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

Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
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

December 8, 2009

Certified Mail Number:
7009 1410 0002 2347 5159

Mr. Tom Lichterman, Director of Operations
North County Transit District
810 Mission Avenue
Oceanside, CA 92054

In reply refer to:
745903: LPardy

Dear Mr. Lichterman:

Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the Bridge 243.0 Retrofit Water Quality Certification No. 09C-082

Enclosed find Clean Water Act section 401 Water Quality Certification with enrollment in Waste Discharge Requirements for discharge to Waters of the U.S. for the Bridge 243.0 Retrofit project. A description of the project and project location can be found in the project information sheet, project location map, and temporal mitigation – non-native vegetation removal map, by the Regional Board, 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 section 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 California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to $10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

In the subject line of any response, please include the requested "**In reply refer to:**" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Ms. Linda Pardy at (858) 627-3932 or lpardy@waterboards.ca.gov.

Respectfully,

DAVID W. GIBSON
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 09C-082 for Bridge 243.0 Retrofit project, with 5 attachments

cc: Refer to Attachment 2 of Certification No 09C-082 for Distribution List.

Tech Staff Info & Use	
File No.	09C-082
WDID	9 000001981
Reg. Measure ID	371800
Place ID	745903
Party ID	31651
Person ID	519157

Linda S. Adams
Secretary for Environmental Protection

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Arnold Schwarzenegger
Governor

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: **Bridge 243.0 Retrofit,
Certification Number (09C-082),
WDID 9 000001981**

In reply refer to: 745903: LPARDY

Certified Mail Number:
7009 1410 0002 2347 5159

APPLICANT: **Tom Lichterman, Director of Operations
North County Transit District
810 Mission Avenue
Oceanside, CA 92054**

CIWQS
Regulatory Measure ID: 371800
Place ID: 745903
Party ID: 31651
Person ID: 519157

ACTION:

☐ Order for Low Impact Certification	☐ Order for Denial of Certification
☑ Order for Technically-conditioned Certification	☐ Waiver of Waste Discharge Requirements
☑ Enrollment in SWRCB GWDR Order No. 2003-017 DWQ	☐ Enrollment in Isolated Waters Order No. 2004-004 DWQ

PROJECT DESCRIPTION:

The North County Transit District (NCTD) Bridge 243.0 Retrofit project proposes to retrofit (for structural stability) portions of Bridge 243.0 prior to Southern California Edison's (SCE) proposed channel dredging project that is part of the San Dieguito Lagoon Restoration project. The Bridge 243.0 Retrofit project will have an area potential effect (APE) of temporary impacts to 1.40 acres (73 lineal feet) of U.S. Army Corps of Engineers jurisdictional wetlands.

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, North County Transit District must satisfy the following:

A. GENERAL CONDITIONS:

1. The North County Transit District 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 (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. During construction, the North County Transit District must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.

3. The North County Transit District 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.

4. The North County Transit District 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.

5. The North County Transit District 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.

6. Dredge material must not be deposited in a location that may cause significant adverse effects to aquatic life, fish, or wildlife or may harm the beneficial uses of the receiving waters.

7. This Certification is not transferable in its entirety or in part to any person except after notice to the Executive Officer of the Regional Board in accordance with the following terms.

   a. Transfer of Property Ownership: North County Transit District must notify the Regional Board of any change in ownership of the project area Notification of change in ownership must include, but not be limited to, a statement that the North County Transit District 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 Regional Board within **10 days** of the transfer of ownership.

   b. Transfer of Mitigation Responsibility: Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in the *Revegetation Plan for the Bridge Retrofit Project Bridge 243, San Diego County, California* shall 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 Regional Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the Regional Board within **10 days** of the transfer date.

8. 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.

9. 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.

10. 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.

11. The North County Transit District must submit annual progress reports noting the conditions of compliance with all requirements in this certification to the Regional Board prior to **December 1** of each year following the issuance of this Certification until the project has reached completion.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, the North County Transit District must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.

2. The North County Transit District 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.

3. The North County Transit District must notify the Regional Board in writing at least **5 days** prior to the actual commencement of dredge, fill, and discharge activities.

4. The North County Transit District must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the

NPDES General Permit for Storm Water Discharges Associated with Construction Activity.

5. 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 Regional Board pursuant to CWC section 13260.

6. Discharges of concentrated flow during construction or after completion must not cause downstream erosion or damage to properties or stream habitat.

7. 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.

8. 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.

9. 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.

10. Removal of vegetation must occur by hand, mechanically, or using EPA approved herbicides deployed using applicable BMPs to prevent impacts to beneficial uses of waters of the State. Removal of vegetation must occur outside of the avian nesting season (March 15- August 31).

