



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## California Regional Water Quality Control Board, San Diego Region

August 15, 2012

**Certified Mail – Return Receipt Requested**

Article Number: 7011 0470 0002 8961 5766

Mr. Rob Rundle  
San Diego Association of Governments  
401 B Street, Suite 800  
San Diego, CA 92101-4231

**In reply refer to:**  
**778582:dbradford**

**Subject: Clean Water Act Section 401 Water Quality Certification No. 12C-018; CP San Onofre to CP Pulgas Double Track Project**

Mr. Rundle:

Enclosed find Clean Water Act Section 401 Water Quality Certification 12C-018 (Certification) for discharges to waters of the United States/State and acknowledgment of enrollment under State Water Resources Control Board Order No. 2003-017-DWQ for the **CP San Onofre to CP Pulgas Double Track Project** (Project). A description of the Project can be found in the project information sheet, location map, and site maps which are included as Attachments 1 through 5 to the Certification.

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.

GRANT DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

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In the subject line of any response, please include the reference number 778582:dbradford. For questions or comments, please contact Darren Bradford by phone at (858) 637-7137 or by email at dbradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON  
Executive Officer  
San Diego Water Board

DWB:js:db:kd:dlb

Enclosures:

Clean Water Act Section 401 Water Quality Certification No. 12C-018 for CP San Onofre to CP Pulgas Double Track Project, with 5 attachments.

E-copies: Refer to Attachment 2 of Certification 12C-018 for Distribution List.

Tech Staff Info & Use	
File No.	12C-018
WDID	9000002428
Reg. Measure ID	383703
Place ID	778582
Party ID	524619
Person ID	524620





EDMUND G. BROWN JR.  
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SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## California Regional Water Quality Control Board, San Diego Region

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:** CP San Onofre to CP Pulgas Double Track Project  
Water Quality Certification No. 12C-018

**APPLICANT:** Mr. Rob Rundle  
San Diego Association of Governments  
401 B Street, Suite 800  
San Diego, CA 92078

WDID	9000002428
Reg. Meas.	383703
Place	778582
Party	524619
Person	524620

**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 Control Point (CP) San Onofre to CP Pulgas Double Track Project (Project) includes the construction of a second mainline railroad track adjacent to an existing single mainline railroad track along approximately 4.3 miles of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor in northern San Diego County. The Project limits will extend from mile post (MP) 212.2 to MP 216.5 (between CP San Onofre to CP Pulgas), directly adjacent and parallel to the Interstate 5 (I-5) corridor within an existing right-of-way (ROW) that traverses Marine Corps Base Camp Pendleton. The new second mainline track will begin from the north near the San Onofre State Beach campground area and end about 0.5 mile south of the Old Pacific Highway overcrossing. The project will connect into an existing double track section at the north end of the Project limits

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One railroad bridge will be replaced at MP 215.3. The existing 44-foot-long timber-pile bridge at this location will be removed and replaced with a soft-bottom concrete box culvert that will support both the existing mainline track and the proposed second mainline track. The proposed project will also require extending several existing culverts at unnamed drainages, installing rip-rap energy dissipaters, and installing concrete aprons to accommodate the proposed second track.

Temporary laydown areas and access roads will occur at specific locations along the Project corridor to accommodate topsoil stockpiles, construction equipment, and materials. Proposed access roads and laydown areas will be located to avoid sensitive habitats where practicable.

Permanent best management practices (BMPs) will include low impact development (LID) BMPs, source control BMPs, and treatment control BMPs pertinent for a railway project. Proposed water quality BMPs are described in the *Preliminary Water Quality Technical Report* (WQTR), dated October 2011.

The Project will result in permanent impacts to 0.05 acre (296-linear feet) of unvegetated ephemeral non-wetland waters of the United States and/or State.

Mitigation for permanent impacts will include on-site establishment of a minimum of 0.07 acre (1,100 linear feet) of non-wetland waters of the United States and/or State (ephemeral streambed).

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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.

