



Linda S. Adams
Acting Secretary for
Environmental
Protection

California Regional Water Quality Control Board San Diego Region

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Arnold
Schwarzenegger
Governor

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: Coronado Bay Bridge Fish Enhancement Structure –
San Diego Bay (File No. 08C-009, WDID No. 9 000001748)**

APPLICANT:

Mr. Bruce April
California Department of Transportation
District 11, MS-242
4050 Taylor Street
San Diego, CA 92110

CIWQS	
Reg. Mes. ID:	341113
Place ID:	712816
Party ID:	7222

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 proposed project entails the creation of fish habitat as mitigation for impacts to marine resources. Divers will hand place approximately 2,348 A-Jacks and pipe structures in an enhancement lease plot of 14,780 square feet adjacent to the existing Le Meridian reef. The reef modules will not exceed 53 cubic yards in total displacement volume. With the proximity to existing reef and eelgrass beds, the structures are anticipated to increase fish recruitment, diversity and abundance within the area.

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

California Environmental Protection Agency

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Coronado Bridge Fish Enhancement Structure
Project Number 08C-009

1. This 401 Water Quality Certification (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).
2. 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.
3. The validity of any non-denial Certification action (Actions 1 and 2) must be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADDITIONAL CONDITIONS:

In addition to the three standard conditions, Caltrans must satisfy the following:

A. GENERAL CONDITIONS:

1. Caltrans 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 (Regional Board), to support this Certification and all subsequent submittals required as part of this certification and as described in Attachment 1. The conditions within this certification must supersede conflicting provisions within such plans submitted prior to the Certification action. Any modifications thereto, would require notification to the Regional Board and reevaluation for individual Waste Discharge Requirements and/or certification amendment.
2. During construction, Caltrans must maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
3. Caltrans must permit the Regional Board or its authorized representative at all times, upon presentation of credentials:
 - a. Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this certification.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.

- d. Sampling of any discharge or surface water covered by this Order.
4. Caltrans must notify the Regional Board within 24 hours of any unauthorized discharge, including hazardous or toxic materials, to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practice (BMPs) or other measures that will be implemented to prevent future discharges.
5. Caltrans must, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the U.S. and/or State.
6. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
7. In response to a suspected violation of any condition of this Certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports must bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
8. In response to any violation of the conditions of this Certification, the Regional Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

B. PROJECT CONDITIONS:

1. Prior to the start of the project, and annually thereafter, Caltrans must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response, and BMP implementation and maintenance.
2. Caltrans must notify the Regional Board in writing at least 5 days prior to the actual commencement of dredge, fill, and discharge activities.

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3. Caltrans must comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-06-DWQ, NPDES No. CAS000003, the NPDES Permit for Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans), July 1999.
4. Substances hazardous to aquatic life including, but not limited to, petroleum products, raw cement/concrete, asphalt, and coating materials, must be prevented from entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each project activity involving hazardous materials.

G. GEOGRAPHIC INFORMATION SYSTEM REPORTING:

1. Caltrans must submit Geographic Information System (GIS) shape files of the fish enhancement structure area within **60 days** of project installation. All 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.

H. REPORTING:

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All reports and information submitted to the Regional 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.
3. All applications, reports, or information submitted to the Regional Board must be signed and certified as follows:
 - a. For a corporation, by a responsible corporate officer of at least the level of vice president.
 - b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c. 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 of a person designated in Items 4.a. through 4.c. above may sign documents if:

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- a. The authorization is made in writing by a person described in Items 4.a. through 4.c. 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 Regional Board Executive Officer.
5. All applications, reports, or information submitted to the Regional 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."

6. Caltrans must submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification; Project No. 08C-009
9174 Sky Park Court, Suite 100
San Diego, California 92123

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On February 14, 2008 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Christopher Means
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-637-5581
cmeans@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the **Coronado Bay Bridge Fish Enhancement Structure –San Diego Bay (Project No. 08C-009, WDID No. 9 000001748)** 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 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 (Basin Plan).


