving Water: Tijuana River in the Tijuana hydrologic unit, Tijuana Valley hydrologic area, San Ysidro hydrologic subarea (911.11).

Impacted Waters of the United States and State:

Permanent Impacts –	
Wetlands	0.64 acres
Waters	0.11 acres
Temporary Impacts –	
Wetlands	3.1 acres
Waters	0.07 acres

Compensatory Mitigation: Mitigation for non-avoidable impacts shall be implemented as described in the *Memo: Revisions of Permit Applications for Construction of the Tijuana River Valley Wetlands Mitigation Project – San Diego County Water Authority, September 17, 2010*, Dudek. Mitigation will occur on-site which must include: establishment of 6.96 acres of southern willow scrub, 0.57 mulefat scrub, and restoration of 0.14 acres open channel and 0.15 acres open waters.

Related Projects Implemented/to be Implemented by the Applicant(s): SDCWA proposes to establish a mitigation bank which includes multiple mitigation sites within San Diego County. Credits in excess of previous mitigation commitments from this site are being considered for inclusion into their mitigation bank.

Mitigation Location: Latitude: 117°05'32"W Longitude: 32°33'06"N

Public Notice: On March 30, 2009, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. Public comments were received from California Department of Parks and Recreation (June 7, 2011), Tijuana River National Estuarine Research

Reserve (June 7, 2011), Southwest Wetlands Interpretive Association (June 7, 2011), and the San Diego Audubon Society (June 27, 2011).

Fees: Total Due: \$11,428.00  
Total Paid: \$ 640.00 (check No. 504891)  
\$10,788.00 (check No. 520281)

CIWQS: Regulatory Measure ID: 363203  
Place ID: 735667  
Party ID: 278368

**ATTACHMENT 2**  
**Distribution List**

Cc via email:

Peggy Bartels  
U.S. Army Corps of Engineers, Regulatory Branch  
[Peggy.J.Bartels@usace.army.mil](mailto:Peggy.J.Bartels@usace.army.mil)

State Water Resources Control Board, Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

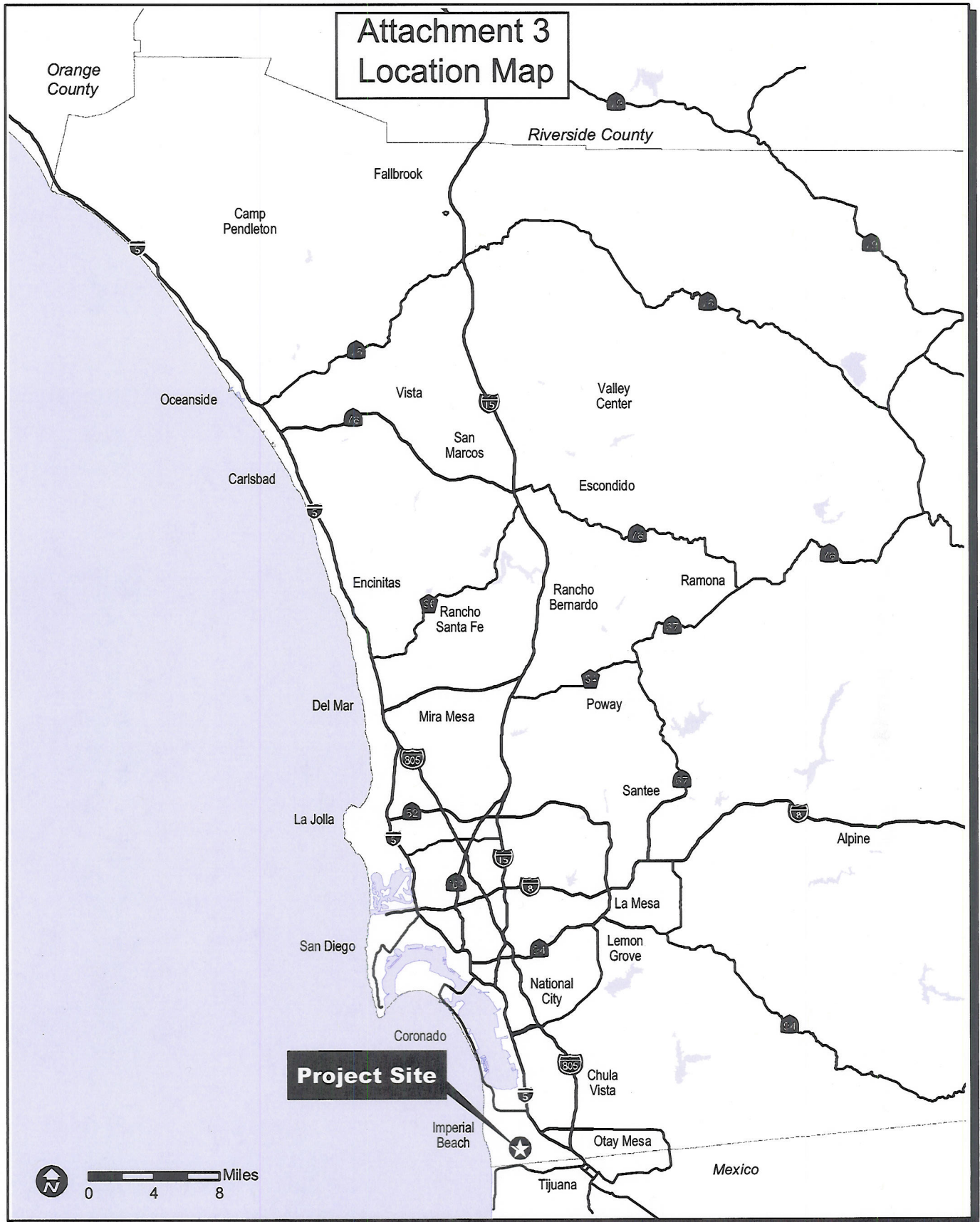
U.S. Environmental Protection Agency, Region 9  
Wetlands Regulatory Office  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