- 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 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. This Clean Water Act Section 401 Water Quality Certification No. 12C-018 (Certification) is only valid if the Project begins no later than five (5) years from the date of issuance. If the Project has not begun within 5 years from the date of issuance, then this Certification expires 5 Years from the date of issuance.
- B. San Diego Association of Governments must comply with the requirements of State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification*. These General Waste Discharge Requirements are accessible at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/gowdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf).
- C. San Diego Association of Governments 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 herein. The conditions within this Certification must supersede conflicting provisions within such plans submitted as part of this Certification action.



- D. During construction, San Diego Association of Governments must maintain a copy of this Certification at the project site. This Certification must be available at all times to site personnel and agencies.
- E. Upon presentation of credentials and verification of North Coast Transit District (NCTD) railroad safety training, San Diego Association of Governments must permit the San Diego Water Board or its authorized representative(s) to::
1. Enter onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
  2. Access and/or copy any records required to be kept under the terms and conditions of this Certification.
  3. Inspect any treatment equipment, monitoring equipment, or monitoring method required by this Certification.
  4. Sample any discharge or surface water covered by this Certification.
- 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 (CWA), 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, pursuant to CWC sections 13267 and 13383, require the holder of any permit or license subject to this Certification to investigate, monitor and report information on the violation. The only restriction is that that the burden, including costs of preparing 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 modify the conditions of this Certification as appropriate to ensure compliance.



### III. ADDITIONAL CONDITIONS: CONSTRUCTION BMPs

- A. Prior to the start of the project, and annually thereafter, San Diego Association of Governments must educate all personnel on the requirements in this Certification, including pollution prevention measures, spill response, and the implementation and maintenance of BMPs.
- B. San Diego Association of Governments 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. San Diego Association of Governments, and/or all legally responsible parties in the development area, 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*, and any subsequent revisions thereto.
- 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 of the project 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 waters. 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. Except as authorized by this certification, 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 United States 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.

#### **IV. ADDITIONAL CONDITIONS: POST CONSTRUCTION BMPs**

- A. San Diego Association of Governments shall not allow post-construction discharges to cause onsite or offsite downstream erosion, and/or damage to properties or damage to stream habitats from the project site.
- B. San Diego Association of Governments must eliminate illicit discharges and prevent all nuisance flows from the development area from entering the receiving waters.
- C. 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.
- D. New culverts must not constrict stream channels and must be designed and installed to convey a 100-year flood event. Culverts and associated embankments and fills must provide sufficient erosion protection to withstand a 100-year flood event. Culverts must be designed and installed so they will not cause scouring of the stream bed and erosion of the banks in the vicinity of the project. New culverts must be designed to convey the geomorphic bankfull discharge with a similar average velocity as upstream and downstream sections. Culverts must be open bottom or embedded and backfilled below the grade of the stream greater than or equal to a depth of 1 foot.



## V. ADDITIONAL CONDITIONS: COMPENSATORY MITIGATION

- A. Unavoidable permanent impacts to eight (8) un-named tributaries to the Pacific Ocean in the San Juan Watershed are limited to:
1. Permanent Impacts - 0.05-acre of non-wetland waters of the United States and/or State, 296-linear feet
  2. Temporary Impacts - none
- B. Mitigation for unavoidable impacts must be implemented as described in the letter *San Diego Association of Governments' CP San Onofre to CP Pulgas Double Track Project (Stage 1 – MP 212.2 to 216.5)*, dated June 20, 2012. Any deviations must be approved by the San Diego Water Board.
- C. Mitigation must include on-site establishment of a minimum of 0.07 acre (1,100 linear feet) of non-wetland waters of the United States and/or State (ephemeral streambed) which will be provided by the establishment of new swale areas that will be hydro seeded with a native species mix.
- D. San Diego Association of Governments must restore all 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. San Diego Association of Governments must implement all necessary BMPs to control erosion and runoff from areas associated with this project. 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>. Follow-up applications shall be made as needed to cover bare spots and to maintain adequate soil protection.
- E. The construction of the proposed mitigation for unavoidable permanent impacts must be concurrent with project grading and completed no later than 9 months following the initial discharge of dredge or fill material into on-site waters. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay.
- F. During the monitoring and establishment phase, 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.



