



California Regional Water Quality Control Board San Diego Region



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May 18, 2010

In reply refer to: 04C-123: LPARDY

Certified Mail Number:
7009 1410 0002 2000 0149

Mr. Matthew Tucker
North County Transit District
810 Mission Avenue
Oceanside, CA 92054

File No.	04C-123
C/WQS	
Reg. Measure ID:	176651
Place ID:	255661
Party ID:	31651
WDID:	9000001357
Case No:	18-2004123

Dear Mr. Matthew Tucker:

SUBJECT: Amendment to Clean Water Act section 401 Water Quality Certification No. 04C-123 and Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board, a.k.a. Regional Board, Board, RWQCB and/or SDRWQCB)¹ is amending the North County Transit District (NCTD) section 401 Water Quality Certification No. 04C-123 (Certification) for the Santa Margarita River Bridge Replacement and Second Track Project (Project). This decision is based on NCTD's request and supporting materials received by the San Diego Water Board on April 28, 2010.

This amendment is needed to modify the proposed method of construction for the replacement of the existing single-track rail bridge. No additional impacts to waters of the State/U.S. are proposed, therefore no additional mitigation has been proposed. The section 401 Water Quality Certification No. 04C-123 for the Santa Margarita Bridge Replacement and Second Track Project has been amended to reflect these changes. The amendments are included as Enclosure 1.

The heading portion of this letter includes a San Diego Water Board code number noted after "in reply to." In order to assist us in the processing of your correspondence please include this code number in the heading or subject line

¹ The Clean Water Act section 401 water quality certification dated May 5, 2005 for the original Santa Margarita River Bridge Replacement and Second Track Project (401 Project No. 04C-123) referred to the California Regional Water Quality Control Board, San Diego Region as the Regional Board, Board, RWQCB, or SDRWQCB.

California Environmental Protection Agency

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

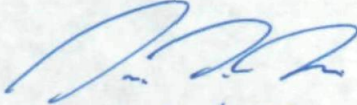
Recycled Paper



portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

If you have questions regarding this notification, please contact Ms. Linda Pardy at (858) 627-3932 or LPardy@waterboards.ca.gov.

Respectfully,



for James G. Smith, AEO
David W. Gibson
Executive Officer
San Diego Water Board

Enclosures

1. Addendum to Clean Water Act section 401 Water Quality Certification No. 04C-123 for Santa Margarita Bridge Replacement and Second Track Project

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM TO

CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION NO. 04C-123

FOR

SANTA MARGARITA BRIDGE REPLACEMENT AND SECOND TRACK PROJECT

This amendment revises the Clean Water Act section 401 Water Quality Certification No. 04C-123 as shown below. Revisions shown in blue underline are additions, and revisions shown in red ~~strikeout~~ are deletions.

Applicant is revised:

Matthew Tucker ~~Karen King~~, Executive Director
North County Transit District
810 Mission Avenue
Oceanside, CA 92054

Additional Conditions: A. General Conditions, #15 is revised:

15. Unless in conflict with U.S. Fish and Wildlife directions, the following measures to protect the Tidewater Gobies tidewater goby (*Eucyclogobius newberryi*) shall be implemented:
- a) Prior to construction and/or equipment entering creeks or rivers, blocking seines will be installed at least 50 feet upstream and downstream from the outer limits of the instream work footprint to minimize gobies from entering the work site during construction. After installing the blocking seines, all gobies will be seized from the work area by a permitted biologist and relocated at the direction of the authorized goby biologist. Any non-native species caught in the seine will be destroyed. ~~Immediately following completion of the instream work, fiber rolls or equivalent will be placed and staked in the creek bed so as to minimize scour and sediment loss in temporary impact areas.~~
 - b) Prior to cofferdam(s) installation, blocking seines will be used as described previously to remove all tidewater gobies from within the boundaries of the blocking seines. After all gobies are removed, the cofferdam(s) will be installed within the inner limits of the blocking seines and the area within the cofferdams will be dewatered. After the cofferdam(s) is/are installed and dewatered, the blocking nets will be removed to allow tidewater gobies to move through the diversion area during construction activities. Blocking seines will be reinstalled and all tidewater gobies within the perimeter of the blocking seines will be removed prior to and during removal of the cofferdam(s).

Additional Conditions: A. General Conditions #18 is added:

18. North County Transit District must conduct a pre-construction eelgrass survey in accordance with the *Southern California Eelgrass Mitigation Policy* (Policy). Results of the survey must be provided to the San Diego Water Board and appropriate agencies prior to the start of coffer dam installation.