David Zoutendyk  
U.S. Department of the Interior  
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Mike Sweesy  
Dudek  
[msweesy@dudek.com](mailto:msweesy@dudek.com)









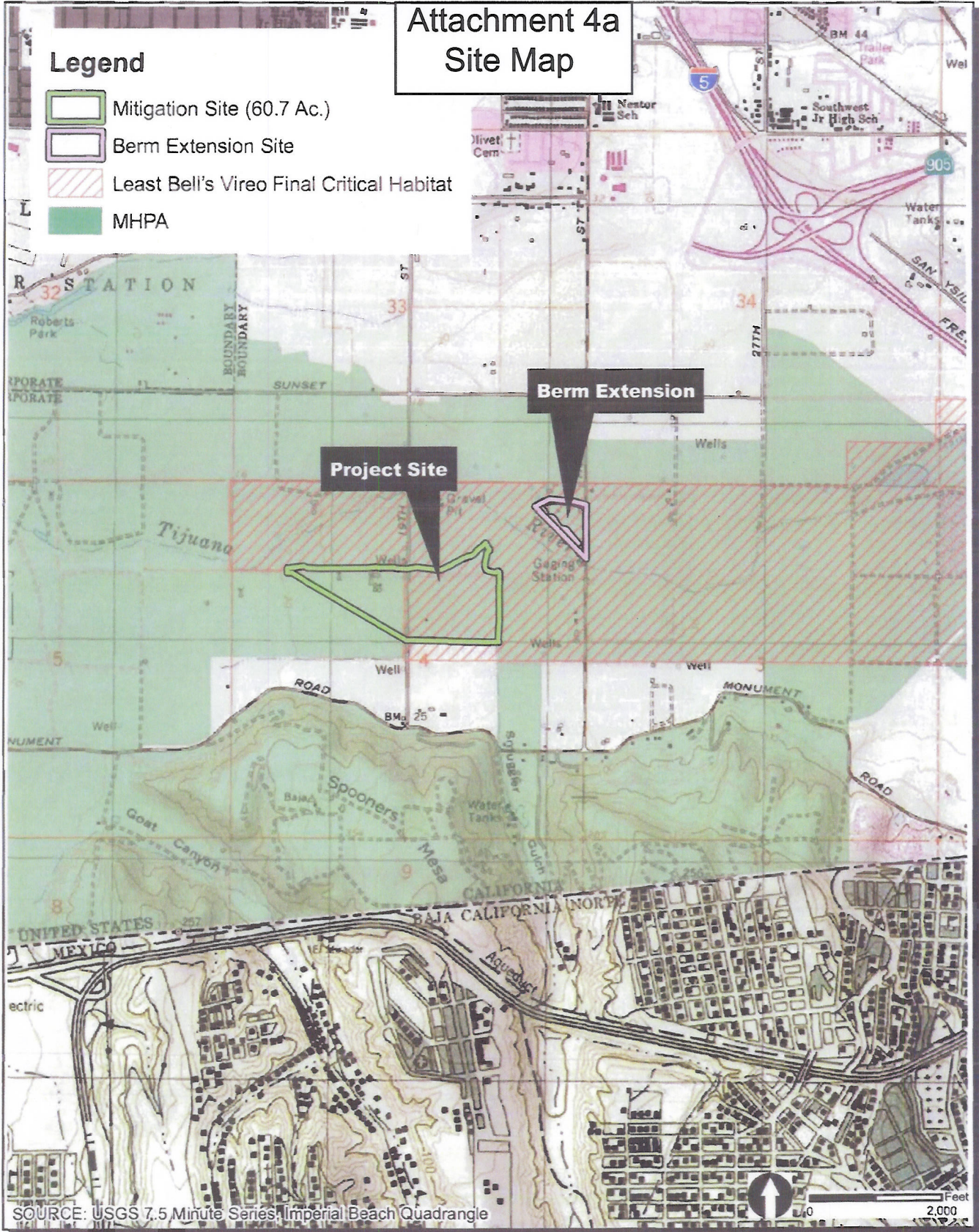
Tijuana River Valley Wetlands Mitigation Project - Conceptual Wetland Mitigation Plan  
**Regional Map**