- G. 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).

#### VI. NOTIFICATION REQUIREMENTS:

- A. San Diego Association of Governments shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. This Certification is not transferable in its entirety or in part to any person or organization except after notice to the Executive Officer of the San Diego Water Board in accordance with the following terms.
1. **Transfer of Property Ownership:** San Diego Association of Governments 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 San Diego Association of Governments ? 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 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:** San Diego Association of Governments 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, San Diego Association of Governments 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. San Diego Association of Governments must provide such notification to the Executive Officer of the San Diego Water Board within **10 days** of the transfer of BMP maintenance responsibility.

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

- C. San Diego Association of Governments must notify the San Diego Water Board in writing **at least 5 days prior to** the actual commencement of dredge, fill, and discharge activities.

## VII. REPORTING REQUIREMENTS:

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



- B. San Diego Association of Governments must submit annual progress reports describing status of compliance with all requirements of this Certification to the San Diego Water Board prior to **January 1** of each year following the issuance of this Certification until the project has reached completion. San Diego Association of Governments must submit a Final Project Annual Report to the San Diego Water Board prior to **January 1** following completion of the project. The reports must include the following:
1. Date of construction initiation.
  2. Date of construction completion.
  3. Status of BMPs for the project.
  4. Photo documentation of implemented post-construction BMPs, 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 Global Positioning System (GPS) coordinates for each of the photo points referenced.
- C. All information requested in this Certification is pursuant to CWC section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to furnish requested information pursuant to CWC sections 13268 and 13385.
- D. 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.
- E. 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.
- F. 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."*

- G. San Diego Association of Governments 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. 12C-018  
9174 Sky Park Court, Suite 100  
San Diego, California 92123

#### **VIII. CEQA FINDINGS:**

- A. Rail projects related to interstate commerce fall under the jurisdiction of the federal Surface Transportation Board. The Surface Transportation Board has determined that federal law preempts state and local regulation of such projects under the Interstate Commerce Clause of the U.S. Constitution. The San Diego Water Board finds this project is not subject to the California Environmental Quality Act.

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

- A. On March 12, 2012, 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.



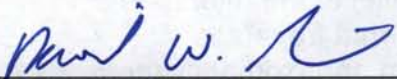
**X. SAN DIEGO WATER BOARD CONTACT PERSON:**

Darren Bradford, Environmental Scientist  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123  
Telephone: 858-637-7137  
Email: DBradford@waterboards.ca.gov

**XI. WATER QUALITY CERTIFICATION:**

I hereby certify that the proposed discharge from the **CP San Onofre to CP Pulgas Double Track Project** (Certification Project No. 12C-018) 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 individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, 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  
San Diego Water Board

15 August 2012  
Date

- Attachments:
1. Project Information
  2. Distribution List
  3. Location and Site Map(s)
  4. Mitigation Site Map
  5. Site Figures



**ATTACHMENT 1  
PROJECT INFORMATION**

**Applicant:** Mr. Rob Rundle  
San Diego Association of Governments  
401 B Street, Suite 800  
San Diego, CA 92101-4231  
Telephone: 619-699-6949  
Email: rob.rundle@sandag.org

**Applicant  
Representatives:** HELIX Environmental Planning, Inc.  
Attention: Tom Huffman  
7578 El Cajon Boulevard, Suite 200  
La Mesa, CA 91942  
Telephone: 619-462-1515  
Facsimile: 619-462-0552  
Email: tomh@helixepi.com

**Project Name:** CP San Onofre to CP Pulgas Double Track Project

**Project Location:** The project site is approximately 4.3 miles and is located on Sections 11, 13, 14, 24 of Township 10 South, Range 6 West of the San Bernardino Base and Meridian, USGS 7.5' Las Pulgas Canyon, CA Quadrangle. This double track project includes areas directly adjacent and parallel to the Interstate 5 (I-5) corridor within a right-of way (ROW) that traverses Marine Corps Base Camp Pendleton from approximately the southern terminus of the San Onofre State Beach campground to Las Pulgas Road farther south. The project is located approximately from latitude 33.35246 and longitude 117.526636 (north end) to latitude 33.5193 and longitude 117.798544 (south end).

