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
Acting Secretary for Environmental Protection

Edmund G. Brown Jr.
Governor

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

March 23, 2011

In reply refer to:
756310: mporter

Pritesh Pithia
Kinder Morgan Energy Partners
1100 Town and Country Road
Orange, CA 92868

Dear Mr. Pitesh Pithia:

SUBJECT: ACTION ON REQUEST FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR LINE SECTION 122/126 WASHOUT REPAIR AT SANDY'S RANCH PROJECT WATER QUALITY CERTIFICATION NO. 10C-077

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 **Line Section 122/126 Washout Repair at Sandy's Ranch** (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 4.

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, 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 Mike Porter at (858) 467-2726 or by email at mporter@waterboards.ca.gov.

Respectfully,

DAVID W. GIBSON
Executive Officer

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 10C-077 for the Line Section 122/126 Washout Repair at Sandy's Ranch Project, with 6 attachments

cc: Refer to Attachment 2 of Certification 10C-077 for Distribution List.

Tech Staff Info & Use	
File No.	10C-077
WDID	9000002133
Reg. Measure	375637
ID Place ID	756310
Party ID	524370
Person ID	524371

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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: **Line Section 122/126 Washout Repair at Sandy's Ranch Project, Certification Number (10C-077), WDID: 9000002133**

CIWQS
Reg. Meas. ID: 375637
Place ID: 756310
Party ID: 524370

APPLICANT: **Pritesh Pithia**
Kinder Morgan Energy Partners
1100 Town and Country Road
Orange, CA 92868

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 project includes the repair and protection of two exposed petroleum pipelines that cross an ephemeral channel in Gonzalez Canyon 2 miles east of the City of Del Mar, in San Diego County. Pipe LS 122 will be cut and capped at the banks of the ephemeral channel. Pipe LS 126 will be covered with a grout filled geotextile mattress secured to the bed and banks of the channel. The project requires the permanent placement of fill in 0.009 acre (35 linear feet) and temporary disturbance of 0.003 acre (10 linear feet) of streambed non-wetland Waters of the United States. 130 cubic yards of soil will be excavated and used to re-contour the stream over the pipe. 45 cubic yards of concrete fill will be use for the geotextile mattress. Access to the site will come from existing utility access roads and a staging area for equipment will be limited to existing roadways. Vehicular access will be limited to a rubber-tired backhoe. The

pipeline right-of-way will be used for temporary stockpile of soil. Work will avoid the breeding season. All temporary impacts will be restored to pre-project conditions.

TABLE OF CONTENTS

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. 10C-077 (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. Kinder Morgan Energy Partners 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.

C. Kinder Morgan Energy Partners must, at all times, fully comply with the engineering plans, specifications and technical reports submitted to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), to support this Certification and all subsequent submittals required as part of this Certification and as described in Attachment 1. The conditions within this Certification must supersede

conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the San Diego Water Board and reevaluation for individual Waste Discharge Requirements and/or Certification amendment.

D. During construction, Kinder Morgan Energy Partners must maintain a copy of this Certification at the project site so as to be available at all times to site personnel and agencies.

E. Kinder Morgan Energy Partners must permit the San Diego Water Board or its authorized representative at all times, upon presentation of credentials:

1. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
2. Access to copy any records required to be kept under the terms and conditions of this Certification.
3. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
4. Sampling of any discharge or surface water covered by this Order.

F. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

G. In response to a suspected violation of any condition of this Certification, the San Diego Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the San Diego Water Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

H. In response to any violation of the conditions of this Certification, the San Diego Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

III. ADDITIONAL CONDITIONS: BEST MANAGEMENT PRACTICES

A. Prior to the start of the project, and annually thereafter, Kinder Morgan Energy Partners must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and Best Management Practices (BMPs) implementation and maintenance.

B. Kinder Morgan Energy Partners 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 United States and/or State.

C. 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.

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

E. 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.

F. 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.

G. All areas that will be left in a rough graded state must be stabilized no later than one week after completion of grading. Kinder Morgan Energy Partners and subsequent owners, are responsible for implementing and maintaining BMPs to prevent erosion of the rough graded areas to prevent flow from this area from causing negative impacts to beneficial uses. After completion of grading, all areas must be revegetated with native species appropriate for the area. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at http://www.cal-

ipc.org/ip/inventory/weedlist.php.

