



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

California Regional Water Quality Control Board, San Diego Region

May 16, 2016

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 8004

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

**In reply/refer to:
Order R9-2015-0191:819636:mporter**

**Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2015-0190
for the San Elijo Lagoon Double Track Project**

Mr. Rundle:

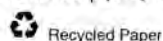
Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2015-0190 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by the San Diego Association of Governments for the San Elijo Lagoon Double Track Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

The San Diego Association of Governments is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject the San Diego Association of Governments to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring the San Diego Association of Governments 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.

Please submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to the San Diego Water Board, 2375 Northside Drive, San Diego, CA 92108. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following

HENRY ABARBANEL, PH.D. | DAVID GIBSON, EXECUTIVE OFFICER

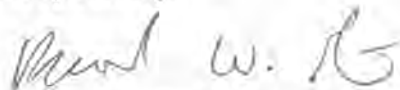
2375 Northside Drive, Suite 100, San Diego, CA 92108 | (619) 516-1900 | www.waterboards.ca.gov/sandiego



identification numbers in the header or subject line: Certification No. R9-2015-0190-:819636: mporter.

For questions or comments regarding the Certification, please contact Mike Porter by telephone at (619) 521-3967 or by email at mike.porter@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2015-0190 for the San Elijo Lagoon Double Track Project

DWG:jgs:esb.mgp

cc:

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Tech Staff Information	
Certification No.	R9-2015-0190
Party ID	39834
Reg. Meas. ID	40373
Place ID	819636
Person ID	524620
WDID	9000002930

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite 100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

**PROJECT: San Elijo Lagoon Double Track
Certification Number R9-2015-0190
WDID: 9000002930**

Reg. Meas. ID: 40373 Place ID: 819636 Party ID: 39834 Person ID: 524620
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**APPLICANT: San Diego Association of Governments
401 B Street
Suite 800
San Diego, CA 92101**

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"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

PROJECT DESCRIPTION

An application dated November 23, 2015 was submitted by the San Diego Association of Governments (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) title 33, section 1341) for the proposed San Elijo Lagoon Double Track Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on April 15, 2016. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project.

The Project is located within the Cities of Solana Beach and Encinitas, San Diego County, California between Control Point Tecolote and Control Point Friar at the San Diego River. The Project center reading is located at latitude 33.013223° and longitude -117.278646. The Applicant has paid all required application fees for this Certification in the amount of \$87,744.00. On an annual basis, the Applicant shall also pay all active discharge fees and post discharge monitoring fees, as appropriate¹. On November 25, 2015, the San Diego

¹ The Applicant must pay an annual active discharge fee each fiscal year or portion of a fiscal year during which discharges occur until the San Diego Water Board or the State Water Resources Control Board (State Water Board) issues a Notice of Completion of Discharges Letter to the Applicant. The Applicant must also pay an annual post-discharge monitoring fee each fiscal year or portion of a fiscal year commencing with the first fiscal year following the fiscal year in which the San Diego
(footnote continued on next page)

Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Project will include railroad double tracking across San Elijo Lagoon from approximately Control Point (CP) Cardiff (Mile Post (MP) 239.6) at the northern extent of the Project limits to approximately CP Craven (MP 241.1) at the southern extent of the Project limits. The Project will tie into the existing double track segments north and south of CP Cardiff and CP Craven, respectively. The Project also includes replacement of Bridge 240.4 and a new universal crossover at CP Cardiff.

The Project consists of adding 1.5 miles of a second main track (double tracking) and the replacement of the existing timber Bridge 240.4 with associated track and signal improvements through the existing LOSSAN corridor. Figures 2a through 2f depict the Project footprint, which includes temporary and permanent impact areas necessary to construct the Project. The Project features are described below:

Track Improvements – A second main track will be constructed from CP Cardiff in the north portion of the Project area to CP Craven in the south portion of the Project area. CP Craven will be removed and a universal crossover consisting of four turnouts will take the place of the existing CP Cardiff. In order to accommodate the double track improvements through San Elijo Lagoon, additional track embankment, east of the existing embankment will be placed within the railroad ROW at a higher elevation to accommodate a 100-year storm event and the year 2100 predicted mean sea level rise. In addition, grading, retaining walls, utilities, and drainage improvements will be required at various points along the Project alignment and are included in the Project footprint (Figures 2a through 2f).

