



# California Regional Water Quality Control Board San Diego Region



**Matt Rodriguez**  
Secretary for  
Environmental Protection

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

**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>

July 22, 2011

**In reply refer to:**  
748147: jebesen

Mark Koll  
City of San Diego  
600 B Street, Ste. 800/MS908A  
San Diego, CA 92101

Dear: Mr. Koll

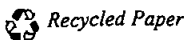
**Subject: Action on Request for Clean Water Act Section 401 Water Quality Certification for the SR-163/Friars Road Interchange Project, Water Quality Certification No. 09C-101**

Enclosed find Clean Water Act Section 401 Water Quality Certification (Certification) for discharge to Waters of the U.S. and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the SR-163/Friars Road Interchange Project. A description of the project and project location can be found in the project information sheet, location map, and site maps which are included as Attachments 1 through 5.

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

**California Environmental Protection Agency**



HONOLULU

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 Jody Ebsen at (858) 636-3146

Respectfully,



David W. Gibson  
Executive Officer  
San Diego Regional Water Quality Control Board

Enclosures: Clean Water Act Section 401 Water Quality Certification No. 09C-101 for SR 163/Friars Road Interchange Project, with four attachments.

cc: Refer to Attachment 2 of Certification 09C-101 for Distribution List.

Tech Staff Info & Use	
File No.	09C-101
WDID	9000002015
Reg. Measure ID	372485
Place ID	748147
Party ID	42977
Person ID	277050



# 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:** SR-163/Friars Road Interchange Project,  
Certification Number 09C-101,  
WDID: 9 000002015

**APPLICANT:** City of San Diego  
Engineering & Capital Projects Dept.  
Attn: Mark Koll  
600 B Street, Ste 800/MS908A  
San Diego, CA 92101

CIWQS Reg. Meas. ID: 372485 Place ID: 748147 Party ID: 42977
---

**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:**

The project is to make improvements to the SR-163 / Friars Road interchange and to adjacent roads. Major project elements include widening the bridge that crosses over the San Diego River for southbound SR-163 traffic, a new flyover bridge to connect Ulric Street to southbound SR-163, widening of Friars Road Bridge, and widening and/or restriping other roads. The project is located in the San Diego River Watershed (907.11). The project impacts are to the San Diego River and an unnamed tributary.

**California Environmental Protection Agency**

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

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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-101 (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. City of San Diego 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. City of San Diego must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002 *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*.

- D. City of San Diego 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.
- E. During construction, City of San Diego must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.
- F. City of San Diego 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.
- G. 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.
- H. 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.

- I. In response to any violation of the conditions of this Certification, 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, City of San Diego must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMPs) implementation and maintenance.
- B. City of San Diego 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. City of San Diego must enroll in and comply with the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, NPDES No. CAS000002, *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*.
- 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. All areas that will be left in a rough graded state must be stabilized no later than one week after completion of grading. City of San Diego and subsequent owner(s) 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>.
- I. 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.
- J. 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. 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. Removal of vegetation must occur outside of the avian nesting season (March 15- August 31).
- K. All rough graded desilting basins must be designed, constructed and maintained, until all development on the project site is completed, according to the most recent California Stormwater Quality Association guidance for sediment basins.

#### **IV. ADDITIONAL CONDITIONS: POST-CONSTRUCTION BEST MANAGEMENT PRACTICES**

- A. City of San Diego is prohibited from allowing post-construction discharges to cause onsite or offsite downstream erosion, damage to properties or damage to stream habitats in the San Diego River that will receive post-construction discharges from project site.
- B. All storm drain inlet structures within the project boundaries must be stamped and/or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.