C. TURBIDITY MONITORING PROGRAM:

1. To ensure the Bridge 243.0 Retrofit project does not adversely affect the beneficial uses of San Dieguito River and Lagoon, the North County Transit District shall conduct hourly turbidity monitoring during dredge operations, immediately upstream and downstream of the dredge location(s). Turbidity monitoring shall continue until such time that dredging activities have been completed. Hourly turbidity levels shall not exceed the following concentrations:

Background Turbidity	Maximum Increase
0-50 NTU	20% over background turbidity level
50-100 NTU	10 NTU
Greater than 100 NTU	10% over background turbidity level

2. The North County Transit District shall immediately assess the results of each sample, and if the results of the downstream site exceed the maximum allowable increase in turbidity, the North County Transit District shall conduct an immediate assessment of erosion and sediment control best management practices being implemented on-site. The North County Transit District shall:
    a. Repair or replace any BMP that has failed.
    b. Maintain any BMP that is not functioning properly due to lack of maintenance.
    c. Evaluate whether additional or alternative BMPs should be implemented to prevent further exceedences of turbidity levels.
    d. Report to the Regional Board **within 2 working days** the actions taken to remedy the situation.
    e. Stop work if consecutive measurements show a greater than 30% increase in the relative difference of turbidity between background turbidity compliance sites.

3. The North County Transit District shall retain all turbidity monitoring data for 3 years.

D. MITIGATION FOR TEMPORARILY IMPACTS TO WATERS OF THE U.S./STATE:

1. Mitigation for temporary impacts to 0.42 acre of onsite coastal salt marsh must be achieved at a 1:1 ratio by restoration of all temporarily impacted areas to a condition at equal to or better than pre-project conditions. The restoration of these habitats must occur in accordance with the '*Revegetation Plan for the Bridge Retrofit Project Bridge 243.0, San Diego County, California*,' prepared by HDR Engineering, Inc.

2. Mitigation for temporary loss resulting from disturbance of 0.20 acre of mudflat and 0.78 acre of open water must be achieved by offsite (nearby) enhancement of 0.26 acre of coastal salt marsh through removal of perennial exotic plant species and annual exotic plant species at the location shown on Attachment 4 entitled, '*Temporal Mitigation – Non-Native Vegetation Removal Map*'. The enhancement of the offsite coastal salt marsh habitat must occur in accordance with the '*Revegetation Plan for the Bridge Retrofit Project Bridge 243.0, San Diego County, California*,' prepared by HDR Engineering, Inc.

3. The North County Transit District 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. The North County Transit District must implement all necessary BMPs to control erosion and runoff from areas associated with this project.

4. The North County Transit District must notify the Regional Board in writing at least **5 days** prior to the actual commencement of mitigation installation, and completion of mitigation installation.

5. The North County Transit District 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.

6. The construction of proposed mitigation must be completed within the same calendar year as impacts occur, or at least no later than 9 months following the close of the calendar year in which impacts first occur (e.g., if impacts occur in December 2009, construction of mitigation for all impacts must be completed no later than September 2011).

7. 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.

8. 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.

9. 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 North County Transit District is responsible for repair and replanting of the damaged area(s).

10. Mitigation monitoring and maintenance reports must be submitted annually until mitigation has been deemed successful. Annual mitigation monitoring and maintenance reports must be submitted prior to **December 1** of each year. Mitigation monitoring and maintenance 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. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
d. Photodocumentation from established reference points;
e. Survey report documenting boundaries of mitigation area; and
f. Other items specified in the final "*Revegetation Plan for the Bridge Retrofit Project, Bridge 243.0, San Diego County, California*", HDR Engineering, Inc.

11. For the purpose of determining enhancement 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.

12. For purposes of this Certification, restoration is divided into two activities, re-establishment and rehabilitation. Re-establishment is defined as the return of natural/historic functions to a site where vegetated or unvegetated waters of the U.S./State previously existed (e.g., removal of fill material to restore a drainage). Rehabilitation is defined as the improvement of the general suite of functions of degraded vegetated or unvegetated waters of the U.S./State (e.g., removal of a heavy infestation or monoculture of exotic plant species from jurisdictional areas and replacing with native species). Enhancement is defined as the improvement to one or two functions of existing vegetated or unvegetated waters of the U.S./State (e.g., removal of small patches of exotic plant species from an area containing predominantly natural plant species).

E. WETLAND PHOTO DOCUMENTATION PROCEDURE

1. The North County Transit District, and its successors, must conduct photo documentation of the project site, including all areas of temporary impact, prior to and after project construction, and mitigation areas, including all areas of temporary impact, prior to and after project construction. Wetland photo documentation must be conducted in accordance with the State Water Resources Control Board Standard Operating Procedure 4.2.1.4: Stream Photo Documentation Procedure, included as Attachment 5, or an equivalent photo documentation procedure acceptable to the Regional Board. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced. The North County Transit District must submit this information in a photo documentation report to the Regional Board with the Mitigation Maintenance and Monitoring reports. The report must include a compact disc that contains digital files of all the photos (jpeg file type or similar).