Bridge Replacement – Bridge 240.4, a 308 foot long, single track timber trestle built in the early 1940's will be replaced with a new double track concrete bridge that consists of eight (8) 42-foot spans, concrete girders supported by five (5) 2-foot diameter steel pipe piles. The total length of the new bridge is 336 feet. As part of the Project, the in-water bridge footprint will be reduced through use of steel piles with longer bridge spans over the lagoon. The existing timber trestle wood pilings will be removed creating more visibility under the bridge as well as more open water and tidal flows than what currently exists. Replacement of Bridge 240.4 will result in expansion of U.S. Army Corps of Engineers (USACE) non-wetland waters and California Coastal Commission (CCC) wetlands when the new concrete bridge is constructed in a longer configuration as compared to the existing bridge.

The new double track concrete bridge will be constructed in a single phase, offline from the existing bridge, to maintain rail service during construction and decrease the duration of

(footnote continued from previous page)

Water Board or State Water Board issued a Notice of Completion of Discharges Letter to the discharger, but continued water quality monitoring or compensatory mitigation monitoring is required. The Applicant must also pay the annual post-discharge monitoring fee each fiscal year until the San Diego Water Board or the State Water Board issues a Notice of Project Complete Letter to the Applicant. Additional information regarding fees can be found electronically at the following location:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredgefillcalculator.xlsx

construction over the San Elijo Lagoon inlet channel. In order to minimize duration of work within the San Elijo Lagoon, a temporary construction work berm will be constructed under and on either side of the proposed bridge to accommodate construction equipment and activities. The temporary construction work berm will be comprised of two parallel sheet pile walls connected with tie rods and filled with clean sand for stability and to facilitate vehicle movement. The temporary construction work berm will be in place for approximately 14 months. Multiple 4-foot diameter pipes or culverts will be designed to maximize tidal exchange and limiting changes in flow velocity that could prohibit fish passage or cause scour. A separate dry passageway will be provided for Ridgway's rail (RIRA) to move up and over the work berm. Moveable fencing will be provided to keep RIRA out of the work area during work periods and allow passage during non-work periods.

Signal Improvements – The Project will require railway systems modifications between CP Swami (MP 238.1) and CP Valley (MP 242.2). Railway systems modifications will consist of the permanent removal of existing CP Cardiff (MP 239.7) and CP Craven (MP 241.1), installation of a new universal crossover (CP Cardiff at MP 239.5) and new split pair intermediate signals at MP 241.2. New instrument houses will be required to support the installation of new CP Cardiff and the new intermediate signals. Contract documents will specify the use of standard wayside ground signals, similar to those currently installed at existing CP Cardiff and CP Craven. A 40-foot antenna tower will be installed within 50 feet of the instrument house at the new CP Cardiff to support office to field communications, and will be coordinated with the Federal Communications Commission (FCC) prior to construction. Work required at CP Swami and CP Valley is limited to software modifications and testing, no physical wiring modifications or ground disturbing work is required.

Utility/Drainage Improvements – Utility improvements include the encasement of several gas and sewer lines to meet NCTD requirements and to accommodate the second track. Existing SDG&E transmission line poles may also be temporarily relocated as necessary.

Drainage improvements include the following:

- Installation of an articulated concrete block (ACB) channel within the trackside ditch on the east side of the tracks between MP 239.37 to MP 239.74 (north of lagoon). A small portion of this ditch will be concrete-lined to avoid impacts to adjacent bluffs.
- An ACB channel will be installed within the drainage swale between San Elijo Avenue and the culvert at MP 239.70. The culvert at MP 239.70 will be replaced with a larger size culvert.
- The remaining culverts within the Project limits at MP 239.87, MP 239.94, and MP 240.10 will be extended with similar size facilities. The upstream opening of the culvert at MP 239.94 will be converted from an open connection to a closed direct connection to the two upstream pipes. At this location, curb and gutter will be added along San Elijo Avenue to improve drainage into the culvert at MP 239.94.