**Type of Project:** Construction of a second mainline railroad track, which will enable trains to travel along the railroad corridor in opposing directions.



**Project Description:** The CP San Onofre to CP Pulgas Double Track Project (Project) includes the construction of a second mainline railroad track adjacent to an existing single mainline railroad track along approximately 4.3 miles of the LOSSAN rail corridor in northern San Diego County. The Project limits will extend from MP 212.2 to MP 216.5 (between CP San Onofre to CP Pulgas), directly adjacent and parallel to the Interstate 5 (I-5) corridor within a right-of-way (ROW) that traverses Marine Corps Base Camp Pendleton. The new second mainline railroad track will begin from the north near the San Onofre State Beach campground area and end about 0.5 mile south of the Old Pacific Highway overcrossing. The Project will connect into an existing double track section at the north end of the project limits.

One railroad bridge would be replaced at MP 215.3. The existing 44-foot-long timber-pile bridge at this location will be removed and replaced with a soft-bottom concrete box that will support both the existing mainline track and the proposed second mainline track. The Project will also require extending several existing culverts at unnamed drainages to accommodate the proposed second track.

Construction crews will use existing access roads to the greatest extent feasible. Temporary laydown areas and access roads will occur at specific locations along the project corridor to accommodate topsoil stockpiles, construction equipment, and materials. Proposed access roads and laydown areas must be located to avoid sensitive habitats where practicable.

Permanent best management practices (BMPs) will include low impact development (LID) BMPs, source control BMPs, and treatment control BMPs pertinent for a railway project. Proposed water quality BMPs are described in the *Preliminary Water Quality Technical Report (WQTR)*, dated October 2011.

Federal  
Agency/Permit:

U.S. Army Corps of Engineers §404, Nationwide Permit 14,  
Linear Transportation Projects, Courtney Stevens



Other Required Regulatory Approvals: Coastal Commission Consistency Determination, Larry Simon

California Environmental Quality Act (CEQA) Compliance: Rail projects related to interstate commerce fall under the jurisdiction of the federal Surface Transportation Board. The Surface Transportation Board has determined that federal law preempts state and local regulation of such projects under the Interstate Commerce Clause of the U.S. Constitution. The San Diego Water Board finds this project is not subject to the California Environmental Quality Act.

Receiving Waters: Eight (8) unnamed ephemeral tributaries to the Pacific Ocean. San Juan hydrologic unit, San Onofre hydrologic area.

Impacted Wetlands of the United States and/or State: Unavoidable permanent impacts to eight (8) un-named tributaries to the Pacific Ocean in the San Juan Watershed are limited to:

1. Permanent Impacts - 0.050-acre of non-wetland waters of the United States and/or State, 296-linear feet
2. Temporary Impacts - none

Dredge Volume: N/A

Related Projects Implemented/to be Implemented by the Applicant(s): The CP San Onofre to CP Pulgas Double Track Project is a 4.3 mile portion of a package of recommended actions addressed in the Program Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) prepared for the LOSSAN rail corridor between Los Angeles and San Diego

Compensatory Mitigation: Mitigation for unavoidable impacts must be implemented as described in the letter *San Diego Association of Governments' CP San Onofre to CP Pulgas Double Track Project (Stage 1 – MP 212.2 to 216.5)*, dated June 20, 2012. Any deviations must be approved by the San Diego Water Board.

Mitigation for permanent impacts will include on-site



establishment of a minimum of 0.07 acre (1,100 linear feet) of non-wetland waters of the United States and/or State (ephemeral streambed).