F. 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 4.a. through 4.c. above may sign documents if:
    a. The authorization is made in writing by a person described in Items 4.a. through 4.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. North County Transit District 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; File No. 09C-082, Bridge 243.0 Retrofit project
   9174 Sky Park Court, Suite 100
   San Diego, California 92123

6. Required Reports: The following list summarizes the reports required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Spill notification	A.4.	Within 24 hours of discharge
Transfer of property ownership	A.7.a.	Within 10 days of transfer of responsibility
Transfer of Mitigation Responsibility	A.7.b.	Within 10 days of the transfer of ownership
Annual Progress Report(s)	A. 11.	Annually, before December 1
Dredge/fill commencement	B.3.	5 days prior to dredge/fill commencement
Remedial actions for turbidity exceedances	C.2.d	Within 2 days of action taken
Notify Regional Board in writing	D. 4.	At least 5 days prior to the actual commencement of mitigation installation, and completion of mitigation installation
Mitigation Monitoring and Maintenance Report(s)	D. 10.	Annually, before December 1
Wetland Photo Documentation	E.1.	Prior to and after project construction, to be submitted with the mitigation monitoring reports

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On October 20, 2009 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:

Linda Pardy
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858 627-3932
LPardy@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from Bridge 243.0 Retrofit project (File No. 09C-082) 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 Regional 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 Regional Board's Water Quality Control Plan (Basin Plan).

David W. Gibson

DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

8 Dec. 2009
Date

Attachments:
1. Project Information
2. Distribution List
3. Project Location Map
4. Temporal Mitigation – Non-Native Vegetation Removal Map
5. Stream Photo Documentation Procedure

ATTACHMENT 1
PROJECT INFORMATION

Applicant:	Mr. Tom Lichterman, Director of Operations North County Transit District 810 Mission Avenue Oceanside, CA 92054 Telephone: 760 967-2855 tlichterman@nctd.org
Applicant Representative:	Mr. Patrick O'Neill, Project Manager BRG Consulting, Inc. 304 Ivy Street San Diego, CA 92101 Telephone: 619 298-7127 Facsimile: 619 298-0146 Email: p_oneill@brginc.net
Project Name:	Bridge 243.0 Retrofit Project
Project Location:	The project is located along the Los Angeles to San Diego (LOSSAN) rail corridor in San Diego County, California at Bridge 243.0, located in the northern portion of the City of Del Mar and at the western end of the San Dieguito River Valley. Latitude 32.9728° N, Longitude -117.2667° W.
Type of Project:	Railroad bridge retrofit
Need for Project:	The bridge 243.0 retrofit is required as a result of Southern California Edison's (SCE's) San Dieguito Lagoon Restoration project that will increase lagoon/river channel depth, flow and velocity. The bridge 243.0 retrofit will improve structural integrity of the bridge to meet the engineering standards for new channel depth. The bridge 243.0 retrofit needs to occur prior to commencement of SCE's channel dredging for the San Dieguito Lagoon Restoration Project.
Project Description:	The North County Transit District is proposing to retrofit the existing railroad bridge by adding new longitudinal bracing to every other span between bents 38 and 75 (north of lagoon channel); adding new transverse (sash) bracing below the existing sash bracing between bents 5 and 17 (within open water); treating and wrapping existing piles, sash bracing, and cross

	bracing between bents 2 and 37 (within open water); and additional pile wrapping between bents 52 and 73 (north of lagoon channel and south of northern bridge abutment). No permanent impacts will occur to jurisdictional waters as a result of the proposed project. Temporary impacts would occur to waters as a result of construction operations; specifically when rubber-tired equipment used to install the longitudinal bracing on the railroad bents travels alongside Bridge 243.0 over the coastal salt marsh habitat.
Federal Agency/Permit:	U.S. Army Corps of Engineers, Section 404 Permit Nationwide Permit (NWP) #3 -Maintenance – Robert R. Smith
Other Required Regulatory Approvals:	U.S. Fish and Wildlife Service, section 7 consultation – Janet Stuckrath California Coastal Commission, Coastal Zone Management Act/California Coastal Act – Federal Coastal Consistency Certification – Larry Simon
California Environmental Quality Act (CEQA) Compliance:	CEQA Statutory Exemption (15275 – Specified Mass Transit Projects)
Receiving Water:	The project lies within the San Dieguito River and San Dieguito Lagoon (HSA 905.10) in the San Dieguito Hydrologic Unit (HU 905), and the Solana Beach Hydrologic Area (HA 905.1).
Affected Waters of the United States and State:	Temporary impacts to 1.4 acres (73 lineal feet)
Dredge Volume:	The bridge pile wrapping activity will require a total excavation of approximately 5,300 cubic yards (CY) of sediment; with 4,100 CY to be backfilled in place. The remainder will be disposed out of Waters of the State, in accordance with Federal, State, and local requirements.
Related Projects Implemented/to be Implemented by the Applicant(s):	Related projects being done by the North Country Transit District project along the Los Angeles to San Diego (LOSSAN) rail corridor in San Diego County, California include the following: - Los Penasquitos Railroad Bridge 246.1, 246.9, and

