



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Arnold Schwarzenegger
Governor

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Chad Nelsen
Surfrider Foundation
PO Box 6010
San Clemente, CA 92674-6010

WATER QUALITY CERTIFICATION FOR PROPOSED PRATTE'S REEF REMOVAL PROJECT (Corps' Project No. 97-00176-FT), PACIFIC OCEAN, CITY OF PLAYA DEL RAY, LOS ANGELES COUNTY (File No. 08-084)

Dear Mr. Nelsen:

Board staff has reviewed your request on behalf of Surfrider Foundation (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 8, 2008.

I hereby issue an order certifying that any discharge from the referenced project 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, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

[Original Signed By]

September 18, 2008

Tracy J. Egoscue
Executive Officer

Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 08-084

1. Applicant: Surfrider Foundation
PO Box 6010
San Clemente, CA 92674-6010

Phone: (949) 637-2137 Fax: (949) 492-8142
2. Applicant's Agent: Coastal Frontiers Corporation
9420 Topanga Canyon Blvd Suite 101
Chatsworth, CA 91377

Phone: (818) 341-8133 Fax: (818) 341-4498
3. Project Name: Pratte's Reef Removal
4. Project Location: Playa del Rey area, Los Angeles County

<u>Longitude</u>	<u>Latitude</u>
118.4321	33.9203
118.4326	33.9205
118.4325	33.9209
118.4324	33.9207
118.4323	33.9204
118.4326	33.9205
118.4325	33.9209
118.4324	33.9207
118.4323	33.9204
118.4321	33.9203

5. Type of Project: Near-shore, man-made reef removal
6. Project Purpose: The objective of the reef removal is to prevent discharges into the near shore environment and to comply with the ten-year permitted service life of the structure. The reef is made up of sand-filled geotextile bags and as the bags break down there is potential for the geotextile fabric to be released.

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7. Project Description: Pratte's Reef is a man-made experimental surfing reef in the near shore waters off Dockweiler State Beach in Playa Del Rey, California. The Surfrider Foundation installed the reef in September 2000. The structure, known as Pratte's Reef, was constructed of sand-filled geotextile bags.

Permits to construct Pratte's Reef were issued by four entities: The California Coastal Commission, the Department of the Army, the Los Angeles Regional Water Quality Control Board (Section 401 Certification file No. 97-207), and the City of Los Angeles Department of Recreation and Parks. The permits identified the structure as an "experimental temporary (10-year) surfing reef" that would be dismantled if it caused unforeseen problems.

Two-hundred 14-ton geotextile bags were placed in a V-shaped configuration with the apex of the V facing off-shore. Monitoring of the reef itself and the adjacent shoreline was conducted by Surfrider from the time of installation through 2007. Although the structure did not significantly impact the shoreline, it also failed to produce a sustained enhancement in surf quality.

The findings of recent inspections indicate that many of the geotextile bags have sustained damage, raising the possibility that synthetic fabric may be discharged into the near-shore environment. To prevent the occurrence of large-scale fabric discharge, and in recognition of the permitted service life of ten years, Surfrider intends to remove the reef.

The proposed removal plan for Pratte's Reef involves the use of commercial divers to attach a rope or cable to each bag that is accessible, and a bulldozer or other piece of heavy equipment to pull the bag ashore. Depending on the condition, the bag will be cut open to allow the fill material to escape either while en-route to the beach, or after it has arrived on the beach. The bag fabric will be recovered with a hydraulic excavator or front end loader working on the beach, and ultimately be trucked to an approved landfill for disposal.

8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 27 (Permit No. 97-001176-FT)

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9. Other Required Regulatory Approvals: California Coastal Commission Development Permit E-98-15
10. California Environmental Quality Act Compliance: The project is exempt from CEQA under exemption 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste of Hazardous Substances
11. Receiving Water: Dockweiler Beach (Hydrologic Unit No. 405.12)
12. Designated Beneficial Uses: IND, NAV, REC-1, REC-2, COMM, MAR, WILD, SPWN
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.17 temporary acres (250 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- The work has been scheduled for the period from September 15 through November 1. Large wave events tend to occur infrequently during this time of the year, and it is the best time of year to minimize ecological disturbance for species such as whales, grunion and sea birds.
 - Loss of fill material from each bag will be minimized until it has been maneuvered away from the remainder of the structure.

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- All machinery will be inspected at the beginning of each work day to search for leaks, fatigued hydraulic hoses, and other potential sources of fluid discharge and corrected if identified.
- Drip pans will be placed under all parked machinery.
- If spills of toxic materials occur, they will be cleaned up immediately to minimize the impact on the marine environment, and reported.
- Sorbent materials will be maintained on-site for spill-response.
- The work area on the beach will be coned off whenever fabric removal operations are underway.
- Access to the work area will be restricted to project personnel.
- The dive vessel that supports the dive operations will fly code flag Alpha to warn of the presence of divers.
- Geotextile bags and bag fragments recovered from the reef will be stockpiled in a fenced enclosure associated with the construction of the Dockweiler State Beach Youth Center prior to disposal.
- Removal of the fabric from the beach on a daily basis will minimize the impact on beachgoers.
- All equipment will be stored in the fenced enclosure and all cones will be removed from the beach when fabric recovery operations are not underway.
- The surrounding sea bottom is likely to attain its minimum elevation during this period, thereby maximizing the opportunity to recover bags and bag fabric.

17. Proposed
Compensatory
Mitigation:

None

18. Required

No compensatory mitigation is required. The temporary project

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Compensatory
Mitigation:

itself was a required mitigation of the California Coastal Commission to mitigate for damages to surfing by construction of a jetty.

See Attachment B, Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 08-084

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the Coastal Commission Coastal Development Permit, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. **16**, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
14. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
15. All project, construction, or maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
16. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State.
17. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until project success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) A certified Statement of “no net loss” of wetlands associated with this project;

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**Conditions of Certification
File No. 08-084**

- (f) Discussion of any monitoring activities and exotic plant control efforts; and
 - (g) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
18. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official or other duly authorized employee.
19. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:
- “I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- Executed on the _____ day of _____ at _____.
- _____

(Signature)
(Title)”
20. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **08-084**. Submittals shall be sent to the attention of the 401 Certification Unit.
21. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

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22. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
23. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant 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 Executive Officer, 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.
24. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall 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.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) 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 SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
25. This Certification shall expire five (5) years from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.