**FIGURE**  
**1**

# Attachment 4a Site Map

## Legend

-  Mitigation Site (60.7 Ac.)
-  Berm Extension Site
-  Least Bell's Vireo Final Critical Habitat
-  MHPA



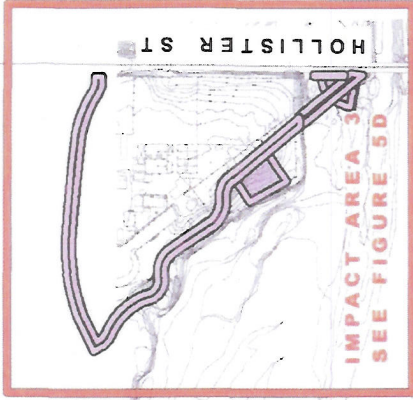
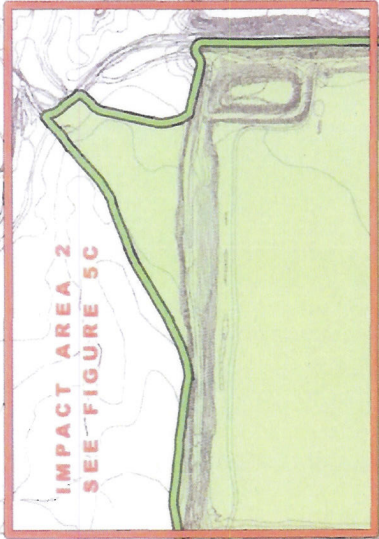
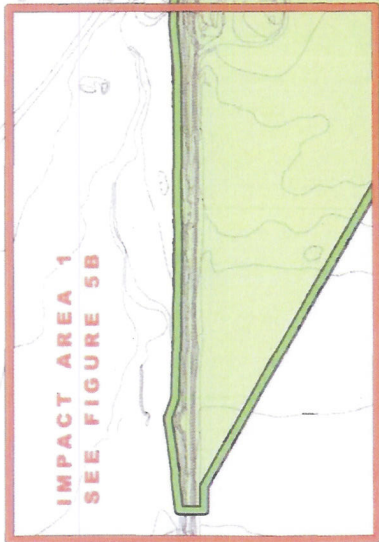
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Tijuana River Valley Wetlands Mitigation Project - Joint Permit Application  
Vicinity Map

FIGURE  
2

# Attachment 4b Site Map

- Legend**
- Mitigation Site
  - Berm Extension Site



SATURN BL

MONUMENT RD



0 500 Feet

FIGURE  
5A

Tijuana River Valley Wetlands Mitigation Project - Joint Permit Application  
Jurisdictional Delineation Impact Area Index Map

# Attachment 5a Impact Map

**Jurisdictional Wetlands:**

	ACOE/CDFG/RWQCB/CCC/City of San Diego
	CCC/City of San Diego
	CDFG/CCC/City of San Diego
	dSWS, Permanent Wetlands Impact
	dSWS, Temporary Wetlands Impact
	OC, Temporary Wetlands Impact

**Legend**

	Project Site
	Vegetation Mapping
<b>Vegetation Communities/Landcovers:</b>	
FWM = Freshwater Marsh	
OC = Open Channel	
OW = Open Water	
dSWS = Disturbed Southern Willow Scrub	
AGR = Agriculture	
DEV = Developed Land	
DH = Disturbed Habitat	
ORN = Ornamental	
RUD = Ruderal	