	247.1 Replacement Project' (File No. 09C-060)(SANDAG); - Carlsbad Second Track Project (Amtrak); - Sorrento Valley Second Track (SANDAG); and - Sorrento to Miramar Phase I and II (SANDAG). Although not being done by the applicant, the San Dieguito Lagoon Restoration Project is intricately tied to the Bridge 243.0 retrofit project. The restoration project is being carried out by Southern California Edison (SCE) who represents the owners of the San Onofre Nuclear Generation Station working in partnership with the San Dieguito River Park Authority (JPA).
Compensatory Mitigation:	Mitigation for temporary impacts to 1.40 acres (73 lineal feet) of jurisdictional wetlands (coastal salt marsh, open water and mudflat) will consist of the on-site restoration of the temporarily impacted habitats to pre-project conditions or better; and the enhancement through removal of annual and perennial exotics from 0.26 acre of off-site (nearby) coastal salt marsh habitat; all in accordance with the "Revegetation Plan for the Bridge Retrofit Project Bridge 243.0" prepared by HDR Engineering Inc., and the "Temporal Mitigation- Non-Native Vegetation Removal Map" submitted as part of this project's application.
Best Management Practices (BMPs):	The North County Transit District '*NTCD Bridge 243.0 Retrofit Project – Attachment A to 401 Permit Application*' (dated October 15, 2009, and received October 19, 2009) describes BMPs which will be utilized for minimization of impacts associated with construction activities; and the '*Revegetation Plan for the Bridge Retrofit Project Bridge 243.0'* prepared by HDR Engineering, Inc. for the North County Transit District describes the measures which will be done to achieve the goal of the revegetation of temporary impact areas.
Public Notice:	October 19, 2009 on the Regional Board website.
Fees:	Total Due: $640.00 Total Paid: $640.00 (Check No. 64694)

CIWQS:

Regulatory Measure ID: 371800
Place ID: 745903
Party ID: 31651
Person ID: 519157

ATTACHMENT 2
DISTRIBUTION LIST

cc via email:

Robert R. Smith
U.S. Army Corps of Engineers, Regulatory Branch
Robert.R.Smith@usace.army.mil

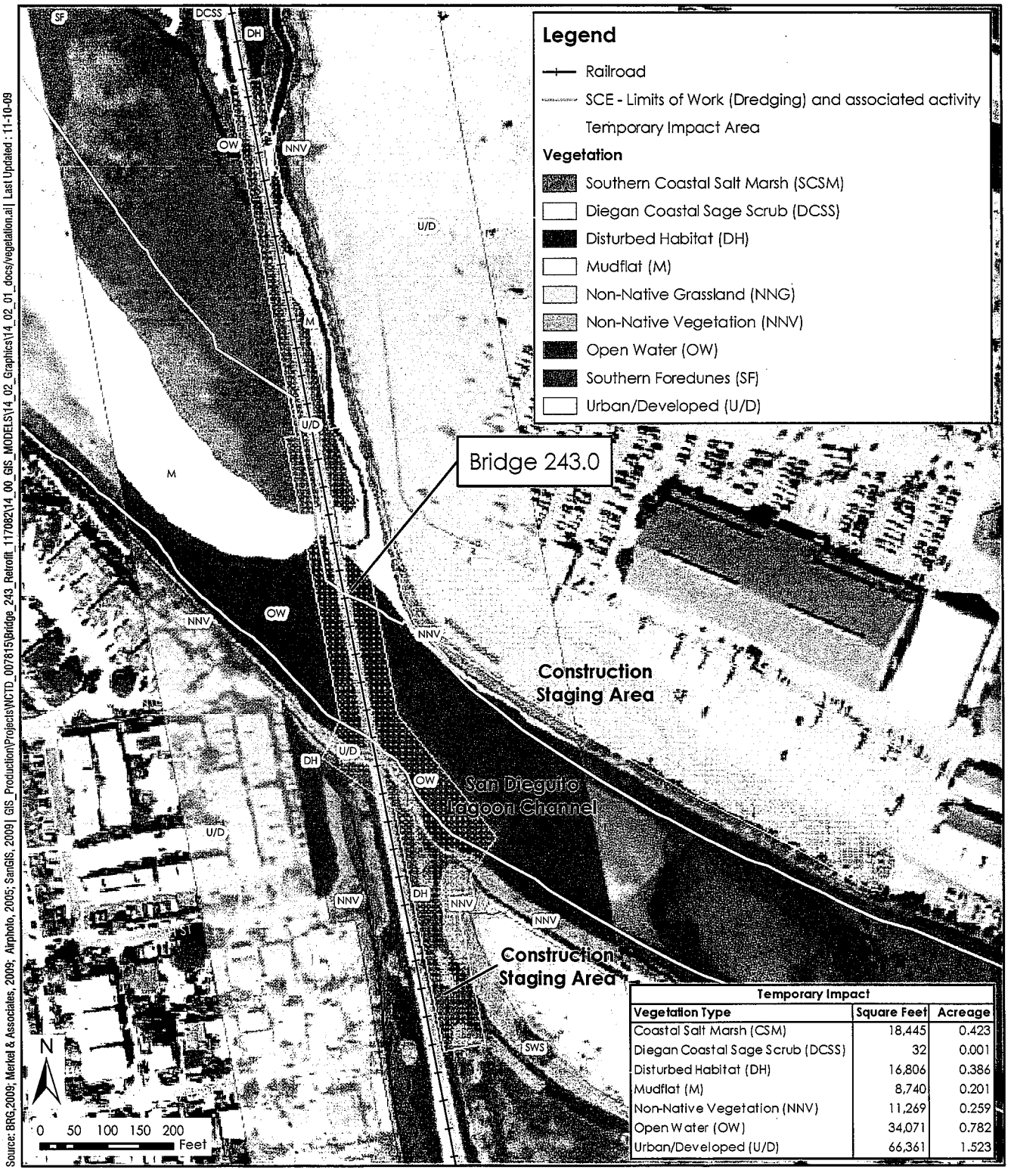
Janet Stuckrath
U.S. Fish and Wildlife Service
Janet_Stuckrath@fws.gov