Additional Conditions: A. General Conditions #19 is added:

19. North County Transit District must conduct a *Caulerpa taxifolia* survey prior to the start of coffer dam installation, in accordance with the latest version of the *Caulerpa* Control Protocol (viewable at <http://swr.nmfs.noaa.gov/hcd/caulerad.htm>) to ensure that the proposed project does not result in the inadvertent spread of the invasive species. If *Caulerpa* is identified, North County Transit District shall follow the *Caulerpa* Control Protocol and immediately notify the San Diego Water Board.

Additional Conditions: B. Equipment Access and Temporary Flow Diversions #12 is revised:

12. Prior to passing water around the in-channel construction zone, the North County Transit District shall have a certified fisheries biologist make visual observations to determine if there are any fish inhabiting the creek channel. If steelhead trout, ~~game fish~~, or other threatened/endangered species, or native fish species are observed in the in-channel construction zone, then a fish rescue shall be initiated. The fisheries biologist shall contact the Regional Board and California Department of Fish and Game to notify them of the need to initiate a fish rescue. Before any fish rescue activities begin, the reach would be isolated by installing nets across the flowing channel upstream of and at the downstream end of the construction zone. It is anticipated that any fish would initially be captured using seines and/or fyke nets. Trapped fish would be released into a perennial portion of the creek downstream of the construction zone. The release site(s) would be approved by California Department of Fish and Game biologists and the National Marine Fisheries Service (NMFS).

Public Notification of Project Application is revised:

On October 12, 2004 receipt of the original project application was posted on the ~~SDRWQCB~~ San Diego Regional Water Quality Control Board web site to serve as appropriate notification to the public. Receipt of the amended project application was posted on April 20, 2010 to the San Diego Regional Water Quality Control Board web site.

Regional Water Quality Control Board Contact Person is revised:

~~Jeremy Haas~~ [Linda Pardy](#)

California Regional Water Quality Control Board, San Diego Region

9174 Sky Park Court, Suite 100

San Diego, CA 92123

~~858-467-2735~~ [858 627-3932](#)

~~jhaas@waterboards.ca.gov~~ [LPardy@waterboards.ca.gov](#)

Attachment 1, Project Information is revised:

The revisions are shown on ' Attachment 1 – Project Information [revised].'

Attachment 2, Distribution List is replaced:

The distribution list is replaced. The new distribution list is shown as 'Attachment 2 – Distribution List. '

Attachment 4, Site Location Map is newly added:

'Attachment 4, Site Location Map – Proposed Temporary Fill Platforms Location' is shown as a new Attachment 4.

Water Quality Certification is revised:

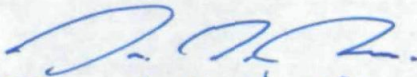
WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Santa Margarita Bridge Replacement and Second Track project** (~~Project Certification~~ No. 04C-123) 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 ~~California Regional Water Quality Control Board, San Diego Region, Waiver of Waste Discharge Requirements (Waiver Policy) No. 17.~~ [State Water Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification,"](#) which requires compliance with all conditions of this Water Quality Certification.

Please note that ~~this waiver~~ [enrollment under this Order](#) is conditional and, should new information come to attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the ~~Regional Water Quality~~

~~Control Board's~~ Water Quality Control Plan for the San Diego Basin (9)
(Basin Plan).



James G. Smith, AEO

for

David W. Gibson
Executive Officer
San Diego Water Board

18 May 10

Date

Attachments:

1. Project Information [revised]
2. Distribution List
3. Location Map
4. Site Location Map - Proposed Temporary Fill Platforms Location [new]

ATTACHMENT 1
PROJECT INFORMATION [Revised May 18, 2010]

Applicant: ~~Karen King~~-Matthew Tucker, Executive Director
North County Transit District
810 Mission Avenue
Oceanside, CA 92054
760-967-2867
fax: 760-967-0941
Email: MTucker@nctd.org

Applicant Representatives: ~~Tim Gribus~~-Erich Lathers, President
BRG Consulting, Inc.
304 Ivy Street
San Diego, CA 92101
619-298-7127
fax: 619-298-0146
tim@brginc.net
erich@brginc.net

Project Name: **Santa Margarita River Bridge Replacement and Second Track project** (401 Certification no. 04C-123)