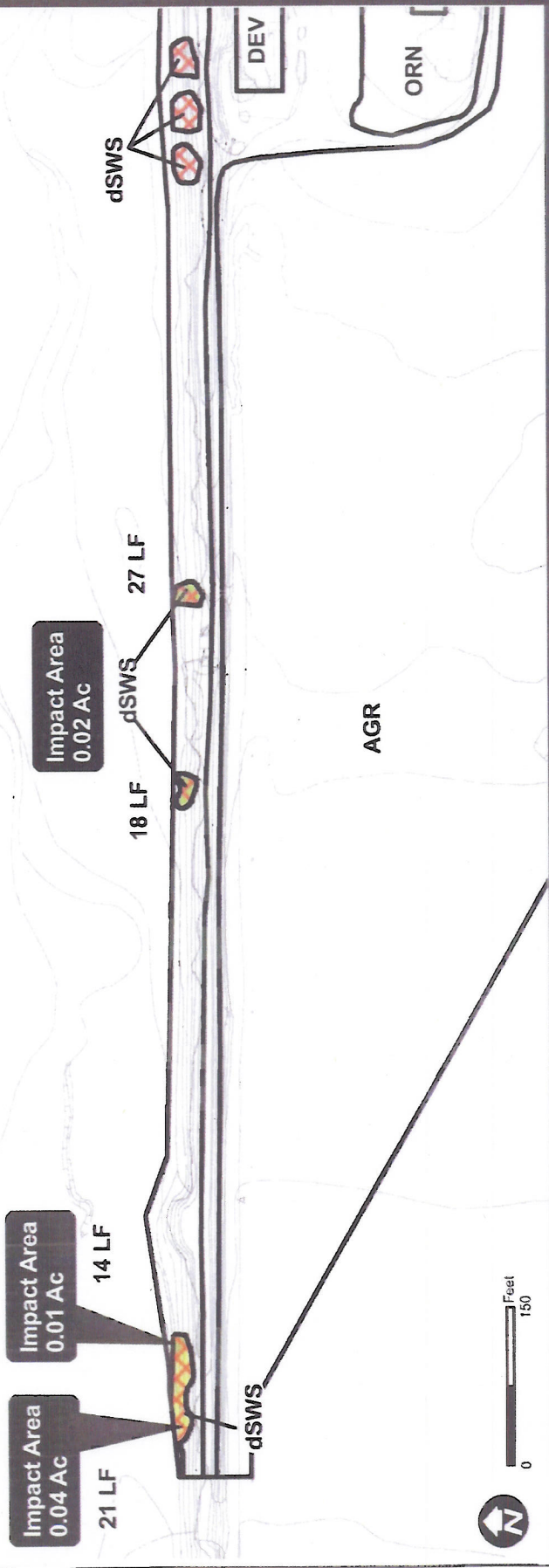
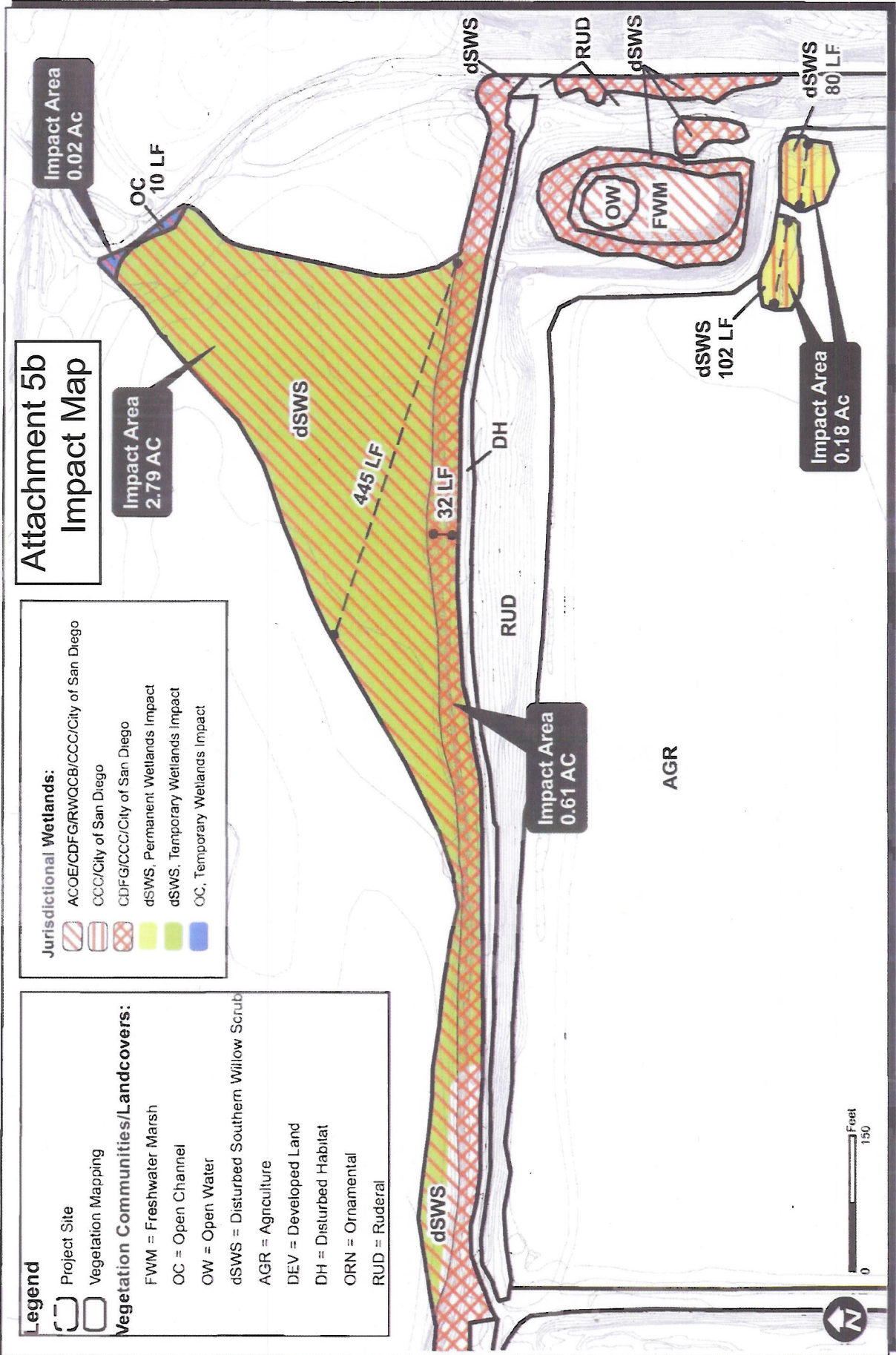