Best Management Practices (BMPs):

Construction and Post-construction BMPs are described in the *Preliminary Water Quality Technical Report (WQTR) for: San Onofre to Las Pulgas, Phase 1 (NCTD RW within Camp Pendleton, CA, San Diego Association of Governments*, prepared by Project Design Consultants, and dated October 2011. BMPs must include, but not be limited to:

- Catch basin and inlet protection.
- Headwall outlet protection.
- Silt fencing
- Fiber rolls.
- Gravel bag berms.
- Erosion control stabilizing emulsion.
- Concrete washout area.
- Stabilized construction entrance/exit.
- Spill prevention and control.
- Street sweeping and vacuuming.

Public Notice:

On March 12, 2012, 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: \$0.00  
Paid: \$944.00 (Check No. 32038)  
Paid: \$15,670.00 (Check No. 837352))

CIWQS:

Regulatory Measure ID: 383703  
Place ID: 778582  
Party ID: 524619  
Person ID: 524620  
WDID 9000002428



**ATTACHMENT 2  
DISTRIBUTION LIST**

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U.S. Army Corps of Engineers  
Regulatory Division  
Courtney.m.stevens@usace.army.mil

U.S. EPA, OWOW, Region 9  
75 Hawthorne Street,  
San Francisco, CA 94105  
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

Tom Huffman, HELIX Environmental Planning, Inc.  
tomh@helixepi.com



### Attachment 3: Location and Site Map(s)

**Figure 2: Aerial View of Project Limits**





Attachment 3: Location and Site Map(s)



Existing Vegetation and Jurisdictional Delineation/Project Impacts

CP SAN ONOFRE TO CP LAS PULGAS DOUBLE TRACK PROJECT

Figure 1







### Attachment 3: Location and Site Map(s)



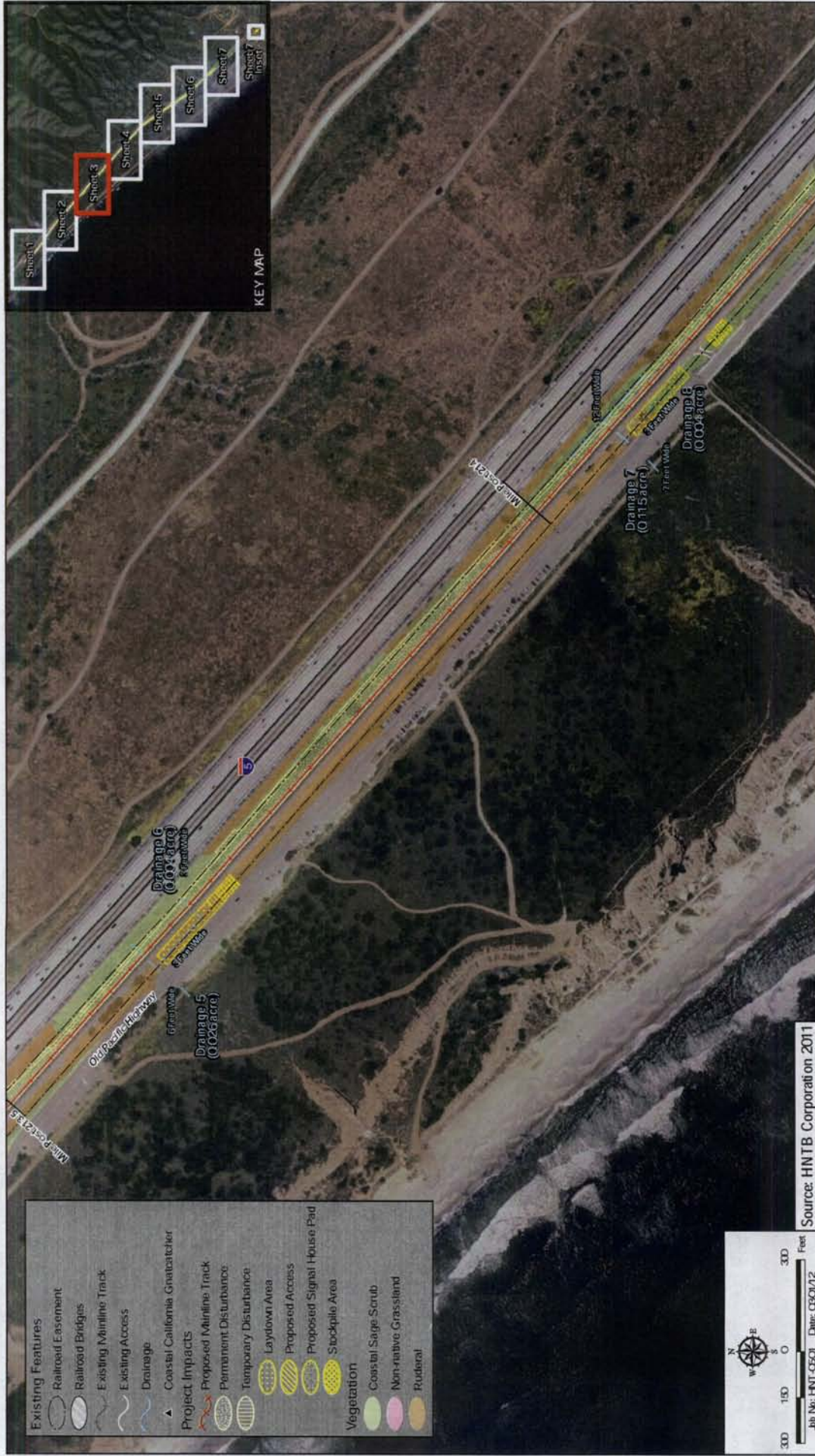
Existing Vegetation and Jurisdictional Delineation Project Impacts