- C. All post-construction BMPs, including those described in the Project Specific Water Quality Technical Report for City of San Diego, *Water Quality Technical Report Friars Road / SR-163 Interchange Project*, Dokken Engineering, October 2009, and *Friars Road/State Route 163 Interchange Long Form – Storm Water Data Report*, Dokken Engineering, October 2009, must be sized to comply with the following numeric sizing criteria and treat 100 percent of the impervious surfaces associated with the project:
1. Volume  
Volume-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
    - a. The volume of runoff produced from a 24-hour 85<sup>th</sup> percentile storm event, as determined from the local historical rainfall record (0.6 inch approximate average for the San Diego County area); or
    - b. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85<sup>th</sup> percentile 24-hour runoff event; or
  2. Flow  
Flow-based BMPs must be designed to mitigate (infiltrate, filter, or treat) either:
    - a. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or
    - b. The maximum flow rate of runoff produced by the 85<sup>th</sup> percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or
    - c. The maximum flow rate of runoff, as determined from the same reduction in pollutant loads and flows as achieved by mitigation of the 85<sup>th</sup> percentile hourly rainfall intensity multiplied by a factor of two.
- D. For all post-construction BMPs, including but not limited to, vegetated slopes and an infiltration basin, as described in *Water Quality Technical Report Friars Road / SR-163 Interchange Project*, Dokken Engineering, October 2009, and *Friars Road/State Route 163 Interchange Long Form – Storm Water Data Report*, Dokken Engineering, October 2009; and storm water discharge points must:

1. Be regularly inspected and maintained for the life of the project per manufactures' specifications and industry standards;
2. No less than one time per year assess the performance of the systems on protection of the receiving waters and identify any necessary corrective measures;
3. Have all preventive and corrective maintenance performed;
4. Be inspected no less than one time per year, immediately prior to the commencement of the rainy season (October 1) and after every storm event exceeding 0.5 inches of precipitation; and
5. Maintain a log documenting all BMP inspections and maintenance activities.

## V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. Mitigation for permanent impacts to 0.38 acres (340 linear feet) of wetland waters and/or riparian habitat of the United States and/or State, and temporary impacts to 0.31 acres (294 linear feet) of wetland waters and/or riparian habitat of the United States and/or State, and 0.31 acres (294 linear feet) of temporary impacts to wetland waters and/or must be achieved as described in the *Mast Park Wetland Habitat Restoration Plan*, prepared by Helix Environmental Planning, Inc., dated November 20, 2009 (and any subsequent versions/ additional memos reviewed by the San Diego Water Board). **The total mitigation area shall encompass 2.07 acres** for wetland waters and/or riparian habitat of the United State and/or State and must include:
  1. Establishment of a minimum of 0.69 acres, up to 1.32 acres of wetland waters and/or riparian habitat of the United States and/or State
  2. Enhancement of a minimum of 0.75 acres up to 1.38 acres of wetland waters and/or riparian habitat of the United States and/or State
- B. 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.

- C. City of San Diego 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. City of San Diego must implement all necessary BMPs to control erosion and runoff from areas associated with this project.
- D. City of San Diego 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.
- E. City of San Diego 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.
- F. The mitigation site must be designed and constructed to meet the following conditions:
  - 1. Channels through the mitigation site are characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
  - 2. As viewed along cross-sections, channels and buffers have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope contains physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
  - 3. The mitigation site has a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- G. 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 on-site or off-site mitigation areas.
- H. San Diego Water Board acceptance of the final mitigation plan applies only to the site and plan that mitigates for the SR-163/Friars Road Interchange 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.
- I. 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.

- J. 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, City of San Diego is responsible for repair and replanting of the damaged area(s).
- K. 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.
- L. 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 a 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).

## **VI. MONITORING REQUIREMENTS:**

- A. Monitoring of the mitigation site must utilize a quantitative function-based assessment to establish baseline conditions, set success criteria, and assess mitigation site progress. The California Rapid Assessment Method (CRAM) or Hydrogeomorphic Assessment (HGM) must be utilized.

## VII. NOTIFICATION REQUIREMENTS:

- A. City of San Diego 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:** City of San Diego 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 City of San Diego 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 V and VII.E 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.**
  3. **Transfer of Post-Construction BMP Maintenance Responsibility:** City of San Diego assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred City of San Diego must submit to the San Diego Water Board a copy of such

documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to City of San Diego will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve City of San Diego of this Certification in the event that a transferee fails to comply.

- C. City of San Diego 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 City of San Diego must notify the San Diego Water Board in writing at **least 5 days prior** to the actual commencement of mitigation installation, and completion of mitigation installation.
- E. Prior to the start of construction, City of San Diego 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 City of San Diego 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.
- F. Prior to project construction, City of San Diego must submit to the San Diego Water Board a letter accepting full responsibility for the inspection and maintenance of all BMPs installed on all roads that are required to be improved as part of the project, including, but not limited to, SR 163, Friars

Road, Ulric Street and surrounding surface streets that are improved as part of this project.