H. 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.

I. 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).

J. The grout filled geotextile mattress must not cause or induce scour, erosion, headward cutting, or downward cutting into the active channel, bed or banks of the unnamed ephemeral wash that is tributary to an unnamed intermittent stream in Gonzalez Canyon that is tributary to San Dieguito Creek. Any type of permanent fill crossing a waterbody is a hydromodification, and as such has the potential to change the morphology and intrinsically alter the physical integrity of that waterbody.

IV. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

A. Mitigation for permanent (0.009 acres, 35 linear feet) and temporary (0.003 acres, 10 linear feet) discharges to non-wetland Waters of the United States must be achieved as described in the 401 Application package prepared by AMEC Earth & Environmental Inc., dated August 19, 2010, and in additional application submittals.:

1. On-site restoration of temporary impacts. The site must be restored to pre-construction contours and all disturbed slopes must be stabilized.
2. Temporary and permanent impacts to coastal sage scrub vegetation will be mitigated by the purchase of 0.12 acre of coastal sage scrub establishment credits from an established mitigation bank with an MHPA or through the deposition of money into the City of San Diego Habitat Acquisition Fund, according to San Diego's MSCP.

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. Permanent fill (rip-rap) void space must be backfilled with native soil and planted with native species.

D. Kinder Morgan Energy Partners 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 and/or State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. Kinder Morgan Energy Partners must implement all necessary BMPs to control erosion and runoff from areas associated with this project.

E. Kinder Morgan Energy Partners 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.

F. Kinder Morgan Energy Partners 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.

G. 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.

H. 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, Kinder Morgan Energy Partners is responsible for repair and replanting of the damaged area(s).

I. For purposes of this Certification, establishment is defined as the creation of vegetated or unvegetated Waters of the United States and/or 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 and/or 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 and/or

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 and/or 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 and/or State (e.g., conservation easement).

V. NOTIFICATION REQUIREMENTS:

A. Kinder Morgan Energy Partners 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: Kinder Morgan Energy Partners 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 Kinder Morgan Energy Partners 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 D of this Certification 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 San Diego Water

Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

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

C. Kinder Morgan Energy Partners 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. Prior to start of construction, Kinder Morgan Energy Partners must provide the San Diego Water Board with verification that 0.012 acre of credits in the Deer Canyon Conservation Bank have been purchased.

E. To protect rare, threatened, or endangered species the Kinder Morgan Energy Partners must implement all Conservation Measures included in the U.S. Fish and Wildlife Service Section 7 Consultation. Kinder Morgan Energy Partners must provide a copy of the final Section 7 Consultation letter to the San Diego Water Board **prior to initiation of construction activities.**

VI. REPORTING REQUIREMENTS:

A. Kinder Morgan Energy Partners 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. Kinder Morgan Energy Partners shall 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. 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.

C. 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.

D. 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.

E. 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."

F. Kinder Morgan Energy Partners 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-077
9174 Sky Park Court, Suite 100
San Diego, California 92123

VII. CEQA FINDINGS:

A. The San Diego Water Board is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)),and filed a Notice of Exemption, for a Categorical Exemption under CEQA Guidelines Title 14 Article 19 Section 15301b, of the California Code of Regulations dated February 14, 2011. The San Diego Water Board finds that the project will not have a significant effect on the environment and mitigation measures were made a condition of the project.