- A new drainage structure will be constructed to convey flows from the existing track ditch down to the lagoon elevation. An energy dissipater at the south end of the San Elijo Lagoon will be reconstructed in a new location within the Project footprint due to placement of the new track embankment and drainage structure.

At-Grade Crossing and Street Improvements – The Project includes modifications to the Chesterfield Drive at-grade crossing, including a new signal house with crossing predictors, LED flashers and gates to accommodate the addition of the second track curb, gutter, pedestrian crossing. Bike trail improvements within the City of Encinitas are also included as part of the Project. Safety features proposed include a 12-foot wide pedestrian crossing on the north side of Chesterfield Drive, directional guidance and signage for bicyclists and pedestrians, and installation of a conduit for future exit gates.

Pedestrian Undercrossing – The Project accommodates a new pedestrian undercrossing that would provide pedestrian access through the railroad berm from the San Elijo Lagoon hiking trails in the vicinity of MP 241.0. A pedestrian undercrossing near this location would be part of a future project by the San Elijo Lagoon Conservancy (SELC) to safely extend coastal access from the hiking trails to the beach.

Track Embankment Protection – Embankment protection could consist of various types, including but not limited to rip rap and ACB. The Project includes track embankment protection on the west side of the track between the ocean inlet and Bridge 240.4. Embankment protection will also be installed around both Bridge 240.4 abutments, and 300 feet south of the bridge on the east side of tracks to protect the track from storm events, scour, and wave action. The embankment protection design also addresses projected mean sea level rise for the year 2100.

The inlet channel embankment protection work consists of placing equipment in dry portions of the inlet channel bottom to excavate the lower half of the current berm, sort materials, and place the rip rap embankment protection. This phase of construction is anticipated to take 4 to 6 months, and will occur at times of the year when the inlet channel naturally accumulates sediment that would be utilized as a working pad to create dry work areas and subsequently dredged by the San Elijo Lagoon Restoration Project (SELRP). Rip rap will be placed at or below the existing grade to the maximum extent feasible to avoid permanent loss of jurisdictional waters. Excess surface water will be pumped from one side of the channel to the other if necessary to maintain adequate working conditions while placing the rip rap embankment protection within the inlet channel.

Typical construction methods and equipment will be utilized, including a bulldozer and/or backhoe to move sand and soil within the temporary impact footprint within the inlet channel. Existing rip rap will be salvaged and reused along the embankment, and sand and soil will be replaced in-kind as backfill.

Geotechnical Borings – Subsurface exploration using sonic soil borings at Bridge 240.4 is proposed. The exploration will consist of drilling, logging, and, sampling of five (5), 6-inch diameter soil borings using a sonic technology drill rig through the temporary construction

work berm. Access to the boring locations and temporary construction work berm for drilling equipment is included in the Project footprint (see Figure 2c).

Site Access, Construction Staging, and Assembly Areas – Site access to the Project is limited due to the San Elijo Lagoon. Site access, construction staging, and assembly areas have been coordinated and integrated with the SELRP and the Interstate 5 (I-5) North Coast Corridor (NCC) Project. Construction and long-term access roads will be provided via two proposed maintenance roads. Construction access will also be provided by rail through a siding that can be created by constructing a portion of proposed Main Track (MT) 1 between CP Cardiff and the Chesterfield at-grade crossing in its final location (see Figures 2a and 2b). This portion of the track could be installed prior to major construction activities for storage of on-track equipment, and will have vehicular access from the current entry off San Elijo Avenue near CP Cardiff.