- G. The San Diego Water Board may be requested to review planned BMP implementation that clearly demonstrates to meet or exceed the performance standards herein. Such requests must be made 30 days prior to the planned BMP implementation.

## VIII. REPORTING REQUIREMENTS:

- A. City of San Diego 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 project has reached completion. City of San Diego must submit a Final Project Annual Report to the San Diego Water Board **prior to August 1 following completion of the project.** The reports must include the following:
1. Date of construction initiation.
  2. Projected date of construction completion.
  3. Status of BMPs for the project.
  4. Final Project Report: As-built drawings no bigger than 11"X17."
- B. Prior to initiation of mitigation activities, City of San Diego must conduct a quantitative function-based assessment to evaluate the condition of the mitigation site. The results of the functional assessment must be submitted to the San Diego Water Board in a report no later than **30 days** after the initiation of mitigation activities.
- C. City of San Diego must develop and implement a five-year Receiving Waters Monitoring Plan to evaluate potential project impacts from pollutants/stressors to San Diego River. The Receiving Waters Monitoring Plan must be developed and submitted to the San Diego Water Board **prior to construction commencement.** The Receiving Waters Monitoring Plan must assess conditions before, during, and after impacts have occurred by measuring changes in benthic, macroinvertebrate community, and a functional assessment of the health of wetland and riparian habitats. The five year receiving water monitoring will begin prior to the start of project construction, and the data and analysis must be submitted with the Annual Progress Reports pursuant to Condition VIII.A of this certification.

### 1. Benthic Macroinvertebrate Community Analysis

Bioassessment monitoring must be performed using the professional level non-point source protocol of the California Stream Bioassessment procedure<sup>1</sup> to assess effects of the project on the biological integrity of receiving waters. At a minimum, bioassessment monitoring must be performed at three sites (assessment stations) on the San Diego River (as flow permits) once per year, during the established "index period" for the San Diego River Watershed. The first assessment station is the reference station, which must be located upstream of the discharge from the project site on the San Diego River in a reference area; the second assessment station must be located immediately upstream of the discharge from the project site on the San Diego River, the third assessment station must be located immediately downstream of the discharge from the project site on the San Diego River. The reference station upstream of the project discharge must be located and sampled concurrently with second and third assessment stations. The results of the Benthic Macroinvertebrate Community Analysis must be submitted each year **with the Annual Progress Report (see Condition V.III.A).**

### 2. California Rapid Assessment Method

City of San Diego must conduct a quantitative function-based assessment of the health of wetland and riparian habitats in the San Diego River using the California Rapid Assessment Method (CRAM)<sup>2</sup> at the three assessment stations described above (in section C.1.a, 'Benthic Macroinvertebrate Community Analysis'). The results of the CRAM assessment must be submitted each year **with the Annual Progress Reports (see Condition V.III.A).**

D. Procedures for the sampling, analysis, and quality assurance/quality control must be conducted in accordance with the Surface Water Ambient Monitoring Program (SWAMP) Quality Assurance Program Plan (QAPrP)<sup>3</sup> for the State of California's Surface Water Ambient Monitoring Program, adopted by the State Water Resources Control Board.

E. The San Diego Water Board Executive Officer may make revisions to the Receiving Water monitoring program at any time during the five year monitoring term, and may include a reduction or increase in the number of

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<sup>1</sup> Copies of the California Stream Bioassessment Procedure can be obtained at <http://www.dfg.ca.gov/cabw/cabwhome.html>. Additional Information on Stream bioassessment may be obtained at

[http://www.waterboards.ca.gov/rwqcb9/water\\_issues/programs/bioassessment/index.shtml](http://www.waterboards.ca.gov/rwqcb9/water_issues/programs/bioassessment/index.shtml)

<sup>2</sup> Information on CRAM is available at the California Rapid Assessment Method homepage at <http://www.cramwetlands.org/>

<sup>3</sup> The Quality Assurance Program Plan is available on the State Water Board's SWAMP website at [http://www.waterboards.ca.gov/water\\_issues/programs/swamp/docs/qapp/qapprp082209.pdf](http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/qapprp082209.pdf)



parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.