Project Location: The proposed action is located along the Los Angeles to San Diego ~~to San Luis Obispo~~-(LOSSAN) rail corridor, primarily within United States Marine Corps Base Camp Pendleton ~~(CPEN)~~; however, the southern-most portion of the proposed action extends into the City of Oceanside. The northern project limit is located approximately 0.4 miles north of the Santa Margarita River at the Interstate 5 Northbound Stuart Overpass, which is located at Railroad Milepost (MP) 222.6. ~~+~~The southern project limit is Control Point (CP) East Brook~~2~~ at MP 225.3, which is just north of the San Luis Rey River (Figures 2 and 3). The Santa Margarita River Bridge is located at MP 223.1.

The center reading of the project is approximately located at latitude 33° 12' 30" north longitude and -117° 23' 30" east latitude.

Type of Project: Railroad improvements

Project Description: The proposed action consists of three primary components:
1) Replacement of the existing single-track Santa Margarita River Railroad Bridge with a new two-track bridge;
2) Construction of a 0.8 mile new second main track to connect two existing segments of doubletrack; and,

- 3) An upgrade and realignment of the existing Fallbrook Junction Passing Track (1.7 miles) for higher speed.

The proposed project involves the construction of a new railroad bridge and demolition of the existing railroad bridge that spans the Santa Margarita River and adjacent wetlands. The new two-track railroad bridge crossing will be constructed adjacent to the existing railroad bridge. The new 755-foot long bridge has a 500-foot main bridge spanning the river, and a 255-foot approach trestle spanning the tidal marsh to the south. The proposed main river structure is a 32-foot wide concrete box girder with spans of 150 feet - 200 feet - 150 feet. A permanent discharge of material will result from the construction of two concrete pier foundations.

~~Access to the bridge work areas will be provided via a temporary work bridge (trestle) spanning the river channel and wetlands. The temporary construction trestle will be built immediately west of the location of the new bridge and trestle structure. The temporary construction trestle will be connected at each end (north end and south end) to the graded access roads located on both sides of the river. Typically, such trestles are designed with timber decks on steel beams supported on driven steel pile bents.~~

~~Temporary impact to jurisdictional waters will result from the installation of steel bents spaced 30 feet apart in the Santa Margarita River to support the temporary construction trestle. Additional temporary impacts will result from construction of cofferdams or dikes to remove existing concrete piers.~~

Permanent piers for the Santa Margarita River railroad bridge will be constructed within temporary fill platforms within coffer dams. Access to the bridge work areas will be done in two phases. Phase 1 consists of the placement of approximately 5,000 cubic yards of temporary fill along the northern and southern banks of the Santa Margarita River to create temporary fill platforms. The temporary fill platforms will not extend beyond the approved limits of work. The temporary fill will be a granular native fill material and riprap. The two fill areas will be connected by an approximately 100 foot long temporary trestle structure that will maintain river and tidal flows during construction. The temporary trestle structure will be removed once Phase 1 is completed. Phase 2 consists of shifting the temporary fill placed during Phase 1 to facilitate demolition of the existing bridge structure. Following completion of the demolition, all temporary pier and piles along with the granular fill will be removed. Disturbed areas will be recontoured to pre-project conditions.

The new bridge design will result in less pier area within waters of the State/U.S. in the Santa Margarita River.

Other ancillary improvements include construction of new turnouts, modifications to signals, retained embankments, and drainage facilities. Proposed permanent improvements are primarily located within the existing railroad right-of-way (ROW); however, some embankment toes are proposed to extend into Caltrans ROW on Camp Pendleton property. Additionally, some of the temporary construction access and staging areas will be located outside of the railroad ROW within Camp Pendleton.

The existing Stuart Mesa Passing Track to the north of Santa Margarita River is 2.0 miles in length. The existing Fallbrook Junction Passing Track to the south, which will be upgraded as part of the proposed project, is 1.7 miles in length. Completion of the new double-track segment portion of the project will connect the Stuart Mesa Passing Track with the Fallbrook Junction Passing Track to provide a 4.5 mile segment of continuous double-track with maximum speeds between 75 and 90 miles per hour.

The proposed project will involve work in the Santa Margarita River, which is designated as Critical Habitat for the Tidewater Goby.