CP SAN ONOFRE TO CP LAS PULGAS DOUBLE TRACK PROJECT

Figure 4



Attachment 3: Location and Site Map(s)



Existing Vegetation and Jurisdictional Delineation Project Impacts

CP SAN ONOFRE TO CP LAS PULGAS DOUBLE TRACK PROJECT

Figure 3



# Attachment 3: Location and Site Maps(s)



<b>Existing Features</b>	<b>Project Impacts</b>	<b>Vegetation</b>
<ul style="list-style-type: none"> <li>Railroad Easement</li> <li>Railroad Bridges</li> <li>Existing Mainline Track</li> <li>Existing Access</li> <li>Drainage</li> <li>Coastal California Gnatcatcher</li> </ul>	<ul style="list-style-type: none"> <li>Proposed Mainline Track</li> <li>Permanent Disturbance</li> <li>Temporary Disturbance</li> <li>Laydown Area</li> <li>Proposed Access</li> <li>Proposed Signal House Pad</li> <li>Stockpile Area</li> </ul>	<ul style="list-style-type: none"> <li>Coastal Sage Scrub</li> <li>Non-native Grassland</li> <li>Ruderal</li> </ul>

Job No: HNT-0501 Date: 05/01/12  
 Source: HNTB Corporation 2011  
 Scale: 1" = 300' Feet  
 North Arrow