- F. Mitigation monitoring reports must be submitted annually until mitigation has been deemed successful. Annual monitoring reports must be submitted **prior to 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. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results.
  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.

- G. In the event that the proposed mitigation either does not obtain the 3<sup>rd</sup> year or the 4<sup>th</sup> year success criteria milestones for mitigation, 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. This report must also provide an evaluation of alternative mitigation opportunities within the San Diego Hydrologic Area to be utilized for additional mitigation, if portions of the required mitigation are unsuccessful after five years.
- H. In the event that the proposed mitigation does not obtain full success with the 5<sup>th</sup> year success criteria the applicants must finalize the conceptual mitigation plan (see condition No.10) and submit the plan to the San Diego Water Board within 30 days of the 5<sup>th</sup> year monitoring report period. No later than 90 days following San Diego Water Board acceptance of the final mitigation plan, or 30 days after San Diego Water Board receipt of the plan, the applicants must begin implementation of the final mitigation plan. The plan must include additional mitigation at a ration of 2:1 for any portion of the mitigation that does not meet final success criteria.
- I. 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.
- J. 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.
- K. 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.
- L. 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."

- M. City of San Diego 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 City of San Diego 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 July 7, 2010, for Environmental Impact Report and an addendum to Environmental Impact Report No. 90-0133 under CEQA Guidelines Title 14, California Code of Regulations. The City of San Diego has determined the project will not have a significant effect on the environment with adopted mitigation measures, monitoring, and reporting that 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 January 5, 2010, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.


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

Jody Ebsen  
Sky Park Court, Suite 100  
San Diego, CA 92123  
858-636-3146  
[jebsen@waterboards.ca.gov](mailto:jebsen@waterboards.ca.gov)

**XI. WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the SR-163/Friars Road Interchange Project (Project No. 09C-101) 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).

  
 DAVID W. GIBSON  
 Executive Officer  
 Regional Water Quality Control Board

7-22-2011  
 Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location Map
  4. Site Maps a and b
  5. Mitigation Map

**ATTACHMENT 1  
PROJECT INFORMATION**

**Applicant:** City of San Diego  
Engineering & Capital Projects Dept.  
Attention: Mark Koll  
600 B Street, Ste 800/MS908A  
San Diego, CA 92101  
Telephone: 619-533-4207  
Email: mkoll@sandiego.gov

**Applicant  
Representatives:** Helix Environmental Planning, Inc.  
Attention: Barry Jones  
7578 El Cajon Blvd, Ste 200  
La Mesa CA 91942  
Telephone: 619-462-1515  
Facsimile: 619-462-0552  
Email: baryj@helixepi.com

**Project Name:** SR-163 / Friars Road Interchange Project

**Project Location:** Latitude: 32.7779      Longitude: -117.1628

**Type of Project:** Road improvement project.

**Need for Project:** To relieve existing traffic congestion and delays along the SR 163 / Friars Road interchange and surrounding local streets as well as enhance traffic safety.

**Project Description:** The project is to make improvements to the SR-163 / Friars Road interchange and to adjacent streets. Major project elements include widening the bridge that crosses over the San Diego River for southbound SR-163 traffic, a new flyover bridge to connect Ulric Street to southbound SR-163, widening of Friars Road Bridge, and widening and/or restriping other roads. The project is located in the San Diego River Watershed (907.11). The receiving waters are the San Diego River and an unnamed tributary.

**Federal  
Agency/Permit:** U.S. Army Corps of Engineers §404, NWP 27, Shanti Santulli  
U.S. Fish and Wildlife Service, Section 7 issued June 6, 2007.

**Other Required  
Regulatory Approvals:** California Department of Fish and Game Streambed  
Alteration Agreement, Kelly Fisher

California  
Environmental Quality Act (CEQA)  
Compliance: SR 163/Friars Road Interchange Project, Environmental Impact Report, March 2010, SCH# 2005111032, City of San Diego. Notice of Determination on July 7, 2010, for Environmental Impact Report and an addendum to Environmental Impact Report No. 90-0133 under CEQA Guidelines Title 14, California Code of Regulations

Receiving Water: San Diego hydrologic unit, Lower San Diego hydrologic area, Mission San Diego hydrologic sub-area (907.11).