VIII. PUBLIC NOTIFICATION OF PROJECT APPLICATION:

A. On August 25, 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.

IX. SAN DIEGO WATER BOARD CONTACT PERSON:

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

X. WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Line Section 122/126 Washout Repair at Sandy's Ranch Project (Project No. 10C-077) 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. R—

DAVID W. GIBSON
Executive Officer
Regional Water Quality Control Board

3-24-2011
Date

Attachments:

1. Project Information
2. Distribution List
3. Location Map
4. Site Map/
5. Stream Photodocumentation Procedure
6. Checklist of Required Reports and Notifications

Water Boards

Project Identifiers	
WDID No:	9000002133
Reg. Meas. ID:	375637
Place ID:	756310
Party ID:	524370
USACOE No:	
Other File No:	

Attachment 1

PROJECT INFORMATION

Details

Application Received Date:	8/24/2010
Application Completed Date:	12/14/2010
Additional Info Completed Date:	
Applicant:	Pritesh Pithia Kinder Morgan Energy Partners 1100 Town and Country Road Orange, CA 92868
Applicant Representative(s):	Nick Ricono AMEC Earth and Environmental Inc 9210 Sky Park Court, Suite 200 San Diego, CA 92123
Project Title:	Line Section 122/126 Washout Repair at Sandy's Ranch
Regulating Water Board:	R9
Type of Project:	Underground (small)

Project Description:

The project includes the repair and protection of two exposed petroleum pipelines that cross an ephemeral channel in Gonzalez Canyon 2 miles east of the City of Del Mar in San Diego County. Pipe LS 122 will be cut and capped at the banks of the ephemeral wash and Pipe LS 126 will be covered with a grout filled geotextile mattress, secured to the bed and banks of the channel. The project requires the permanent placement of fill in 0.009 acre (35 linear feet) of streambed non-wetland waters of the United States and temporary disturbance of 0.003 acre (10 linear feet) of streambed non-wetland waters of the United States. 130 cubic yards of soil will be excavated and used to re-contour the stream over the pipe. 45 cubic yards of concrete fill will be use for the geotextile mattress. Access to the site will come from existing utility access roads. Staging area for equipment will be limited to existing roadways. Vehicular access will be limited to a rubber-tired backhoe. The pipeline right-of-way will be used for temporary stockpile of soil. Work will avoid the breeding season. All temporary impacts will be restored to pre-project conditions.

Location

City:	San Diego
County:	San Diego County
Cross Streets:	See Lat/Lon
Section, Township, Range:	See Lat/Lon
Zip code:	92130
Directions:	See Address/Lat-Lon
Latitude(s) and Longitude(s):	32.9658, -117.2241

Water Boards

Public Notice

Water Board Public Notice: Information regarding this project was noticed on the San Diego Water Board's website on August 25, 2010.

__X__ No Comments were received. _____ Comments were responded to in writing.

Fees

Application Fee Provided: A certification fee of $673 was submitted on 8/24/2010 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e).

Hydrologic Information

Receiving Water(s):	Unnamed ephemeral wash that is tributary to an unnamed intermittent stream in Gonzalez Canyon that is tributary to San Dieguito Creek
Hydrologic Unit(s):	Miramar Reservoir HA (906.1)
Water Body Type(s):	Streambed

Designated Beneficial Use(s)

X	AGR		COMM		FRSH		MIGR		RARE		SPWN	
	AQUA		CUL		GWR		MUN	+	REC-1	X	WARM	
	ASBS		EST	X	IND		NAV	X	REC-2		WET	
	BIOL		FISH		LWRM		POW		SAL	X	WILD	
X	COLD		FLD		MAR		PRO		SHELL		WQE	

Candidate, Sensitive, or Special Status Species

California gnatcatcher (*Polio californica californica*) is federally threatened and a California state species of concern

Other Permits/Licenses/Agreements/Plans

Federal (Type and Permit/License Number):

Army Corps of Engineers 404 Permit NWP 3 and 14

State (Type and Permit/License/Agreement Number):

California Department of Fish and Game Notification of Lake or Streambed Alteration

Other County, City, etc. (Type and Permit/License Number):

San Diego Parks and Recreation Use Permit

Any Required Documents or Plan Submittals (SWPPP, Mitigation & Monitoring, etc.)

Water Boards

NEPA and/or CEQA Compliance	
Document type:	Notice of Exemption
Lead Agency:	Regional Water Quality Control Board – San Diego
Date completed:	2/14/2011
State Clearinghouse Number:	

IMPACTS

Describe Potential Water Quality Impacts:

Pollutants associated with construction activities and permanent fill.