Existing Vegetation and Jurisdictional Delineation Project Impacts

CP SAN ONOFRE TO CP LAS PULGAS DOUBLE TRACK PROJECT

Figure 6



### Attachment 3: Location and Site Map(s)



Existing Vegetation and Jurisdictional Delineation Project Impacts

CP SAN ONOFRE TO CP LAS PULGAS DOUBLE TRACK PROJECT

Figure 5



### Attachment 3: Location and Site Map(s)



Existing Vegetation and Jurisdictional Delineation Project Impacts

CP SAN ONOFRE TO CP LAS PULGAS DOUBLE TRACK PROJECT

Figure 7



# Attachment 4: Mitigation Site Map



## Proposed Drainages

CP SAN ONOFRE TO CP LAS PULGAS DOUBLE TRACK PROJECT



# Attachment 5: Site Figures

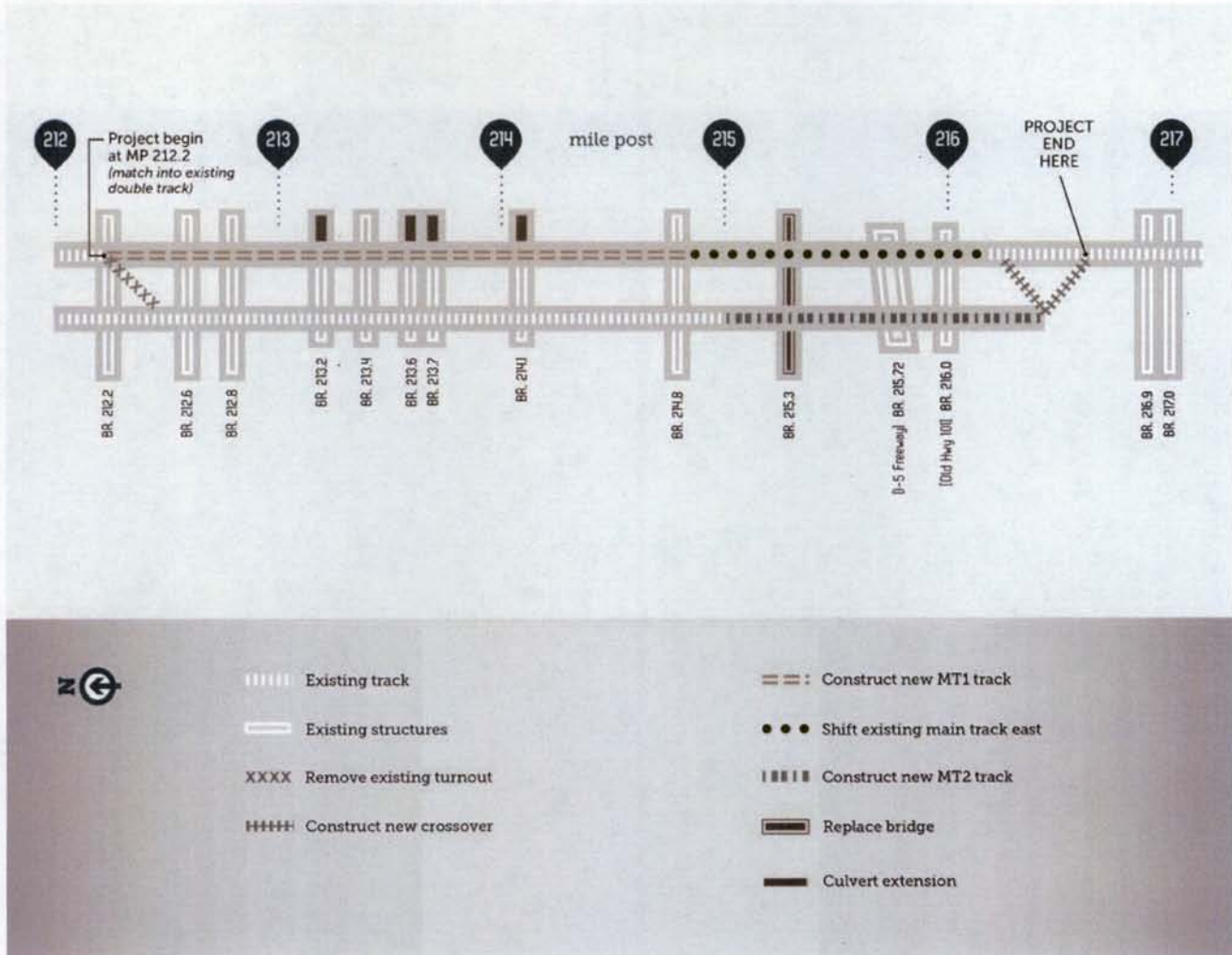
CP SAN ONOFRE TO CP PULGAS DOUBLE TRACK PROJECT | MP 212.2 TO MP 216.5

Jurisdictional Delineation Report

March 9, 2012

Permitting Plan Set

Figure 6: Proposed Improvements





# Attachment 5: Site Figures

CP SAN ONOFRE TO CP PULGAS DOUBLE TRACK PROJECT | MP 212.2 TO MP 216.5

Jurisdictional Delineation Report

March 9, 2012

Permitting Plan Set

**Figure 7: Track Typical Cross Sections**

