

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

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**Amendment No. 1 to Clean Water Act Section 401
Water Quality Certification No. 08C-087**

PROJECT: City of Encinitas Beach Opportunistic Beach Restoration
Project Certification No. 08C-087
WDID: 9000001892

APPLICANT: City of Encinitas
505 South Vulcan Ave
Encinitas, CA 92024

Reg. Meas. ID: 355414 Place ID: 729255 Party ID: 491399

On January 29, 2010, Clean Water Act Section 401 Water Quality Certification No. 08C-087 (Certification) was issued to the City of Encinitas (Applicant) for the City of Encinitas Beach Opportunistic Beach Restoration Project (Project). By letter dated June 14, 2013, Moffatt and Nichol, on behalf of the Applicant, requested the Certification be extended an additional five (5) years to allow the Applicant to continue to use beach quality sand for beach nourishment. In addition, the Applicant requested the Certification be modified to incorporate the addition of two additional beach receiver sites at Cardiff and Leucadia beaches for the placement of beach-quality sand from upland projects. The Applicant also requested modification of the turbidity monitoring requirements to be more consistent with other beach replenishment projects.

Based on the Moffatt and Nichol request, the San Diego Water Board is amending the Certification as set forth below. The modifications to Certification No. 08C-087, shown below in underline/strikeout format, are hereby effective and enforceable requirements of the Certification. Except as modified or superseded by the Certification modifications set forth below, all of the findings, provisions, and other requirements of Certification No. 08C-087 remain in full force and effect.

1. Page 1, Project Description is modified as follows:

The Project as originally certified in 2010 ~~proposes~~ proposed to place a maximum of up to 150,000 cubic yards per year (for five years) of beach-quality sand from upland projects on Batiquitos and Moonlight Beaches. The Applicant has amended the Project to include Cardiff Beach and Leucadia Beach along with Batiquitos Beach and Moonlight Beach as designated sites for beach-quality sand placement. The estimated volume of sand to be placed at each of these locations over a five year period is provided in the tables below. The sand placed on the beach will provide erosion control, recreational benefits, and habitat enhancement. The sand will not contain more than 25% fine-grained sediment. The sand will be received from upland sources and placed in the surf zone.

<u>Receiver Site</u>	<u>Total Volume (cubic yards/5 years)*</u>
<u>Batiquitos Beach</u>	<u>117,000</u>
<u>Cardiff Beach</u>	<u>101,000</u>
<u>Moonlight Beach</u>	<u>105,000</u>
<u>Leucadia Beach</u>	<u>132,000</u>

*Volume of sediment not to be exceeded in a 5 year period commencing on September 5, 2014.

2. Page 2, The Standard Conditions 1, 2 and 3 are deleted and replaced with the following:

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:

1. 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.
2. 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.
3. 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.

3. Page 4, General Condition A.11 is added follows:

Term of Certification. Water Quality Certification No. 08C-087 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the U.S. Army Corps of Engineers (USACE) for this Project, or b) September 5, 2019, whichever occurs first.

4. Page 4, Placement of Sediment Condition C is modified as follows:

~~The proposed project must be implemented as described in the application. This certification is valid for five years from date of issuance of ACOE permit for this project. The proposed project must shall place sand received from upland sources at any one of the receiver site locations described in the table below. The volume of sand placed over a five year period commencing September 5, 2014 shall not~~

exceed 117,000 cys for Batiquitos Beach, 101,000 cys for Cardiff Beach, 105,000 cys for Moonlight Beach, and 132,000 cys for Leucadia Beach as described in the table below.

<u>Receiver Site</u>	<u>Total Volume (cubic yards/5 years)</u>	<u>Location</u>
<u>Batiquitos Beach</u>	<u>117,000</u>	<u>South of Batiquitos Lagoon inlet between Range Street and Jasper Street</u>
<u>Cardiff Beach</u>	<u>101,000</u>	<u>South of the San Elijo Lagoon Inlet approximately 1,100 ft south of Chart House parking lot</u>
<u>Moonlight Beach</u>	<u>105,000</u>	<u>End of B and C Streets</u>
<u>Leucadia Beach</u>	<u>132,000</u>	<u>North of Leucadia Boulevard and west of Neptune Avenue</u>

*Volume of sediment not to be exceeded in a 5 year period.

5. Page 5, Placement of Sediment Condition C.3.a is modified as follows:

No beach replenishment activities shall take place between March 1 and August 31. If the project proposes to place sediment on the beach between March 1 to May 31, the City of Encinitas must determine beach habitat suitability for grunion spawning per Special Condition No. 6 in the Water Quality Certification for Regional General Permit 67 Beach Nourishment in Southern California (http://www.dbw.ca.gov/CSMW/reg_gen_permit.aspx).