FIGURE  
5B

Tijuana River Valley Wetlands Mitigation Project - Joint Permit Application  
Impact Area 1

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**FIGURE  
5C**

**Tijuana River Valley Wetlands Mitigation Project - Joint Permit Application  
Impact Area 2**

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# Attachment 5c Impact Map

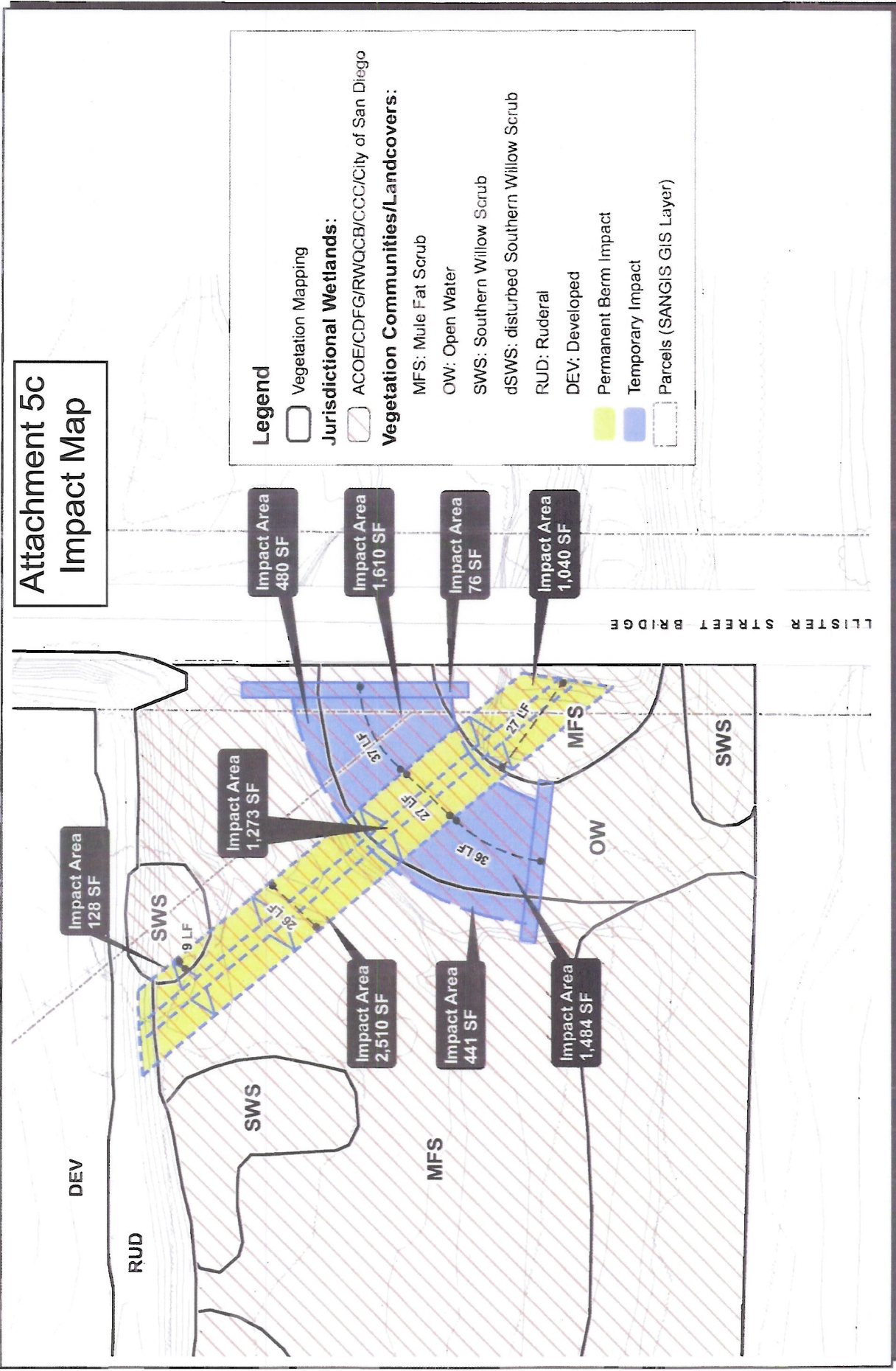
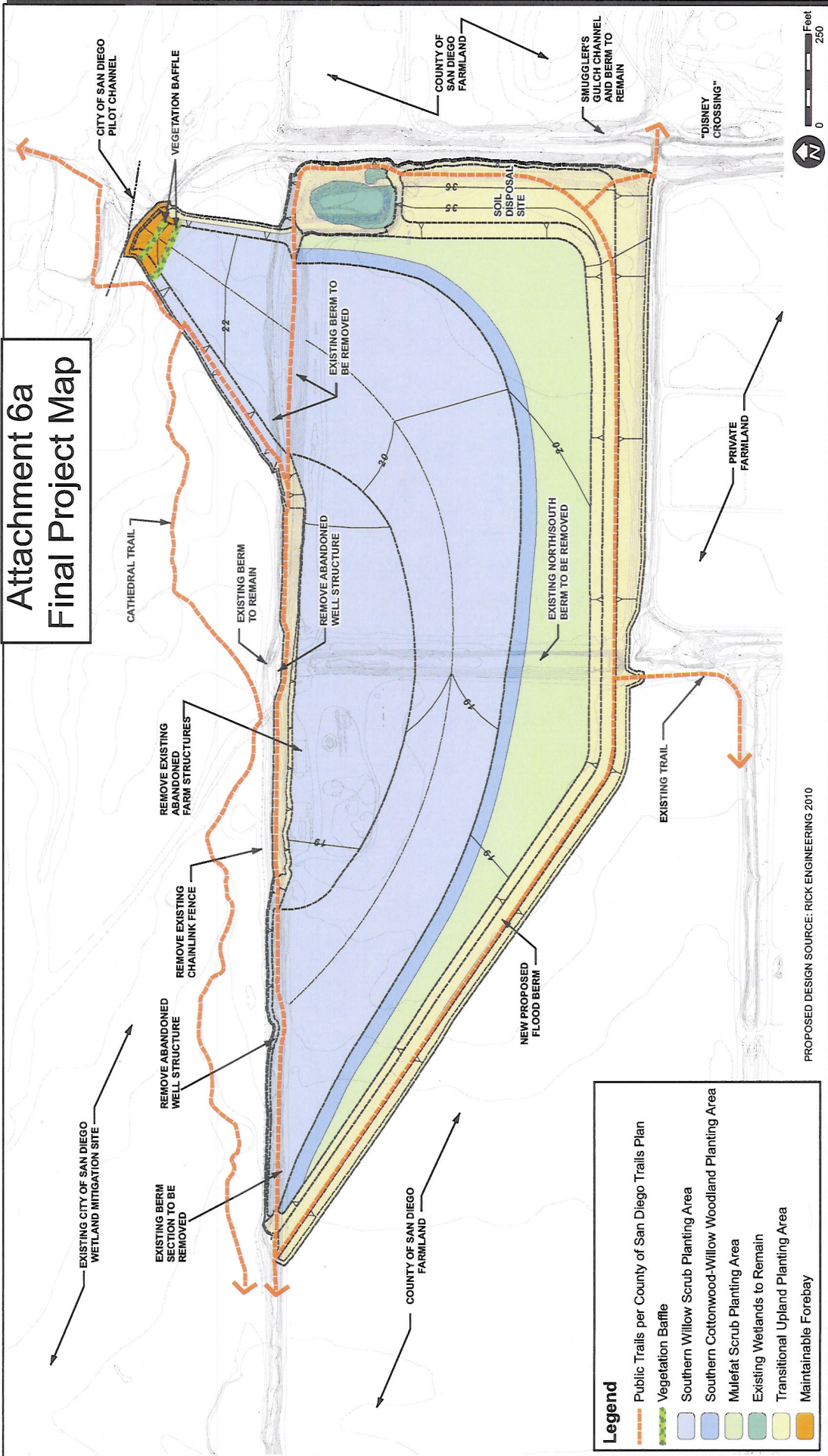