Federal
Agency/Permit:

U.S. Army Corps of Engineers \$404 Individual Permit and Section 10 USACE No. 200401049-RRS

[Meris Bantilan-Smith, Telephone \(808\) 438-7701](mailto:Meris.Bantilan-Smith@usace.army.mil)

[Email: Meris.Bantilan-Smith@usace.army.mil](mailto:Meris.Bantilan-Smith@usace.army.mil)

[U.S. Fish and Wildlife Service, section 7 consultation](#)

[Janet Stuckrath, Telephone: 760 431-9440 \(ext. 270\),](#)

[Email: Janet_Stuckrath@fws.gov](mailto:Janet_Stuckrath@fws.gov)

Other Required
Regulatory
Approvals:

No California Department of Fish and Game Streambed Alteration Approvals: Agreement is being sought for this project.

[California Coastal Commission, Coastal Zone Management Act/California Coastal Act – Federal Coastal Consistency](#)

[Certification No. CC-052-05 on 6/9/2005](#)

[Larry Simon, Telephone: 415 904-5288,](mailto:LSimon@coastal.ca.gov)

[Email: LSimon@coastal.ca.gov](mailto:LSimon@coastal.ca.gov)

California
Environmental
Quality Act (CEQA)
Compliance:

The North County Transit District (NCTD) holds that the project is statutorily exempt from CEQA in accordance with CEQA guidelines in Section 15275(a) because the project involves the replacement of an existing bridge railroad and provision of a second mainline rail track within an existing railroad right-of-way already in use, which will provide for improved passenger and commuter mass transit service.

CCR Title 14 Section 15275(a) reads:

15275. Specified Mass Transit Projects

CEQA does not apply to the following mass transit projects:

(a) The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.

Notably, in 2001 the City of Encinitas filed a series of legal actions seeking CEQA compliance for planned passing tracks in that City. A Federal Court remanded the case to the Federal Surface Transportation Board, who ruled in favor of NCTD. Encinitas then appealed to Federal District Court, and the two parties reached a Memorandum of Understanding prior to the court hearing.

Caltrans has completed a Draft Program EIR/EIS for the Los Angeles to San Diego (LOSSAN) corridor (SCH no. 2002031067). This program level document describes environmental impacts of improving the LOSSAN rail corridor in Los Angeles, Orange, and San Diego Counties over the next 20 years to help meet the increasing travel demand between and within these metropolitan areas. The Santa Margarita Bridge project is identified under the No Project Alternative in the Program EIR/EIS.

Receiving Water: Santa Margarita River (HSA 903.11)

Impacted Waters of the United States: Temporary:
Wetland 0.112 acres and 281 linear feet
Streambed 0.430 acres and 585 linear feet
Permanent:
Wetland 0.025 acres and 13 linear feet
Streambed 0.209 acres and 271 linear feet

Related Projects Implemented/ to be Implemented by the Applicant(s): This project is part of a larger regional rail corridor expansion plan. The applicant and the Metropolitan Transit Development Board own the LOSSAN rail corridor (Los Angeles to San Diego) and are preparing plans for double-tracking the remainder of the corridor. This project involves only a portion within Camp Pendleton. The majority of the remaining LOSSAN corridor is within

municipalities to the north and south of the project area. The final alignment of the remainder of the double-track is undetermined at this time, but will certainly involve impacts to jurisdictional waters.

North County Transit District (NCTD) has completed the Amtrak San Onofre Second Main Line Project (401 File No. Water Quality Certification No. 03C-108), the O'Neill-Los Flores Project (Water Quality Certification No. 04C-149), and the Oceanside Passing Track Extension Project (Water Quality Certification No. 07C-017).

~~At this time, NCTD is planning~~ As of May 2010, NCTD has identified design funding for several other double track projects in the vicinity of Camp Pendleton. These include:

- ~~1. Oceanside Passing Track (plans completed, 0.04 acres of expected impacts to jurisdictional waters);~~
- ~~2. O'Neill-Los Flores Project (pending 401 Certification no. 04C-149, 0.91 acres of expected impacts to jurisdictional waters with avoidance of all vernal pools).~~
1. San Onofre to Pulgas Double Track;
2. Agua Hedionda Bridge 230.6 (Water Quality Certification No. 09C-093), aka Carlsbad Double Track;
3. Sorrento Valley Double Track;
4. Sorrento to Miramar Curve Realignment and Second Main Track (Phase I) – Sorrento Valley to Near I-805;
5. Sorrento to Miramar Curve Realignment and Second Main Track (Phase II) – (Near I-805 to South of Miramar Road); and
5. Pointsettia Run Through Track.