6. Page 6 Placement of Sediment Condition C.3.e is modified as follows:

The City of Encinitas must contact the California Department of Fish and Game Wildlife, Marine Region, prior to the survey to request current information on local populations and the appropriate methods in the project area.

7. Page 7, Placement of Sediment Condition C.5 is replaced as follows:

Turbidity: Turbidity shall be monitored daily by a qualified observer from a high vantage point (e.g., a lifeguard tower) during construction. If significant water quality impacts are evident, then the discharge activities shall be modified or suspended as follows:

- A. If visual monitoring indicates significant turbidity¹ greater than ambient one-half mile from the discharge site (either offshore or down-coast) for two (2) consecutive days, then the City of Encinitas shall:

¹ For this certification, significant turbidity is defined as when the area of discharge is observed to differ from the surrounding waters and a secchi disc cannot be seen below three feet from the surface. No limitation is placed on the overall size of the turbidity plume being generated by beach replenishment operations.

- i. Evaluate littoral conditions (wind, tide, wave climate, and littoral drift) to determine if the plume distribution is likely to be short term in nature;
 - ii. Evaluate effectiveness of discharge site Best Management Practices (BMPs) and identify opportunities to modify sand placement methods to further reduce sediment discharge during periods of strong long-shore movement;
 - iii. Record and implement necessary modifications to the BMPs;
 - iv. Notify the San Diego Water Board and USACE contacts by telephone or email; and;
 - v. Comply with any measures identified by the San Diego Water Board, in consultation with other responsible agencies, as appropriate, to mitigate project-related turbidity, including modifying or halting the discharge.
- B. If significant turbidity persists on the third day, the monitor shall commence daily water clarity testing and reporting to the San Diego Water Board and the USACE. Testing shall consist of measuring transmission of light through the water using a transmissometer or other turbidity measuring device. Daily testing shall continue until no project-related turbidity is detectable (i.e., until offshore and down-coast reading return to ambient levels). Testing shall be designed to document the areal extent and concentration of the turbidity plume at the time of day it is most developed, and shall, at a minimum, include at least three sample stations located as close as practicable to the discharge site, one-half mile up-coast of the discharge site, and one-half mile down-coast of the discharge site. Sampling shall be done throughout the water column (surface, mid depth, and near the bottom). These sampling protocols may be modified with the San Diego Water Board's written approval. The City of Encinitas shall document logistical arrangements for such potential water quality sampling and shall include draft quality assurance/quality control protocols in the project monitoring plan.
- C. If significant turbidity is greater than ambient one-half mile from the discharge site (either offshore or down-coast) for five (5) consecutive days, the discharge shall be halted or modified to reduce turbidity.

8. Page 10, Reporting Condition H.7 is modified as follows:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. 08C-087
9174 Sky Park Court 2375 Northside Drive, Suite 100
San Diego, California 92123 92108

9. Page 10, Reporting Condition H.6 Required Reports is modified as follows:

68. Required Reports: The following list summarizes the reports required per the conditions of this Certification to be submitted to the Regional Board.

Report Topic	Certification Condition	Due Date(s)
Unauthorized discharge	A.4	Within 24 hours of the unauthorized discharge
Annual Progress Reports	A.10	Prior to December 1 of each year until the project is complete
Notification	B.3	At least 5 days prior to commencement of construction
Notification	B.7	Within 30 days of completion of the project
Final Report	B.7 <u>H.3</u>	After post-construction monitoring is completed.
Sampling and Analysis Plan	C.	Approval needed before each placement
Photo Documentation	E.1	With Monitoring reports
GIS	F.1	Annually

10. Page 11, Regional Water Quality Control Board Contact Person is modified as follows:

~~Mike Porter~~ Alan Monji
 California Regional Water Quality Control Board, San Diego Region
~~9174 Sky Park Court~~ 2375 Northside Drive, Suite 100
 San Diego, CA ~~92123~~ 92108
~~858-467-2726~~ 619-521-3968
~~mporter~~ Alan.Monji@waterboards.ca.gov

11. Attachment 1, Project Location: is modified as follows:

The proposed project is located on Batiquitos, Cardiff, Leucadia, and Moonlight Beaches within the City of Encinitas, north-coastal San Diego County.

12. Attachment 1, Project Description is modified as follows:

The project proposes to place ~~a maximum of up to 150,000 cubic yards per year (for five years)~~ of beach-quality sand from upland projects on Batiquitos, Cardiff, Leucadia, and Moonlight Beaches. The sand placed on the beach will provide erosion control, recreational benefits, and habitat enhancement. The sand will not contain more than 25% fine-grained sediment.