JOHN H. ROBERTUS
Executive Officer
Regional Water Quality Control Board

9/12/08
Date

- Attachments:
1. Project Information
 2. Distribution List
 3. Location Map
 4. A-jacks Placement diagram

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Mr. Bruce April
California Department of Transportation
District 11, MS-242
4050 Taylor Street
San Diego, CA 92110:

Applicant Representatives: Keith Merkel
Merkel & Associates, Inc.
5434 Ruffin Road
San Diego, CA 92123

Project Name: Coronado Bay Bridge Fish Enhancement Structure –
San Diego Bay

Project Location: The proposed project is located in central San Diego Bay,
immediately north of the western end of the Coronado Bay Bridge
(see attachment No. 3).

Type of Project: Fish Habitat Enhancement

Need for Project: Eelgrass impacted by the Coronado Bay Bridge seismic retrofit was
mitigated by Caltrans, but failed to meet required milestones, which
included additional mitigation for interim habitat losses. No net loss
of eelgrass has occurred, and Caltrans' mitigation requirements will
be achieved by the construction of enhanced fish habitat in the
vicinity of the restored eelgrass beds.

Project Description: The proposed project entails the creation of fish habitat as
mitigation for impacts to marine resources. Divers will hand place
approximately 1,100 A-Jacks and pipe structures in an
enhancement lease plot of 14,780 square feet adjacent to the
existing Le Meridian reef. The reef modules will not exceed 24.9
cubic yards in total displacement volume. With the proximity to
existing reef and eelgrass beds the structures are anticipated to
increase fish recruitment, diversity and abundance within the area.

Federal Agency/Permit: U.S. Army Corps of Engineers §404, NWP No. 27, Robert Smith

Other Required Regulatory Approvals: San Diego Unified Port District Coastal Development Permit
(categorically excluded)

California Environmental Quality Act (CEQA) Compliance: The San Diego Unified Port District determined that this project is
categorically exempt from CEQA, pursuant to CEQA Section
15300.4, and Port Resolution 97-191a, Existing Facilities.

Receiving Water: San Diego Bay

Affected Waters of the United States: Permanent:
Wetland
Riparian
Streambed
Lake
Ocean: < 0.3 acre

Dredge Volume: n/a

Related Projects Implemented/to be Implemented by the Applicant(s): This project is similar to two fish enhancement projects undertaken by the Port District.

Compensatory Mitigation: This project is self mitigating.

Best Management Practices (BMPs): Structures will be place by hand by divers, therefore no erosion, flow diversion or sediment control measures are needed.

Public Notice: On February 14, 2008 receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

Fees: Total Due: \$500.00
Total Paid: \$500.00 (check No. 11517)

CIWQS: Regulatory Measure ID: 341113
Place ID: 712816
Party ID: 7222

**ATTACHMENT 2
DISTRIBUTION LIST**

Mr. Robert Smith
U.S. Army Corps of Engineers, Regulatory Branch
6010 Hidden Valley Road, Suite 105
Carlsbad, CA 92011

