



Los Angeles Regional Water Quality Control Board

Mr. Ross Turner
Guided Discoveries, Inc.
P.O Box 1360
Claremont, CA 91711

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7009 2820 0001 6537 7306

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED CAMP FOX PIER REPLACEMENT PROJECT (Corps' Project No. 2015-00114-PKK), PACIFIC OCEAN, SANTA CATALINA ISLAND, LOS ANGELES COUNTY (File No. 15-020)

Dear Mr. Ross Turner:

Board staff has reviewed your request on behalf of Guided Discoveries, Inc. (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete March 23, 2015.

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.

Please read this entire document carefully. 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, P.G., Section 401-Program, at (213) 576-5733.

Samuel Unger
Samuel Unger, P.E.
Executive Officer

March 25, 2015
Date

DISTRIBUTION LIST

Jack Malone
Anchor QEA, LLC
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Bill Orme (via electronic copy)
State Water Resources Control Board
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California Coastal Commission
200 Ocean Gate, 10th Floor
Long Beach, CA 90802

ATTACHMENT A

Project Information
File No. 15-020

1. Applicant:

Mr. Ross Turner
Guided Discoveries, Inc.
P.O Box 1360
Claremont, CA 91711

Phone: (909) 625-6194

2. Applicant's Agent:

Jack Malone
Anchor QEA, LLC
27201 Puerta Real, Suite 350
Mission Viejo, CA 92691

Phone: (949) 347-2780

3. Project Name:

Camp Fox Pier Replacement

4. Project Location:

Santa Catalina Island, Los Angeles County

Latitude

Longitude

33.404642539

118.369209557

33.404582784

118.368448661

33.404625767

118.368443863

33.404619500

118.368364068

33.404553943

118.368371387

33.404619965

118.369212077

5. Type of Project:

Pier replacement

6. Project Purpose:

The proposed project (Project) will construct a replacement pier that will restore safe access to Button Shell Beach. The Camp Fox Pier (Pier) is necessary to allow access to the educational and recreational opportunities provided by the Catalina Island Marina Institute (Institute) and Camp Fox.

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7. Project Description:

Guided Discoveries, Inc., leases property from the Catalina Island Conservancy along Button Shell Beach on Santa Catalina Island. At this property, Guided Discoveries operates the Institute during the standard school year term. During the summer and some weekends, Guided Discoveries also operates Camp Fox. The Institute is a year-round outdoor marine science residential school program operated by Guided Discoveries. Camp Fox is a youth summer camp that provides educational and recreational opportunities for children and families as well as leadership training opportunities for teenagers.

Public access to the Institute and Camp Fox is provided by boat, with the Pier being the only boat landing for arrival and departure in the area. The landing includes a pier, ramp, and float. In August 2014, the pier was destroyed by large swells from Hurricane Marie, and trips to the Institute and Camp Fox were subsequently halted. The project will construct a replacement pier that will restore safe access to Button Shell Beach.

The Pier has been designed to avoid and minimize adverse impacts by following the same alignment as the previous pier. There are no project alternatives that will reduce potential project impacts. Construction of the replacement pier will be accomplished by personnel working from the pier itself as the pier is built beginning from the landward end and progressing seaward.

The original pier was supported by 71 piles and measured 257-feet long and 7-feet 8-inches wide, with a flair at the seaward end that measured 14-feet wide by 43-feet long. In total, the original pier covered 2,282 square feet (0.052 acres). The new pier will retain the same length as the original pier (257 feet) but the flair at the end of the pier will be reconfigured to be 24 feet wide and reduced to 24 feet long. This new configuration will provide a wider area for classes at the end of the pier without compromising foot traffic along the pier. The total square footage of the new pier will be 2,510 square feet (0.057 acres), an increase of 228 square feet. The new pier will be supported by 42 wrapped timber piles (requiring 29 fewer timber piles than the original pier) that will resist wave and seismic loading. The deck elevation will also be raised 5 feet to provide increased clearance from large wave events.

A new aluminum ramp connecting the pier to the floating dock will be installed and will comply with new access standards required by

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the Americans with Disabilities Act (ADA).

In-water and overwater improvements will begin by removing remnants of the existing pier damaged by the hurricane. Forty-two replacement wrapped-timber support piles, including 18 piles measuring 16-inches in diameter and 24 piles measuring 18-inches in diameter will be installed. The new piles will be wrapped with a 130-millimeter-thick polyethylene cover extending down approximately four feet below the mudline.

Eight piles will be placed landward of Mean High Water. A barge will likely be used to install the two gangway support piles, which will likely be the first piles driven. All other piles will be installed from the new pier as it is being built.

The survey of the project area provided in the original application documented the absence of submerged aquatic vegetation, such as eelgrass, so the long-term change in shading will not affect vegetation.