David Smith
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
R9-WTR8-Mailbox@epa.gov

Larry Simon
California Coastal Commission
lsimon@coastal.ca.gov

Bill Orme
State Water Resources Control Board, Division of Water Quality
Stateboard401@waterboards.ca.gov

Attachment 3. Project Location Map



Temporary Impact		
Vegetation Type	Square Feet	Acreage
Coastal Salt Marsh (CSM)	18,445	0.423
Diegan Coastal Sage Scrub (DCSS)	32	0.001
Disturbed Habitat (DH)	16,806	0.386
Mudflat (M)	8,740	0.201
Non-Native Vegetation (NNV)	11,269	0.259
Open Water (OW)	34,071	0.782
Urban/Developed (U/D)	66,361	1.523

Source: BRG,2009; Merkel & Associates, 2009; Airphoto, 2005; SanGIS, 2009| GIS_Production\Projects\NCTD_007815\Bridge_243_Retrofit_117082\14_00_GIS_MODELS\14_02_Graphics\14_02_01_docs\vegetation.ai| Last Updated : 11-10-09

Vegetation
FIGURE 2

HDR
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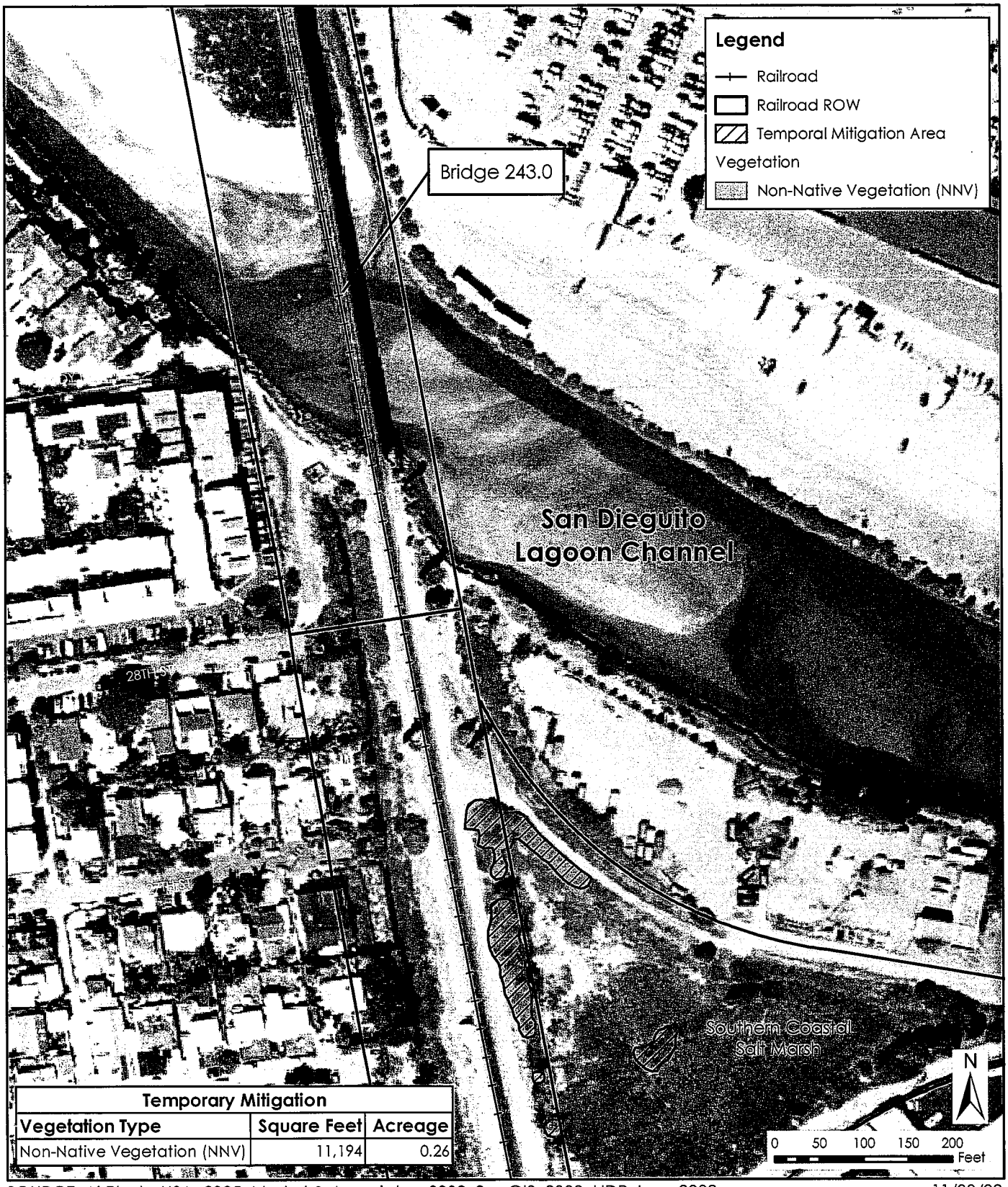
Attachment 4. Temporal Mitigation - Non-Native Vegetation Removal Map



Temporary Mitigation		
Vegetation Type	Square Feet	Acreage
Non-Native Vegetation (NNV)	11,194	0.26

SOURCE: AirPhoto USA, 2005; Merkel & Associates, 2009; SanGIS, 2009; HDR, Inc., 2009 11/30/09

BRG CONSULTING, INC.