Final Project Impacts (Fill)*

Waterbody Type	Permanent			Temporary		
	Acres**	Linear Feet	Cubic Yards	Acres**	Linear Feet	Cubic Yards
Lake						
Ocean						
Riparian						
Streambed	0.009	35		0.003	10	
Vernal Pool						
Wetland						

* Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal waterbody types.
** Provide acres to three decimal places (e.g., 0.006).

Final Project Impacts (Dredge*/Excavation)**

Waterbody Type	Permanent			Temporary		
	Acres***	Linear Feet	Cubic Yards	Acres***	Linear Feet	Cubic Yards
Lake						
Ocean						
Riparian						
Streambed						
Vernal Pool						
Wetland						

* For projects that will occur annually please provide the total volume to be dredged for the entire certification period (typically 5 years).
** Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal waterbody types.
*** Provide acres to three decimal places (e.g., 0.006).

Impact Comparison*

	Fill				Dredge			
	Permanent		Temporary		Permanent		Temporary	
	Initial	Final	Initial	Final	Initial	Final	Initial	Final

Water Boards

Impacts (Acres)**								

* Include impacts to both federal and non-federal waters.
** Provide acres to three decimal places (e.g., 0.006).

MITIGATION

Describe Avoidance and Minimization for Impacts to Waters:

The chosen grout filled mattress design follows the contours of the incised ephemeral stream bed to the practical extent possible, while still protecting the gas pipelines.

Actual impacts are minimized by the keying in of the grout filled mattress, as well as backfilling of void space and planting with natives.

Work will be conducted outside of the avian breeding season from March 1 to August 15. Equipment will not be operated in flowing portions of the streams.

Describe Compensatory Mitigation for Impacts to Waters (temporary and permanent):

Temporary impacts will be restored to pre-project conditions, disturbed upland areas will be revegetated with native grass seed for short term erosion control, and topsoil will be replaced in disturbed areas. Temporary and permanent impacts to coastal sage scrub vegetation will be mitigated by purchase 0.12 acre of establishment credits from an established mitigation bank within an MHPA area, or through deposition of money in the City of San Diego's Habitat Acquisition Fund.

Compensatory Mitigation (Proponent Provided)

Waterbody Type	Acres Established		Acres Restored		Acres Enhanced		Acres Preserved	
	Temp:*	Perm:	Temp:*	Perm:	Temp:*	Perm:	Temp:*	Perm:
Riparian		0.012						
Streambed								
Vernal Pool								
Wetland								

* Report as mitigation for temporary impacts at a 1:1 ratio any required conditions to restore the site (e.g., re-vegetating or re-contouring).

Proponent Provided Mitigation Information (If Applicable)*

	Site 1	Site 2
Mitigation Site Location(s):	Deer Canyon	
Mitigation Site Lat/Long(s)	32.955007, -117.161787	
Name of Watershed & Hydrologic Unit:	Same as impact	
Mitigation Site City and County:	San Diego, San Diego County	

*If more than two sites, please provide additional information in the additional information table located at the end of this form.

ATTACHMENT 2
E-MAIL DISTRIBUTION LIST

U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
6010 Hidden Valley Rd, Suite 105
San Diego, CA 92011-4213

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

USEPA, Region 9
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

Nick Rocono
AMEC Earth and Environmental Inc
Nick.Rocono@amec.com

ATTACHMENT 3
PROJECT LOCATION

ATTACHMENT 4
SITE MAP

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:

Attachment 6
Checklist of Required Reports and Notifications

Required Reports and Submittals: 401 Certification No. 09C-003

Due Date	Required Report	Required Condition(s) To Be Met	Report Received
August 1st, Annually	Project Annual Report	VI.A	
August 1st After Project Completion	Final Annual Project Report	VI.A	

Required Notifications: 401 Certification No. 09C-003

Notification Requirement	Required Notification Period	Required Condition(s) To Be Met	Date Notified
Unauthorized Discharge	Within 24 Hours of Discharge	V.A	
Transfer of Certification Responsibility	Within 10 Days of Transfer	V.B	
Dredge or Fill Commencement	5 Days Prior to Commencement	V.C	