Affected Waters of the United States: Temporary:  
Impacts to 0.31 acres (294 linear feet) of wetland waters and/or riparian habitat of the United States and/or State, and 0.31 acres (294 linear feet).  
Permanent:  
Impacts to 0.38 acres (340 linear feet) of wetland waters and/or riparian habitat of the United States and/or State

Compensatory Mitigation: Mitigation must be achieved as described in the *Mast Park Wetland Habitat Restoration Plan*, prepared by Helix Environmental Planning, Inc., dated November 20, 2009 (and any subsequent versions/ additional memos reviewed by the San Diego Water Board). The **total mitigation area shall encompass 2.07 acres** for wetland waters and/or riparian habitat of the United State and/or State and must include:

1. Establishment of a minimum of 0.69 acres, up to 1.32 acres of wetland waters and/or riparian habitat of the United States and/or State
2. Enhancement of a minimum of 0.75 acres up to 1.38 acres of wetland waters and/or riparian habitat of the United States and/or State

Mitigation Location: Latitude: 32.7779 Longitude: -117.1628

Best Management Practices (BMPs): Post-construction BMPs include vegetated slopes and an infiltration basin, as described in *Water Quality Technical Report Friars Road / SR-163 Interchange Project*, Dokken Engineering, October 2009, and *Friars Road/State Route 163 Interchange Long Form – Storm Water Data Report*, Dokken Engineering, October 2009.

Public Notice:                    B. On January 5, 2010, receipt of the project application was posted on the San Diego Water Board web site to serve as appropriate notification to the public. No public comments were received.

Fees:                                Total Due: \$640.00  
    Total Paid: (check No. 1025889)

CIWQS:                            Regulatory Measure ID: 372485  
    Place ID: 748147  
    Party ID: 42977



**ATTACHMENT 2  
DISTRIBUTION LIST**

Shanti Santulli  
U.S. Army Corps of Engineers, Regulatory Branch  
San Diego Field Office  
[Shanti.A.Santulli@usace.army.mil](mailto:Shanti.A.Santulli@usace.army.mil)

Kelly Fisher  
California Department of Fish and Game  
South Coast Region  
Habitat Conservation Planning – South  
[KFisher@dfg.ca.gov](mailto:KFisher@dfg.ca.gov)