Bridge 243.0 Retrofit Project

Temporal Mitigation - Non-Native Vegetation Removal

FIGURE X

F:\projects\968 Bridge 243 Retrofit Project\Final Vegetation Plan\Figure X Temporal Mitigation.mxd

ATTACHMENT 5
STREAM PHOTO DOCUMENTATION PROCEDURES

Standard Operating Procedure (SOP)

Stream Photo Documentation Procedure
(CARCD 2001, Written by TAC Visual Assessments work group)

Introduction:

Photographs provide a qualitative, and potentially semi-quantitative, record of conditions in a watershed or on a water body. Photographs can be used to document general conditions on a reach of a stream during a stream walk, pollution events or other impacts, assess resource conditions over time, or can be used to document temporal progress for restoration efforts or other projects designed to benefit water quality. Photographic technology is available to anyone and it does not require a large degree of training or expensive equipment. Photos can be used in reports, presentations, or uploaded onto a computer website or GIS program. This approach is useful in providing a visual portrait of water resources to those who may never have the opportunity to actually visit a monitoring site.

Equipment:

Use the same camera to the extent possible for each photo throughout the duration of the project. Either 35 mm color or digital color cameras are recommended, accompanied by a telephoto lens. If you must change cameras during the program, replace the original camera with a similar one comparable in terms of media (digital vs. 35 mm) and other characteristics. A complete equipment list is suggested as follows:

Required:

- Camera and backup camera
- Folder with copies of previous photos (do not carry original photos in the field)
- Topographic and/or road map
- Aerial photos if available
- Compass
- Timepiece
- Extra film or digital disk capacity (whichever is applicable)
- Extra batteries for camera (if applicable)
- Photo-log data sheets or, alternatively, a bound notebook dedicated to the project
- Yellow photo sign form and black marker, or, alternatively, a small black board and chalk

Optional:

- GPS unit
- Stadia rod (for scale on landscape shots)
- Ruler (for scale on close up views of streams and vegetation)
- Steel fence posts for dedicating fixed photo points in the absence of available fixed landmarks

How to Access Aerial Photographs:

Aerial Photos can be obtained from the following federal agencies:

USGS Earth Science Information Center
507 National Center
12201 Sunrise Valley Drive
Reston, VA 22092
800-USA-MAPS

USDA Consolidated Farm Service Agencies
Aerial Photography Field Office
222 West 2300 South
P.O. Box 30010
Salt Lake City, UT 84103-0010
801-524-5856

Cartographic and Architectural Branch
National Archives and Records Administration
8601 Adelphi Road
College park, MD 20740-6001
301-713-7040

Roles and Duties of Team:

The team should be comprised of a minimum of two people, and preferably three people for restoration or other water quality improvement projects, as follows:

1. Primary Photographer
2. Subject, target for centering the photo and providing scale
3. Person responsible for determining geographic position and holding the photo sign forms or blackboard.

One of these people is also responsible for taking field notes to describe and record photos and photo points.

Safety Concerns:

Persons involved in photo monitoring should **ALWAYS** put safety first. For safety reasons, always have at least two 2 volunteers for the survey. Make sure that the area(s) you are surveying either are accessible to the public or that you have obtained permission from the landowner prior to the survey.

Some safety concerns that may be encountered during the survey include, but are not limited to:

- Inclement weather
- Flood conditions, fast flowing water, or very cold water
- Poisonous plants (e.g.: poison oak)
- Dangerous insects and animals (e.g.: bees, rattlesnakes, range animals such as cattle, etc.)
- Harmful or hazardous trash (e.g.: broken glass, hypodermic needles, human feces)

We recommend that the volunteer coordinator or leader discuss the potential hazards with all volunteers prior to any fieldwork.

General Instructions:

From the inception of any photo documentation project until it is completed, always take each photo from the same position (photo point), and at the same bearing and vertical angle at that photo point. Photo point positions should be thoroughly documented, including photographs taken of the photo point. Refer to copies of previous photos when arriving at the photo point. Try to maintain a level (horizontal) camera view unless the terrain is sloped. (If the photo can not be horizontal due to the slope, then record the angle for that photo.) When photo points are first being selected, consider the type of project (meadow or stream restoration, vegetation management for fire control, ambient or event monitoring as part of a stream walk, etc.) and refer to the guidance listed on *Suggestions for Photo Points by Type of Project.*