Compensatory
Mitigation:

1. Mitigation for Permanent Impacts: Over time, the proposed project should result in a net benefit to coastal salt marsh (wetland) habitat by removing the existing railroad bridge approach trestle that currently spans coastal marsh habitat. The net change would be a permanent increase of 0.08 acre of coastal salt marsh habitat. Additionally, the permanent impact to streambed would be reduced from the existing condition as there will be less pier area in the streambed when the existing bridge is removed and replaced with the new bridge.
2. All temporary impacted areas will be restored to natural conditions.
3. Mitigation for temporal loss. Purchase of 1.0 acre of *Arundo* removal credits from the Mission Resources Conservation District

Conservation Measures:

Tidewater goby conservation measures - The Programmatic Biological Opinion 1-6-P-4123.2 includes Conservation Measure TWG1 for the endangered tidewater goby:

Blocking seines will be installed at least 50 feet upstream and downstream from the outer limits of the instream work footprint to minimize gobies from entering the work site during construction. After installing the blocking seines, all gobies will be seined from the work area by a permitted biologist and relocated to an area outside the perimeter of the blocking seines or coffer dams at the direction of the authorized goby biologist. Any non-native species will be destroyed.

For cofferdam installation: Prior to cofferdam(s) installation, blocking seines will be used as described previously to remove all tidewater gobies from within the boundaries of the blocking seines. After all gobies are removed, the cofferdam(s) will be installed within the inner limits of the blocking seines and the area within the cofferdams will be dewatered. After the cofferdam(s) is/are installed and dewatered, the blocking nets will be removed to allow tidewater gobies to move through the diversion area during construction activities. Blocking seines will be reinstalled and all tidewater gobies within the perimeter of the blocking seines will be removed prior to and during recovery of the cofferdam(s).

Best Management Practices:

NCTD will comply with the Statewide General NPDES permit for construction activities. Special attention will be paid to work within Santa Margarita River. Excavated materials will either be transferred into watertight open containers, placed on truck chassis and hauled to a suitable off-site facility, or the spoils will be pumped into Baker tanks located in upland areas. Mechanisms will also be installed to prevent debris from falling into the water from bridge work.

Best Management Practices will be implemented to comply with the project Storm Water Pollution Prevention Plan (SWPPP) and prevent sedimentation of downstream areas resulting from project related activities.

Erosion and sediment controls will also be implemented to avoid discharge of sediment into known vernal pools along the track work area.

In addition, an ABASCO Type II turbidity curtain will be installed at the limits of temporary fill to prevent siltation and sedimentation of downstream areas. Fill, including native granular material and riprap, will be installed within the limits of the temporary fill areas. Upon completion of construction, and once silt and sediments have settled, the turbidity curtain will be removed. .

Vehicle maintenance, staging, storage, dispensing of fuel, and spoil sites will not be located within waters of the State/U.S. or in areas in such a manner where spoil material could be washed into waters of the State/U.S.

No post-construction treatment BMPs are necessary for this project.

Public Notice:

~~On October 12, 2004 receipt of the project application was posted on the SDRWQCB web site to serve as appropriate notification to the public.~~ Receipt of the original application for the amendment to the project was posted on the San Diego Regional Water Quality Control Board website on October 12, 2004; and receipt of the application for the amendment to the project was posted on May 6, 2010 to serve as appropriate notification to the public.

Fees:

Total Due: \$2,607;
Total Paid: \$2,607. (check Nos. 35555 and 38628):
Amendment Total Due: \$640.00
Amendment Total Paid: \$640.00 (check no. 1118)

**ATTACHMENT 2
DISTRIBUTION LIST**

Meris Bantilan-Smith
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California Coastal Commission, San Diego Coast District
7575 Metropolitan Drive, Suite 103
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Gbuhr@coastal.ca.gov

Janet Stuckrath
U.S. Department of the Interior
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Janet_Stuckrath@fws.gov