FIGURE  
5D

Tijuana River Valley Wetlands Mitigation Project - Joint Permit Application  
Impact Area 3

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# Attachment 6a Final Project Map



**Legend**

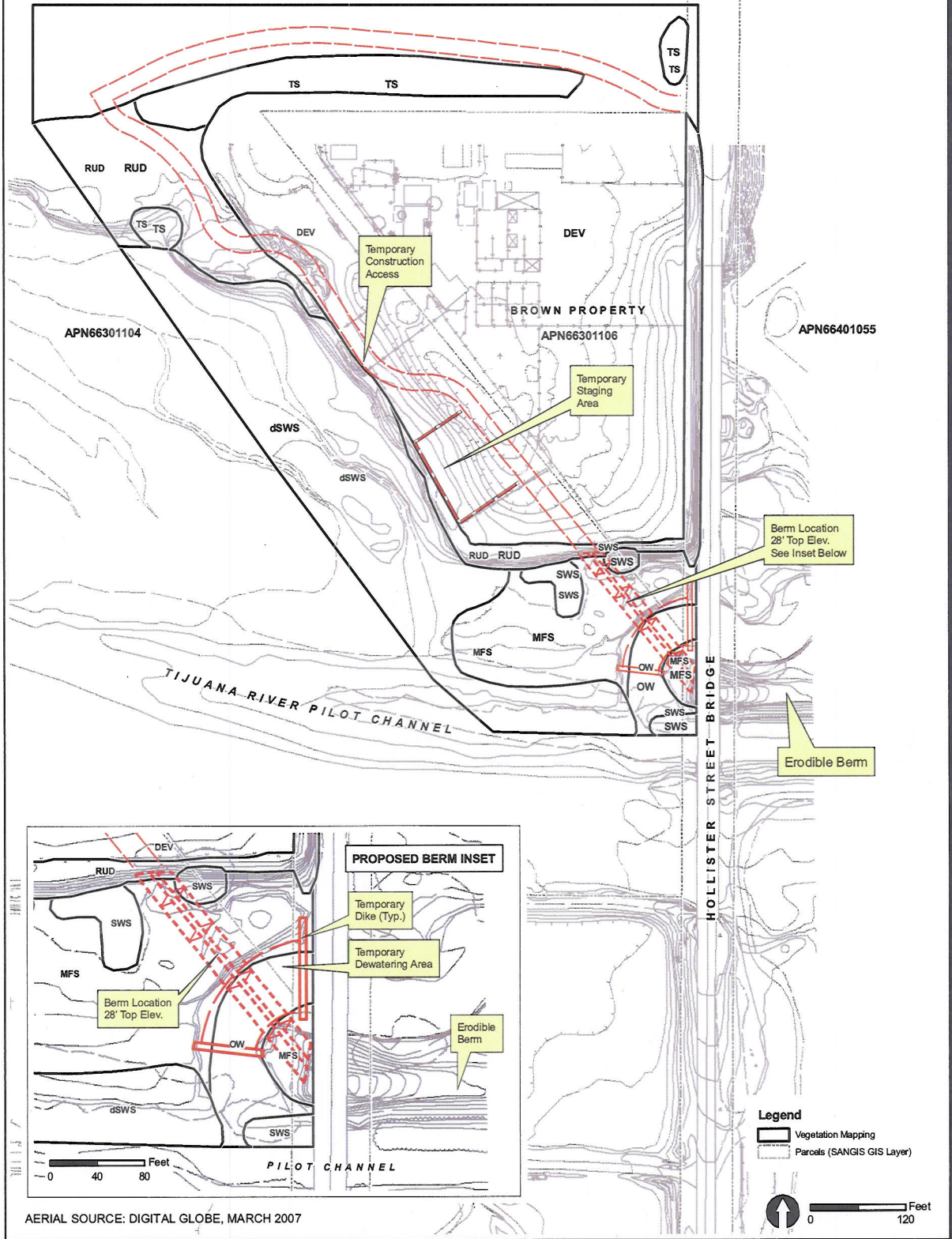
- Public Trails per County of San Diego Trails Plan
- Vegetation Baffle
- Southern Willow Scrub Planting Area
- Southern Cottonwood-Willow Woodland Planting Area
- Mulefat Scrub Planting Area
- Existing Wetlands to Remain
- Transitional Upland Planting Area
- Maintainable Forebay