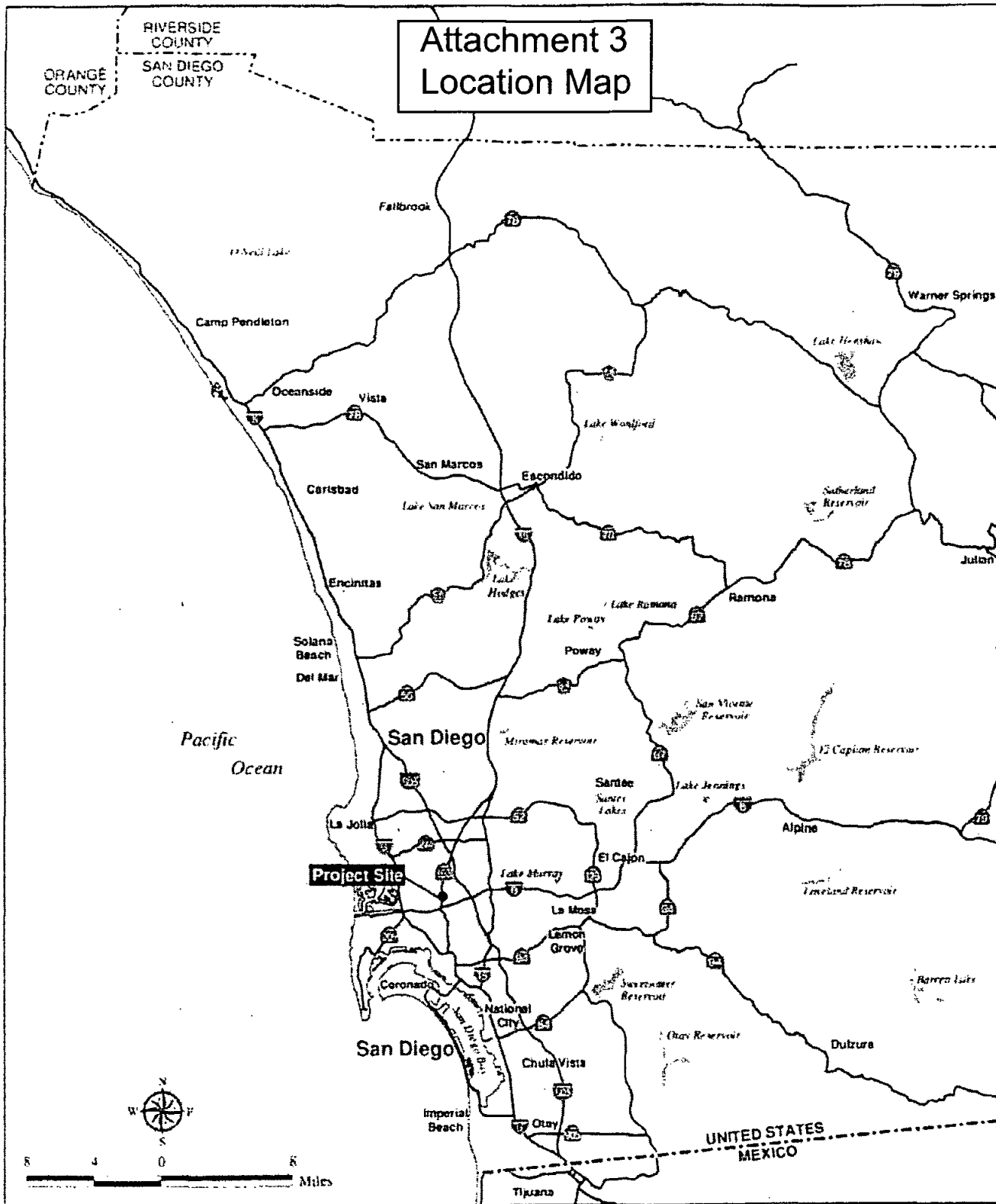
David Zoutendyk  
U.S. Department of the Interior  
Fish and Wildlife Service  
[david\\_zoutendyk@fws.gov](mailto:david_zoutendyk@fws.gov)

U.S. EPA, OWOW, Region 9  
75 Hawthorne St.  
San Francisco, CA 94105  
[R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)

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

Barry Jones  
Helix Environmental Planning, Inc.,  
7578 El Cajon Blvd, Ste, 200  
La Mesa, CA 91942  
[Barryj@helixepi.com](mailto:Barryj@helixepi.com)