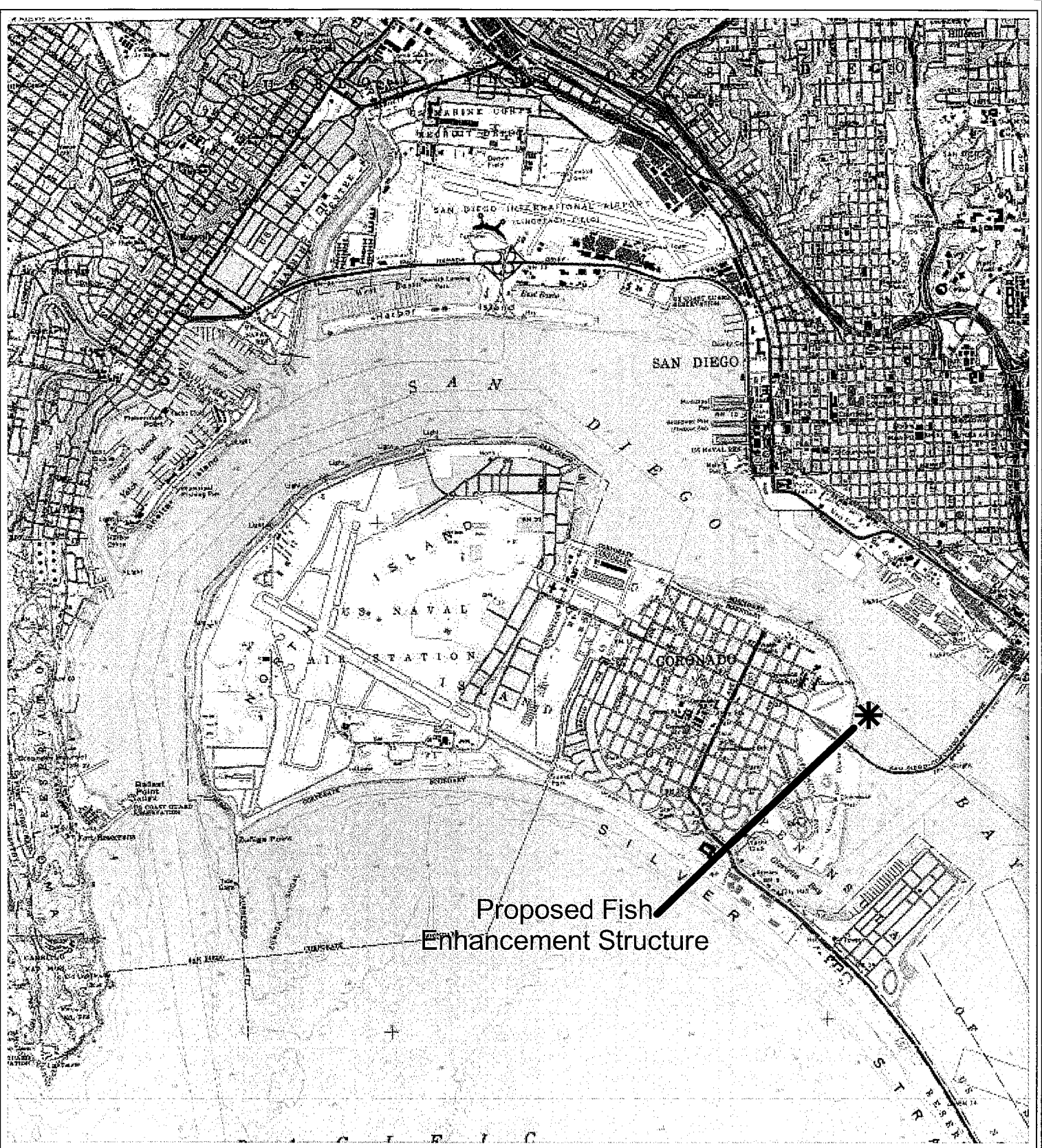
By email:

Mr. Keith Merkel
Merkel & Associates, Inc.
5434 Ruffin Road
San Diego, CA 92123

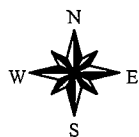
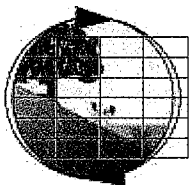
Ms. Eileen Maher
Port of San Diego
3165 Pacific Highway
San Diego, CA 92101-1128

Mr. Bob Hoffman
Assistant Regional Administrator
National Marine Fisheries Service
Southwest Region, Habitat Conservation Division
501 West Ocean Blvd.
Long Beach, CA 90802-4213

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Attn: Bill Orme
P.O. Box 100
Sacramento, CA 95812-0100