- The first proposed maintenance road will be provided from Chesterfield Drive along the west side the tracks. This road crosses the tracks to the east to a Construction Staging/Assembly Area (Bridge Staging Area) northeast of Bridge 240.4 (see Figure 2c). An additional entry point to this access road will be provided off Highway 101. The Bridge Staging Area may also be accessed from a ramp provided off of San Elijo Avenue near Kilkenny Drive (see Figure 2c).
- The main access to the portion of the Project located within the lagoon will be from the current access point for CP Craven off of Highway 101 near the southern Project limits (see Figure 2e), and a temporary access road that will cross the tracks to the east and continue along the proposed embankment to Bridge 240.4. This road will connect to the existing San Diego Gas & Electric (SDG&E) maintenance road through several temporary crossings (see Figure 2d). Trucks will make a continuous loop traveling north along the embankment, and returning south along the SDG&E access road. A permanent access road at the track level will be installed on the west side of tracks.
- Construction access is also proposed off of Rios Avenue in the City of Solana Beach. This existing access road is proposed for use during construction for approximately three (3) months (see Figure 2f). The road will not be graded and no vegetation clearing beyond limited trimming of overhanging branches is proposed for construction access. Class II base (i.e., gravel) may be placed on the road for vehicle traction and to prevent erosion.
- The construction of Bridge 240.4 will be conducted offline from the existing track. The proposed double track bridge in the offline alignment will be constructed in a single phase. Therefore, there is no phasing of the bridge construction, and heavy pile installation equipment will only require mobilization once. When the bridge is constructed, MT 1 will be placed into service immediately; the berm supporting MT 2 must be raised to the proposed profile through the lagoon, and it can be placed into service soon thereafter.

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Attachments:

1. Project Maps and Plans

I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- 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 Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from 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 California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. The San Diego Water Board may amend this Certification at its discretion.

III. PROJECT IMPACTS AND MITIGATION

A. **Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to the San Elijo Lagoon must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
Streambed, Mudflat, Open Water, Wetlands	2.863	496	4.60 Establishment ¹	1.6:1	N/A	N/A
Temporary Impacts²						
Streambed, Mudflat, Open Water, Wetlands	5.233	6048	5.233 Restoration	N/A	N/A	N/A

1. Onsite establishment.

2. All areas of temporary impacts must be restored to pre-project topography and re-vegetated with native species.

B. **Compensatory Mitigation Plan Implementation.** The Applicant has submitted the *North Coast Corridor Public Works Plan/ Transportation and Resource Enhancement Programs*, June 2014 (Mitigation Plan). Upon approval of the Mitigation Plan by the San Diego Water Board, the Applicant must fully and completely implement the Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.

C. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this certification or to determine compliance with this certification.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

A. The San Diego Water Board finds that the Project is statutorily exempt from the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000, et seq.) pursuant to Public Resources Code Section 21080(10) and California Code of Regulations, Title 14, Section 15275(a). These sections state that CEQA does not apply

to mass transit projects that institute or increase passenger or commuter service on rail lines, including modernization of existing stations and parking facilities.

- B. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

V. SAN DIEGO WATER BOARD CONTACT PERSON

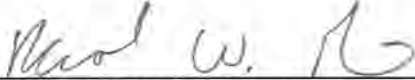
Mike Porter, Engineering Geologist
Telephone: 619-521-3967
Email: mike.porter@waterboards.ca.gov

VI. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **San Elijo Lagoon Double Track Project** (Certification No. R9-2015-0190) 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 the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2015-0190 issued on May 16, 2016.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