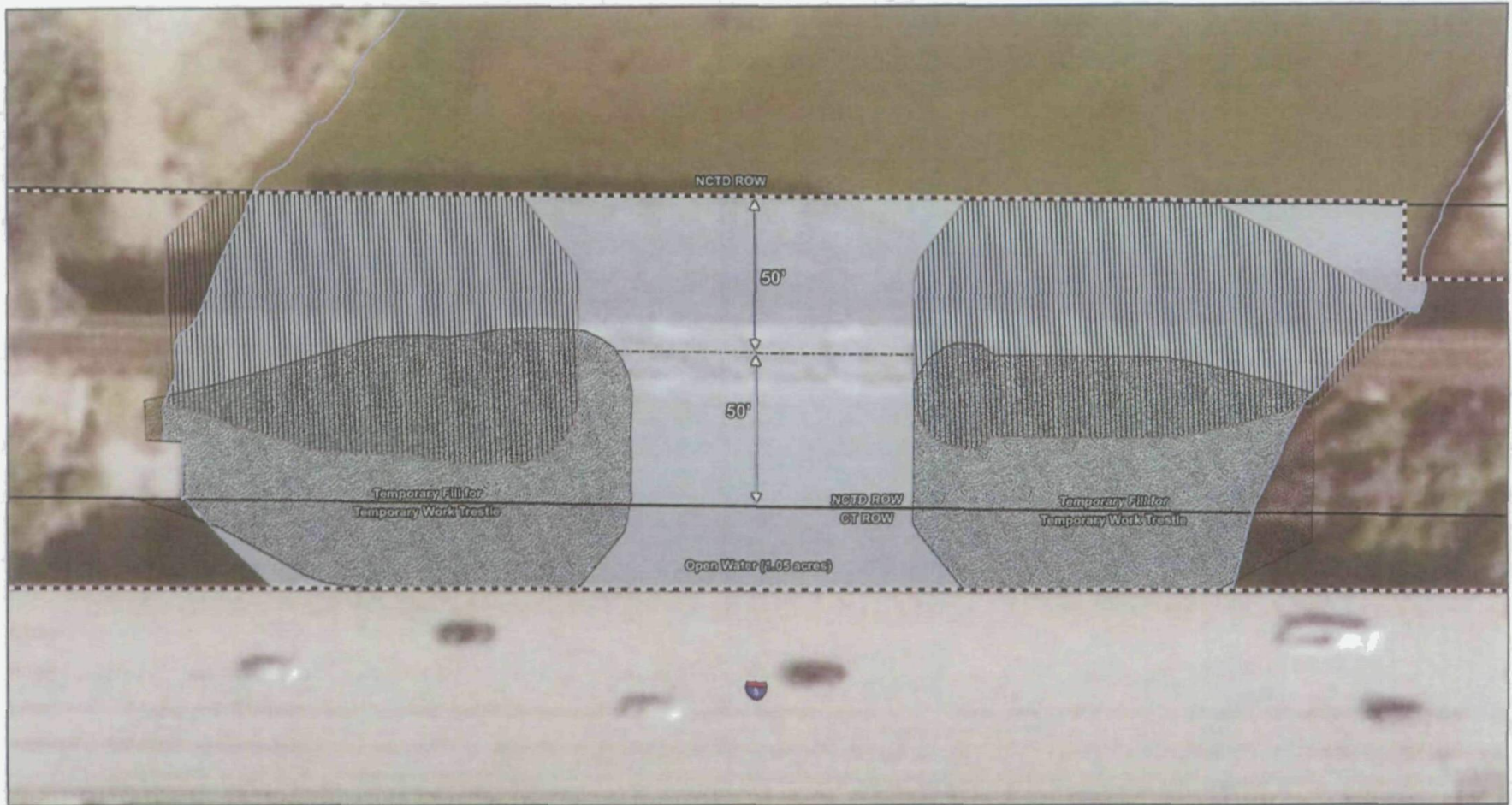
David Smith
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Mike Trotta
LSA Associates, Inc.
Mike.Trotta@lsa-assoc.com

ATTACHMENT 4 Site Location Map - Proposed Temporary Fill Platforms Location



LSA

LEGEND

- - - Previously Approved Limits of Work
- Phase 1 Fill Area (Temporary Impacts)
- Phase 2 Fill Area (Temporary Impacts)
- Open Water within Work Area (1.05 acres)
- Shoreline



SOURCE: DigitalAerial (2005), 9/4/2005; Platons (2/2009)
RUPCA/MTOR/SH&P/Placement_Study/Accessed 10/23/2010

Santa Margarita River Bridge Replacement Project
Proposed Temporary Fill Platform Locations

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Matthew Tucker
NCTD
810 Mission Ave.
Oceanside CA 92054

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7009 1410 0002 2000 0149

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS FOLLO AT DOTTED LINE

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Restricted Delivery Fee (Endorsement Required)	
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PS Form 3800, August 2006

See Reverse for Instructions