Proposed Fish
Enhancement Structure

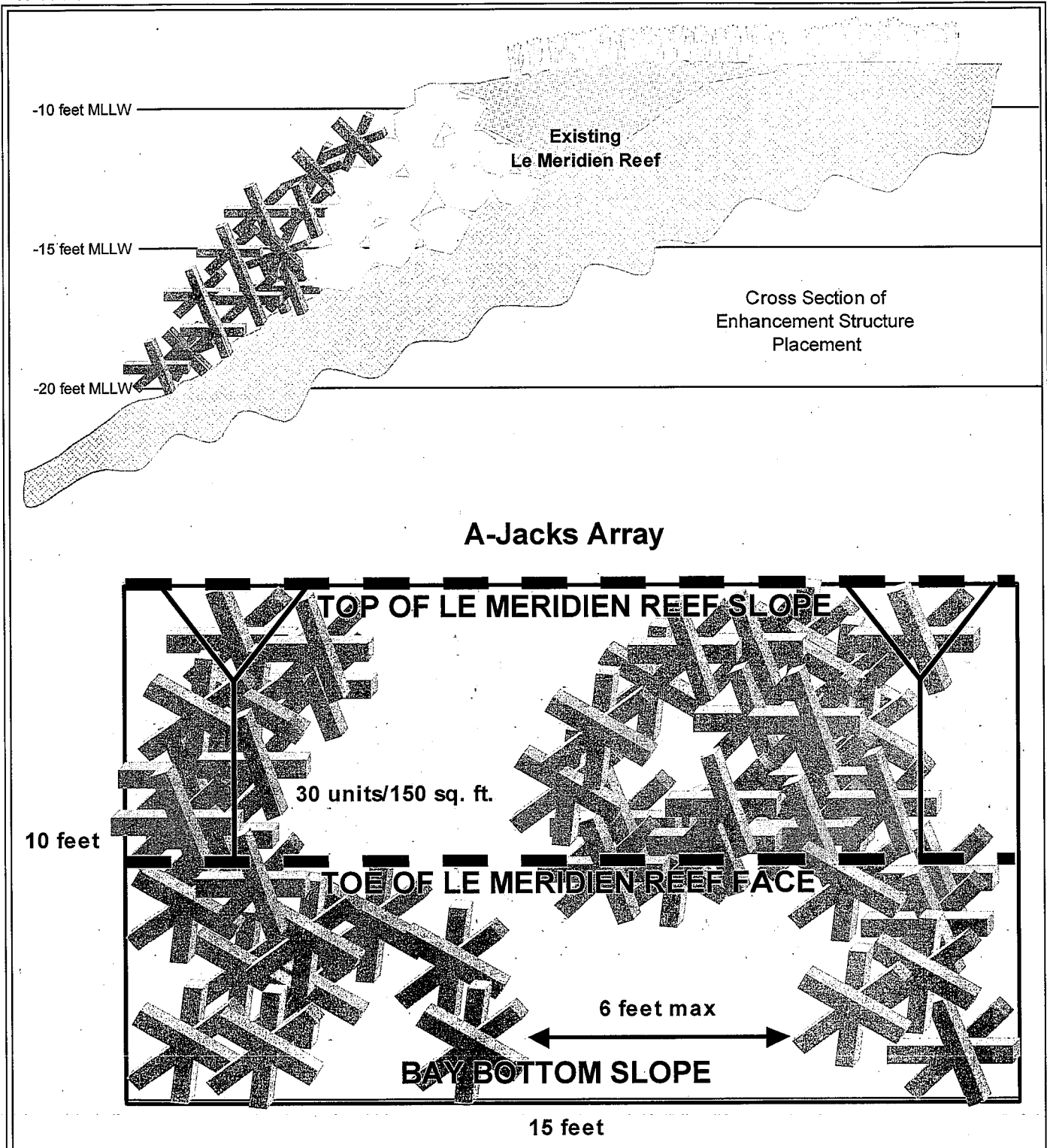


Coronado Bay Bridge Fish Enhancement Structure

Proposed Location
Central San Diego Bay

Figure 1

05-154-02



Coronado Bay Bridge Fish Enhancement Structure
Proposed cross-section and A-Jacks array

Figure
2