# Attachment 3 Location Map



## Regional Location Map

SR 163/FRIARS ROAD INTERCHANGE PROJECT

Figure 1

HELIX

6000 100 100

HONOLULU

Attachment 4a  
Site Map



Project Location Map

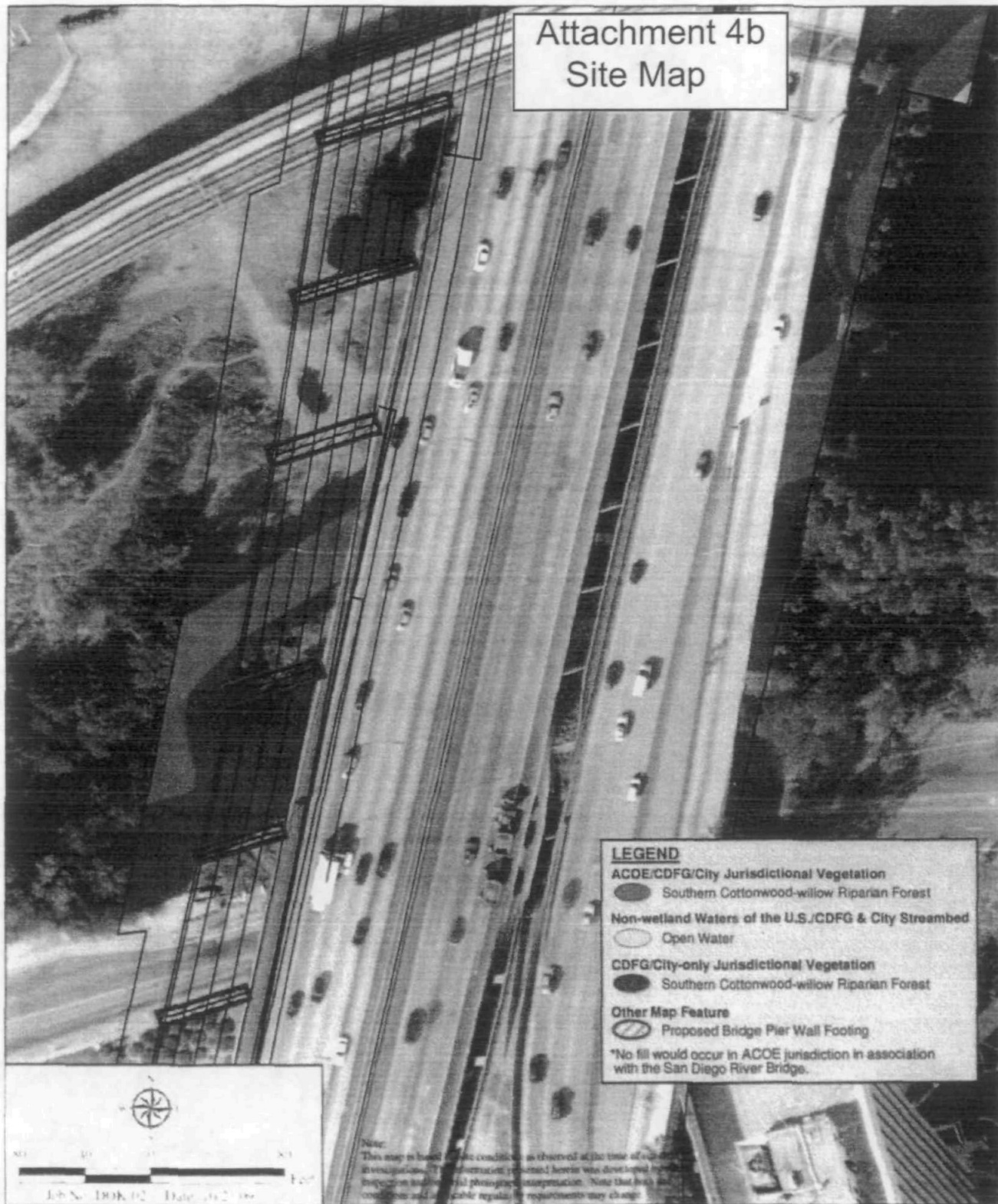
SR 163/FRIARS ROAD INTERCHANGE PROJECT

Figure 2

HELIX

HONOLULU

Attachment 4b  
Site Map



San Diego River Bridge Detail

SR 16/FRIARS ROAD INTERCHANGE PROJECT

Figure 5

6/2/09

# Attachment 5 Mitigation Map



- Existing Vegetation**
- RP Southern Riparian Forest
  - RP-D Southern Riparian Forest Disturbed
  - RP-R Southern Riparian Forest "Riparian"
  - RS Riparian Scrub
  - FWM Freshwater Marsh
  - MFS Males Fall Scrub
  - MFS-D Males Fall Scrub Disturbed
  - SWB Southern Willow Scrub
  - CLW Coast Live Oak Woodland
  - DCBS Driest Coastal Sage Scrub
  - REIG Non-native Grassland
  - EW Eucalyptus Woodland
  - RNV Non-native Vegetation
  - DH Disturbed Habitat
  - DEV Developed
- Restoration**
- Corps & CDFG Creation
  - Corps & CDFG Enhancement
  - CDFG Creation
  - CDFG Enhancement
  - Limits of Restoration Sites for SR 163/165 Road Interchange Project
  - Duke's 2000 Restoration Site
  - Duke's Restoration Site
  - 4-foot tall, 2-foot wide fence

**Mast Park Wetland Mitigation Site**  
SR 163/165 ROAD INTERCHANGE PROJECT  
Figure 6

**HELIX**