When taking photographs, try to include landscape features that are unlikely to change over several years (buildings, other structures, and landscape features such as peaks, rock outcrops, large trees, etc.) so that repeat photos will be easy to position. Lighting is, of course, a key ingredient so give consideration to the angle of light, cloud cover, background, shadows, and contrasts. Close view photographs taken from the north (i.e., facing south) will minimize shadows. Medium and long view photos are best shot with the sun at the photographer's back. Some artistic expression is encouraged as some photos may be used on websites and in slide shows (early morning and late evening shots may be useful for this purpose). Seasonal changes can be used to advantage as foliage, stream flow, cloud cover, and site access fluctuate. It is often important to

include a ruler, stadia rod, person, farm animal, or automobile in photos to convey the scale of the image. Of particular concern is the angle from which the photo is taken. Oftentimes an overhead or elevated shot from a bridge, cliff, peak, tree, etc. will be instrumental in conveying the full dimensions of the project. Of most importance overall, however, is being aware of the goal(s) of the project and capturing images that clearly demonstrate progress towards achieving those goal(s). Again, reference to *Suggestions for Photo Points by Type of Project* may be helpful.

If possible, try to include a black board or yellow photo sign in the view, marked at a minimum with the location, subject, time and date of the photograph. A blank photo sign form is included in this document.

Recording Information:

Use a systematic method of recording information about each project, photo point, and photo. The following information should be entered on the photo-log forms (blank form included in this document) or in a dedicated notebook:

- Project or group name, and contract number (if applicable, e.g., for funded restoration projects)
- General location (stream, beach, city, etc.), and short narrative description of project's habitat type, goals, etc.
- Photographer and other team members
- Photo number
- Date
- Time (for each photograph)
- Photo point information, including:
    - Name or other unique identifier (abbreviated name and/or ID number)
    - Narrative description of location including proximity to and direction from notable landscape features like roads, fence lines, creeks, rock outcrops, large trees, buildings, previous photo points, etc. – sufficient for future photographers who have never visited the project to locate the photo point
    - Latitude, longitude, and altitude from map or GPS unit
- Magnetic compass bearing from the photo point to the subject
- Specific information about the subject of the photo
- Optional additional information: a true compass bearing (corrected for declination) from photo point to subject, time of sunrise and sunset (check newspaper or almanac), and cloud cover.

For ambient monitoring, the stream and shore walk form should be attached or referenced in the photo-log.

When monitoring the implementation of restoration, fuel reduction, or Best Management Practices (BMP) projects, include or attach to the photo-log a narrative description of observable progress in achieving the goals of the project. Provide supplementary information along with the photo, such as noticeable changes in habitat, wildlife, and water quality and quantity.

Archive all photos, along with the associated photo-log information, in a protected environment.

The Photo Point: Establishing Position of Photographer:

1. Have available a variety of methods for establishing position: maps, aerial photos, GPS, permanent markers and landmarks, etc. If the primary method fails (e.g., a GPS or lost marker post) then have an alternate method (map, aerial photo, copy of an original photograph of the photo-point, etc).

2. Select an existing structure or landmark (mailbox, telephone pole, benchmark, large rock, etc.), identify its latitude and longitude, and choose (and record for future use) the permanent position of the photographer relative to that landmark. Alternatively, choose the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the photographer.

3. For restoration, fuel reduction, and BMP projects, photograph the photo-points and carry copies of those photographs on subsequent field visits.

Determining the Compass Bearing:

1. Select and record the permanent magnetic bearing of the photo center view. You can also record the true compass bearing (corrected for declination) but do not substitute this for the magnetic bearing. Include a prominent landmark in a set position within the view. If possible, have an assistant stand at a fixed distance from both the photographer and the center of the view, holding a stadia rod if available, within the view of the camera; preferably position the stadia rod on one established, consistent side of the view for each photo (right or left side).
2. Alternatively, use the procedure described in *Monitoring California's Annual Rangeland Vegetation* (UC/DANR Leaflet 21486, Dec. 1990). This procedure involves placing a permanently marked steel fence post to establish the position of the focal point (photo center).
3. When performing ambient or event photo monitoring, and when a compass is not available, then refer to a map and record the approximate bearing as north, south, east or west.

Suggestions for Photo Points by Type of Project:

Ambient or Event Monitoring, Including Photography Associated with Narrative Visual Assessments:

1. When first beginning an ambient monitoring program take representative long and/or medium view photos of stream reaches and segments of shoreline being monitored. Show the positions of these photos on a map, preferably on the stream/shore walk form. Subjects to be photographed include a representative view of the stream or shore condition at the beginning and ending positions of the segment being monitored, storm drain outfalls, confluence of tributaries, structures (e.g., bridges, dams, pipelines, etc.).

2. If possible, take a close view photograph of the substrate (streambed), algae, or submerged aquatic vegetation.

3. Time series: Photographs of these subjects at the same photo points should be repeated annually during the same season or month if possible.

4. Event monitoring refers to any unusual or sporadic conditions encountered during a stream or shore walk, such as trash dumps, turbidity events, oil spills, etc. Photograph and record information on your photo-log and on your Stream and Shore Walk Visual Assessment form. Report pollution events to the Regional Board. Report trash dumps to local authorities.

All Restoration and Fuel Reduction Projects – Time Series:

Take photos immediately before and after construction, planting, or vegetation removal. Long term monitoring should allow for at least annual photography for a minimum of three years after the project, and thereafter at 5 years and ten years.