8. Federal Agency/Permit: U.S. Army Corps of Engineers Section 10
Letter of Permission (LOP Permit No. 2015-00114-PKK)
9. Other Required Regulatory Approvals: California Coastal Commission
Coastal Development Permit
10. California Environmental Quality Act Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302, Replacement or Reconstruction.
11. Receiving Water: Los Angeles County Coastal, Islands Nearshore Zones, Santa Catalina Island (Hydrologic Unit Code: 180701070003)
12. Designated Beneficial Uses: NAV, COMM, MAR, WILD, BIOL, RARE, SPWN, SHELL, REC1, REC2

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13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.057 acres (257 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Anticipated: White's Landing, Santa Catalina Island.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several best management practices including, but not limited to, the following:
- All best management practices will be implemented prior to the commencement of work and will remain in effect until the Project is completed.
 - Consistent with California Eelgrass Mitigation Policy and the Caulerpa Control Protocol, a pre-construction eelgrass and Caulerpa taxifolia survey will be performed in the project area 30 to 60 days prior to commencement.
 - A post-construction survey will be performed if eelgrass is detected in the project area during the pre-construction survey.
 - All responsible parties will be informed of the best management practices prior to the commencement of work and will abide by them for the duration of the project.
 - No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to tidal and wave erosion and dispersion.
 - If debris is found in the water, the area will be enclosed with a floating boom.
 - Floating debris will be removed from the water.

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- All waste material removed from the project site will be taken to a legal point of disposal.
- Disposal of construction and trash debris into the intertidal zone or near shore waters will be prohibited.
- All construction-related equipment will be maintained in good-working order to prevent leaks or spills.
- All debris will be placed in the proper receptacles provided at the end of each day.
- All debris resulting from construction activities will be removed from the site with 24 hours of completion of construction.
- Machinery or construction materials not essential for project activities will not be allowed at any time in the intertidal zone.
- Material from the beach (sand, cobbles, or shoreline rocks) will not be used for construction material.
- No debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings, oil or petroleum products, from construction will be allowed to enter into or placed where it may be washed by rainfall or runoff into coastal waters.
- Measures will be taken to prevent any discharge of fuel or oily waste from heavy machinery, construction equipment or power tools into coastal waters.
- Adequate equipment available to contain any such discharge immediately.
- All stockpiles and construction materials will be covered, enclosed on all sides, not be stored in contact with the soil, and be located as far away as possible from drain inlets or waters of the state.
- All turbidity (defined as any change in the ambient condition of the clarity of the water column to the naked eye) generated by the construction activities will be contained within a silt curtain.

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- Turbidity plumes generated by construction activity will be monitored continuously.
- If turbidity is observed outside the perimeter of the curtain, contractor will immediately suspend operations in the affected area until compliance with this condition is resumed.
- All tarps used will be weighted with sand bags.
- During construction over water, material will be stored on land.
- Unused materials will be covered by tarp if rain is forecasted with 50% or greater.
- Hazardous material spill prevention and cleanup plans will be maintained on site.
- Mufflers or other noise attenuating devices will be affixed to equipment to minimize noise levels.
- Equipment operators and all other project workers will not disturb any marine mammals, waterfowl, or fish within the project area.

17. Proposed
Compensatory
Mitigation:

The Applicant has not proposed any additional compensatory mitigation.

18. Required
Compensatory
Mitigation:

A pre-construction eelgrass and *Caulerpa taxifolia* survey will be performed, and a post-construction survey will be performed if eelgrass is detected in the project area. The Project will comply with the National Marine Fisheries Service's Southern California Eelgrass Mitigation Policy.

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. 15-020

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. **The 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, 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)*, as amended.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 16, are incorporated as additional conditions herein.
5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.

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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 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.
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.
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.

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14. If rain is predicted after operations have begun, project 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 and construction 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. Ocean water quality monitoring shall be performed by the Applicant. A Water Quality Monitoring Plan shall be submitted prior to any project construction activities. Baseline sampling may be conducted at one location within the project boundary for each phase. All other sampling shall take place at a minimum of two locations (2 locations total). Monitoring for the following shall be included:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids (TSS)
 - visual assessment for floating particulates (oil and grease shall not be visible)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to project commencement (baseline sampling) and then monitored on a daily basis during the first week of construction, and then on a weekly basis, thereafter, until the work is complete. Monitoring shall ensure compliance with all water quality objectives specified in the 2012 Ocean Plan.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Construction activities shall not result in the degradation of beneficial uses or non-compliance of any water quality objectives. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

17. 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.
18. 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 mitigation success (if required for eelgrass) or project

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completion has been achieved and documented. The Annual Reports shall describe in detail all of the project and construction activities performed during the previous year and all restoration and mitigation efforts. The Annual Reports shall describe any delays in construction or mitigation process. At a minimum the Annual Reports shall include the following documentation:

- (a) Color photo documentation of the pre- and post-project (and mitigation where applicable) site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation (where applicable) areas;
 - (c) The overall status of project including a detailed schedule of whether or not work has begun on the Project;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
19. 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.
20. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

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"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)"

- 21. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-020**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 22. 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.
- 23. The project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 2012-0011-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
- 24. 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.
- 25. 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.

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26. *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.

27. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application at least 90 days prior to termination of this Certification if renewal is requested.