PROPOSED DESIGN SOURCE: RICK ENGINEERING 2010

FIGURE 4  
Tijuana River Valley Wetlands Mitigation Project - Biological Resources Report  
Conceptual Mitigation Design

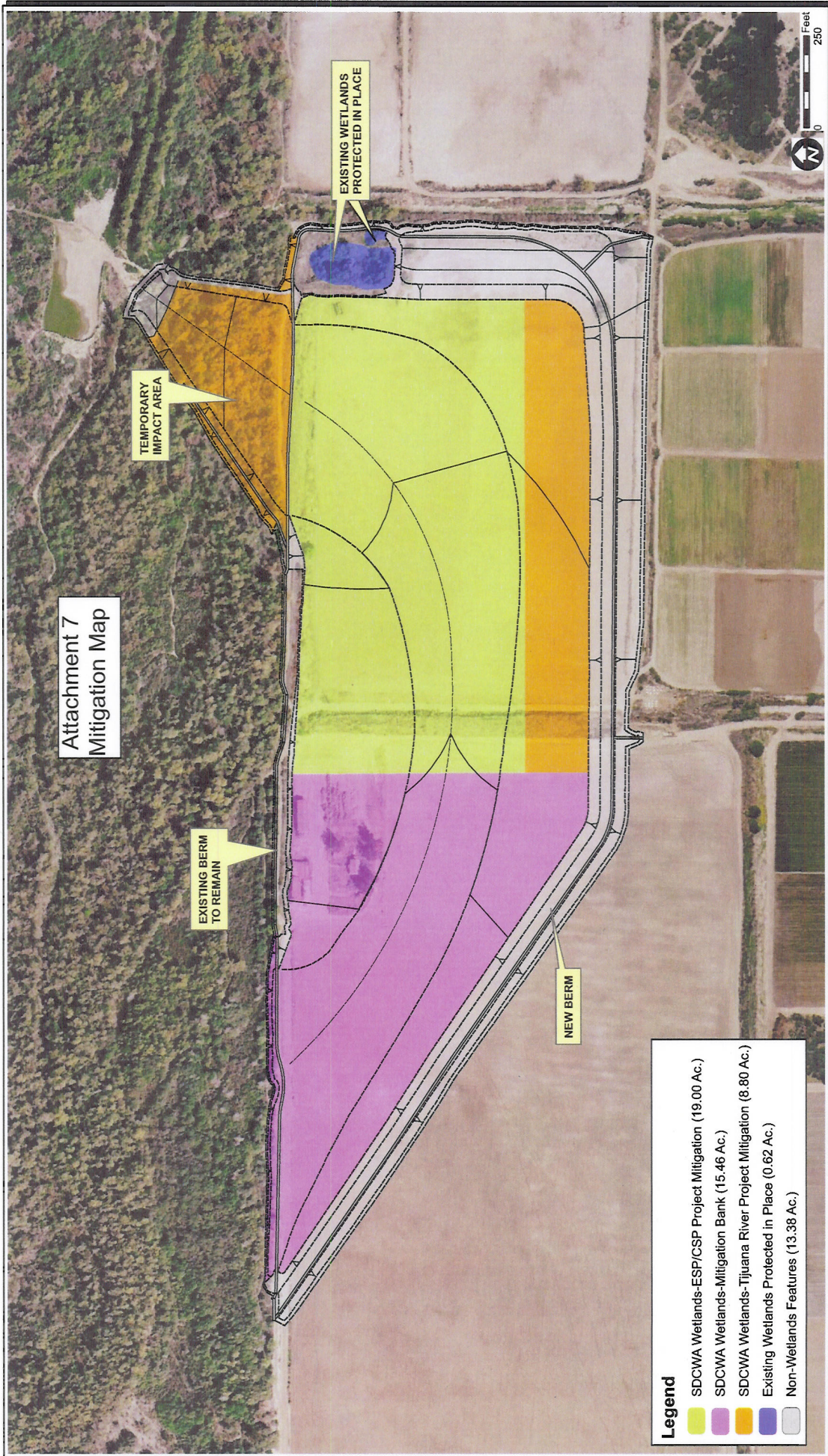
# Attachment 6b Final Project Map

APN66301104



Tijuana River Valley Wetlands Mitigation Project - EIR  
Berm Extension Site Vegetation **FIGURE 3.4-2**





**FIGURE 6**

**Tijuana River Valley Wetlands Mitigation Project - Joint Permit Application  
Conceptual Mitigation Acreage Layout**