Meadow Restoration:

1. Aerial view (satellite or airplane photography) if available.

2. In the absence of an aerial view, a landscape, long view showing an overlapping sequence of photos illustrating a long reach of stream and meadow (satellite photos, or hill close by, fly-over, etc.)

3. Long view up or down the longitudinal dimension of the creek showing riparian vegetation growth bounded on each side by grasses, sedges, or whatever that is lower in height

4. Long view of conversion of sage and other upland species back to meadow vegetation

5. Long view and medium view of streambed changes (straightened back to meandering, sediment back to gravel, etc.)

6. Medium and close views of structures, plantings, etc. intended to induce these changes

Stream Restoration/stabilization:

1. Aerial view (satellite or airplane photography) if available.

2. In the absence of an aerial view, a landscape, long-view showing all or representative sections of the project (bluff, bridge, etc.)

3. Long view up or down the stream (from stream level) showing changes in the stream bank, vegetation, etc.

4. Long view and medium view of streambed changes (thalweg, gravel, meanders, etc.)

5. Medium and close views of structures, plantings, etc. intended to induce these changes.

6. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 3 and 4 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

Vegetation Management for Fire Prevention ("fuel reduction"):

1. Aerial view (satellite or airplane photography) if available.

2. In the absence of an aerial view, a landscape, long view showing all or representative sections of the project (bluff, bridge, etc.)

3. Long view (wide angle if possible) showing the project area or areas. Preferably these long views should be from an elevated vantage point.

4. Medium view photos showing examples of vegetation changes, and plantings if included in the project. It is recommended that a person (preferably holding a stadia rod) be included in the view for scale.

5. To the extent possible include medium and long view photos that include adjacent stream channels.

Stream Sediment Load or Erosion Monitoring:

1. Long views from bridge or other elevated position.

2. Medium views of bars and banks, with a person (preferably holding a stadia rod) in view for scale.

3. Close views of streambed with ruler or other common object in the view for scale.

4. Time series: Photograph during the dry season (low flow) once per year or after a significant flood event when streambed is visible. The flood events may be episodic in the south and seasonal in the north.

5. Optional: Use a tape set perpendicular across the stream channel at fixed points and include this tape in your photos described in 1 and 2 above. For specific procedures refer to Harrelson, Cheryl C., C.L. Rawlins, and John P. Potyondy, *Stream Channel Reference Sites: An Illustrated Guide to Field Techniques*, United States Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, General Technical Report RM-245.

PHOTO- LOG FORM

Project:
Location:
Date:
Photographer:
Team members:

Photo #	Time	Photo Point ID	Photo Pt. Description & Location	Bearing to Subject	Subject Description

General Notes or Comments (weather, cloud cover, time of sunrise and sunset, other pertinent information):

PHOTO SIGN FORM: Print this form on yellow paper. Complete the following information for each photograph. Include in the photographic view so that it will be legible in the finished photo.

Location:

Subject Description:

Date:

Time:

Notice of CEQA Exemption

Appendix E

To: ☑ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3011

☑ County Clerk (Recorder), County of San Diego
1600 Pacific Highway, Room 260, San Diego, CA 92101

From: RWQCB – San Diego
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Project Title: Bridge 243.0 Retrofit

Project Location: The project site is located along the Los Angeles to San Diego (LOSSAN) rail corridor in San Diego County, California at Bridge 243.0, at the western end of the San Dieguito River Valley. Latitude 32.9728° N, Longitude -117.2667° W.

Project Location - City: City of Del Mar **Project Location – County:** San Diego

Description of Project: The North County Transit District is proposing to retrofit the existing railroad bridge to improve structural stability to meet engineering requirements for channel deepening that is planned for the San Dieguito Lagoon Enhancement project. The retrofit will adding new longitudinal bracing to every other span between bents 38 and 75 (north of lagoon channel); adding new transverse (sash) bracing below the existing sash bracing between bents 5 and 17 (within open water); treating and wrapping existing piles, sash bracing, and cross bracing between bents 2 and 37 (within open water); and additional pile wrapping between bents 52 and 73 (north of lagoon channel and south of northern bridge abutment). No permanent impacts will occur to jurisdictional waters as a result of the proposed project. Temporary impacts occurring to waters as a result of construction operations would be mitigated through onsite restoration and offsite enhancement.

Name of Public Agency Approving Project: California Regional Water Quality Control Board – San Diego Region

Name of Person or Agency Carrying Out Project: North County Transit District

Exempt Status: (*check one*)

☐Ministerial (Sec. 21080(b)(1); 15268);
☐Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☐Categorical Exemption. State type and section number:
☒Statutory Exemptions. State code number: 15275-Specified Mass Transit Projects

Reason why project is exempt: The proposed project is exempt under CEQA 15275-Specified Mass Transit Projects, section (a) because it is an operation and maintenance project on an existing rail line that serves passenger/commuter and freight rail. The project is necessary to ensure the safety of the passenger/commuter rail that travels over Bridge 243.0.

Lead Agency: California Regional Water Quality Control Board – San Diego Region

Contact Person: Linda Pardy **Area Code/Telephone/Extension:** (858) 627-3932

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the projects? ☐ Yes ☐ No

Signature: David W. Gibson Date: 8 Dec 2009 Title: Executive Officer

☑ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR:_____