13. Attachment 2, Distribution List is modified as follows:

Mr. Robert Smith
U.S. Army Corps of Engineers
San Diego Field Office
~~6010 Hidden Valley Road~~5900 La Place Court
Suite ~~105100~~
Carlsbad, CA 92011
Robert.R.Smith@sp101.usace.army.mil

Ms. Marilyn Fluharty
California Department of Fish and Game Wildlife
South Coast Region
Habitat Conservation Planning – North
~~4949 Viewridge Avenue~~3883 Ruffin Road
San Diego, CA 92123
Marilyn.Fluharty@wildlife.ca.gov

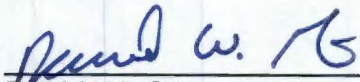
U.S. Department of the Interior
Fish and Wildlife Service
~~6010 Hidden Valley Road~~2177 Salk Ave
Suite 250
Carlsbad, CA 92011

14. Attachment 4, Site Maps is modified as follows:

Figures 6 and 7 are added for the Cardiff and Leucadia Beach Receiver sites.

Notification. Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification Amendment. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Amendment No.1 to Certification No. 08C-087 issued on September 5, 2014.



David W. Gibson
Executive Officer
Regional Water Quality Control Board

5 Sept 2014
Date

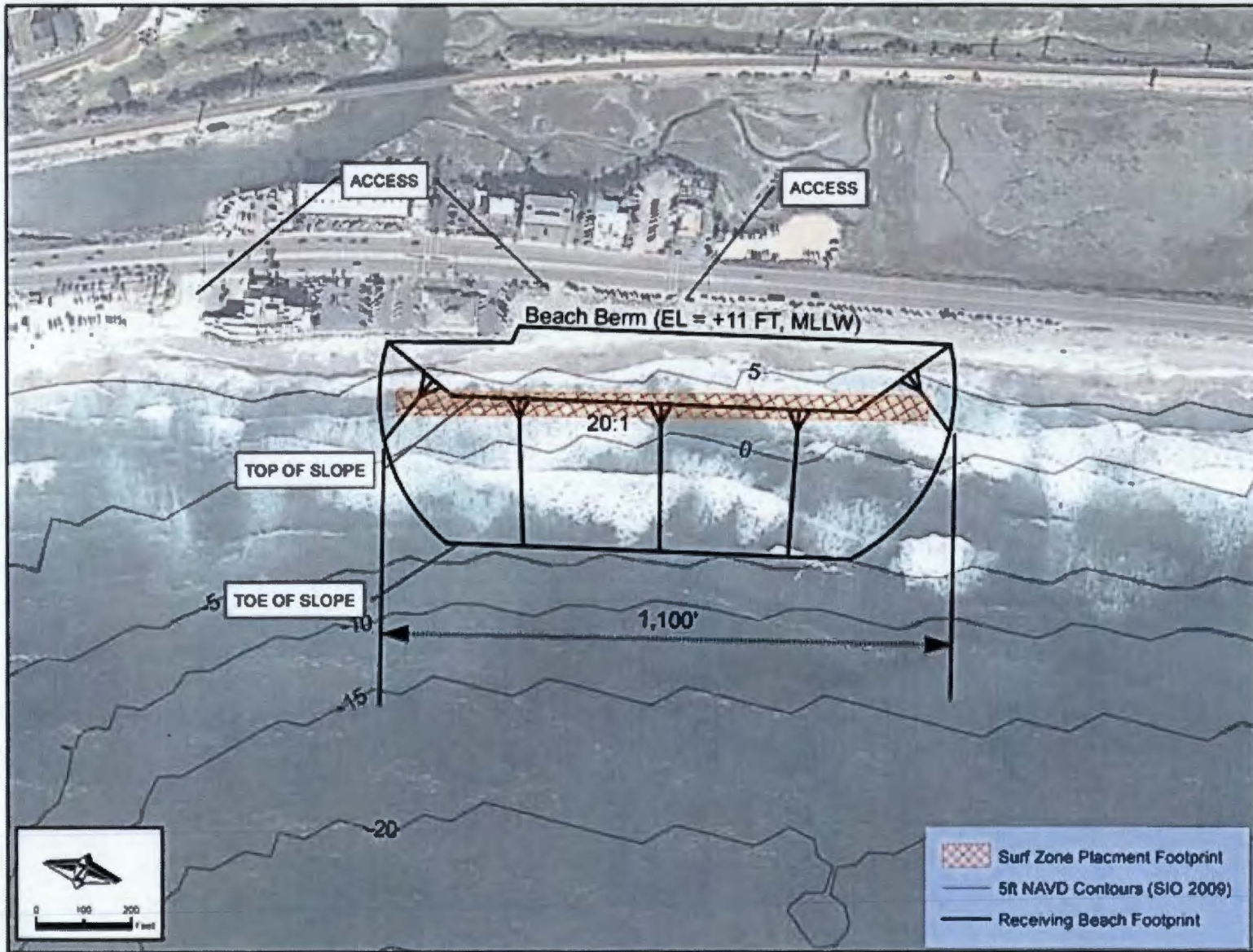


Figure 6 - Cardiff

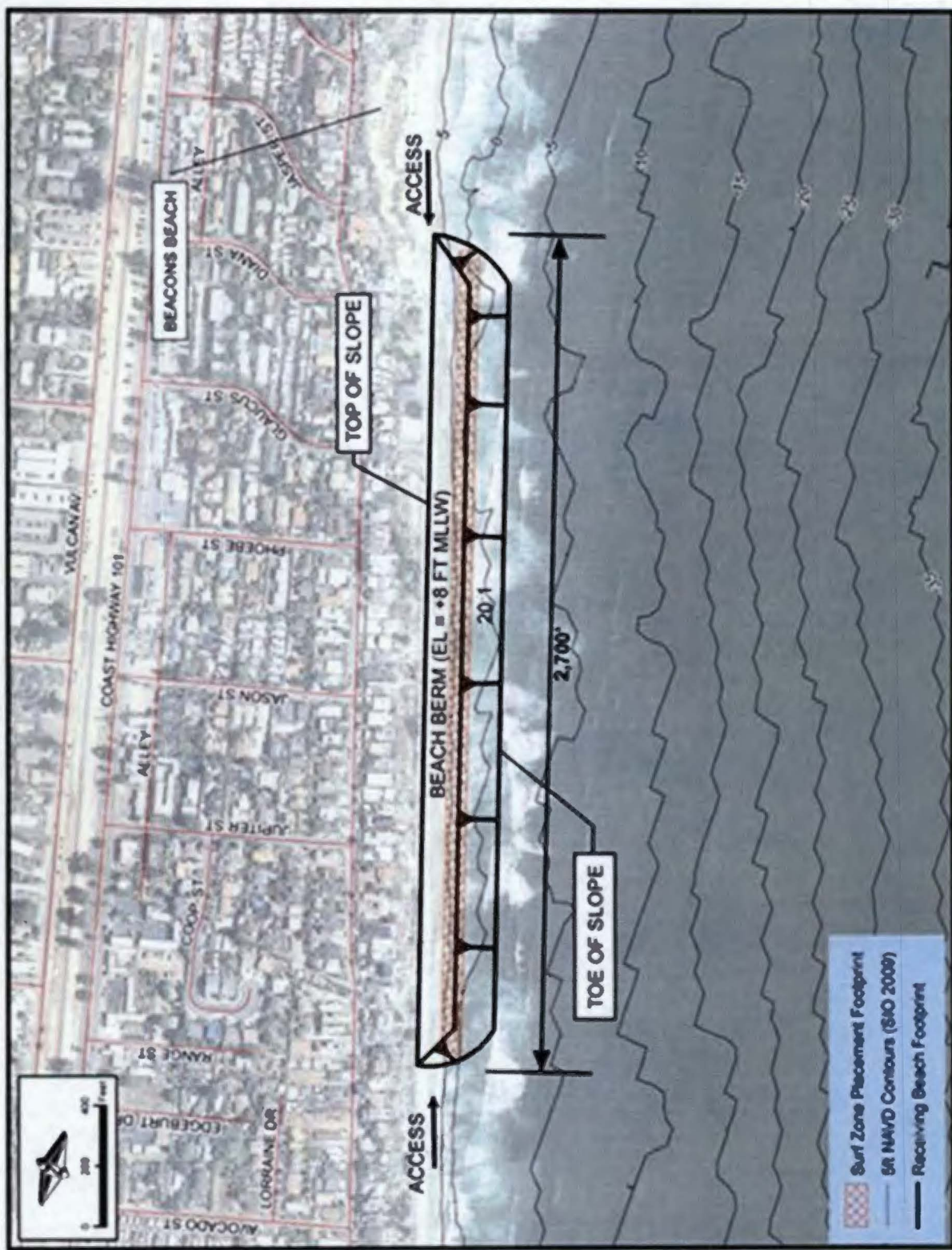


Figure 7 - Leucadia