16 May 2016
Date

**ATTACHMENT 1
PROJECT MAPS and FIGURES**

Figure 1 – Project Location and Vicinity

Figure 2 – USGS Topographic Map

Figure 2a – Project Footprint

Figure 2b – Project Footprint

Figure 2c – Project Footprint

Figure 2d – Project Footprint

Figure 2e – Project Footprint

Figure 2f – Project Footprint

Figure 4a – USACE and CCC Jurisdictional Areas

Figure 4b – USACE and CCC Jurisdictional Areas

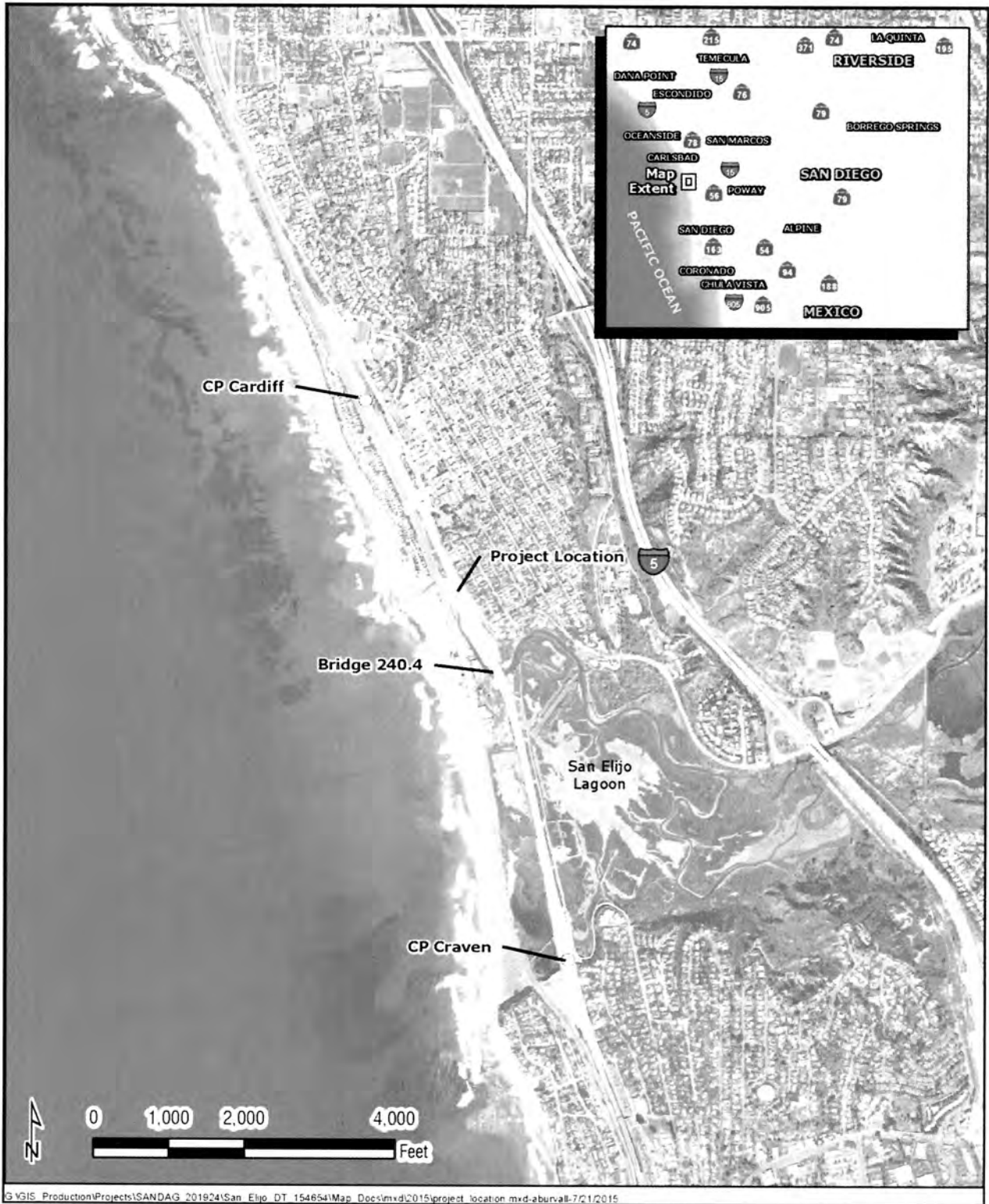
Figure 4c – USACE and CCC Jurisdictional Areas

Figure 4d – USACE and CCC Jurisdictional Areas

Figure 4e – USACE and CCC Jurisdictional Areas

Figure 4f – USACE and CCC Jurisdictional Areas

Figure 1. Project Location and Vicinity



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Figure 2. USGS Topographic Map

