

Los Angeles Regional Water Quality Control Board

Mr. Michael Tripp
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina Del Rey, CA 90292

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7008 1830 0004 3360 1066

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED PARCEL 9U WETLAND PARK PROJECT (Corps' Project No. 2015-00503-PKK), MARINA DEL REY HARBOR, LOS ANGELES COUNTY (File No. 15-080)

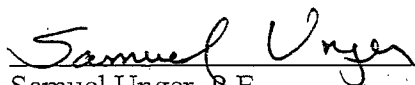
Dear Mr. Tripp:

Board staff has reviewed your request on behalf of County of Los Angeles, Department of Beaches and Harbors (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 16, 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 Valerie Carrillo Zara, P.G., Lead, Section 401 Program, at (213) 576-6759.



Samuel Unger, P.E.
Executive Officer

Dec. 11, 2015
Date

DISTRIBUTION LIST

Tony Bomkamp (via electronic copy)
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630

Bill Orme (via electronic copy)
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Daniel P. Swenson (via electronic copy)
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
915 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

Elizabeth Goldmann (via electronic copy)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street, WRT-2-4
San Francisco, CA 94105

Melissa Scianni (via electronic copy)
600 Wilshire Blvd, Suite 1460
Los Angeles, CA 90017
213-244-1817

G. Mendel Stewart
Johnathan Snyder
U.S. Fish and Wildlife Service
2177 Salk Ave. Carlsbad Ca, 92008

California Coastal Commission
200 Ocean Gate, 10th Floor
Long Beach, CA 90802

ATTACHMENT A

Project Information

File No. 15-080

1. Applicant: Michael Tripp
County of Los Angeles, Department of Beaches and Harbors
13837 Fiji Way
Marina Del Rey, CA 90292

Phone: (310) 305-9537

2. Applicant's Agent: Tony Bomkamp
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630

Phone: (949) 837-0404 x41 Fax: (949) 837-5834

3. Project Name: Parcel 9U Wetland Park

4. Project Location: Marina Del Rey, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33.975089	118.457190
33.975070	118.458295
33.974644	118.457977
33.974210	118.457646
33.973893	118.457359
33.973887	118.456437
33.974255	118.456452
33.974685	118.456891

5. Type of Project: Wetland restoration

6. Project Purpose: The proposed Project will construct a 1.46-acre public "Wetland Park" which will include creation of a tidal wetland totaling 0.75-acre. The goal of the restoration Project is to create coastal salt marsh habitat with a "muted" tidal regime that supports a suite of native salt marsh plants that also exhibits enhanced functions for wildlife.

7. Project Description: Parcel 9U encompasses approximately 3.66 acres, and is located in Marina Del Rey. Parcel 9U is generally bounded by Via Marina to the west, Basin B of Marina Del Rey to the east, residential development to the north, and Tahiti Way to the south.

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The proposed Project will construct and maintain a 1.46 acre public tidal wetland and upland park including site grading and extraction of existing structural pilings, and constructing a tidal inlet through the marina seawall.

Construction of the park and establishment of the 0.75-acre wetland will include re-contouring the existing depression and establishment of a "muted" tidal connection to provide enhanced hydrologic and habitat functions. The proposed "muted" tidal salt marsh will be surrounded by a 25 foot buffer separating the wetland area from surrounding development. Areas surrounding the basin would be planted with coastal prairie and coastal sage scrub to provide a buffer zone for the restored saltwater marsh.

The Wetland Park will include:

- (a) a 28-foot wide fire access lane along the northern boundary of the Wetland Park, with a 72-inch wide meandering concrete pedestrian walking path;
- (b) a picnic table in northwestern corner;
- (c) a 72-inch wide decomposed granite path meandering around the perimeter of the Wetland Park;
- (d) a viewing area at the western side of the Wetland Park;
- (e) park landscaping containing native and wetland plant species;
- (f) a connection pipe that will feed the wetland pipe tidally;
- (g) a 28-foot wide waterfront pedestrian promenade along the Parcel 9 bulkhead;
- (h) and an educational gathering area with informational signage, seating, and an overhead wood trellis in the northeastern corner of the Wetland Park.

The creation of the Wetland Park will require approximately 1,302 cubic yards of cut and 3,177 cubic yards of fill.

The Project will result in temporary impacts to waters of the U.S. and State. Specifically, the necessary grading to create tidally influenced coastal salt marsh will require modification of the artificially created basin with subsequent re-contouring. Tidal connection will be provided by means of two pipes, which will connect the marina to the wetland.

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8. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 27 (Permit No. 2015-00503-PKK)
9. Other Required Regulatory Approvals: California Coastal Commission,
Coastal Development Permit (A-5-MDR-12-161)
10. California Environmental Quality Act Compliance: The County of Los Angeles, Department of Regional Planning approved the project's Final Environmental Impact Report (EIR SCH No. 2007031114) on January 10, 2013.
11. Receiving Water: Marina Del Rey Harbor (Hydrologic Unit Code: 180701040502)
12. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, SHELL
13. Impacted Waters of the United States: Federal jurisdictional wetlands: 0.11 temporary acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Private partners plan to build apartments, hotel and public boat facilities on adjacent parcels; these planned projects and the Wetland Park project were considered in a single EIR approved by the County of Los Angeles January 10, 2013.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- A written plan designed to control dust, concrete, demolition pavement or pipe removed during construction, and/ or construction materials, and standards for interim control and for clean-up. All sediment waste and debris shall be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill. Contractors and County Inspectors shall monitor and contain oil or fuel leaks from vehicles and equipment.
 - Temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: filling or covering all holes/trenches in roadways such that traffic can continue to pass over disturbed

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areas, stabilization of all stockpiled fill, disturbed soils and trenches with shoring, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. These temporary erosion control measures shall be monitored and maintained at least on a weekly basis until grading or construction operations resume.

- Construction materials, chemicals, debris and sediment shall be properly contained and secured on site to prevent the unintended transport of material, chemicals, debris, and sediment into habitat areas and coastal waters by wind, rain or tracking. A designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the onset of such activity. A pre-construction meeting shall be held for all personnel to review procedural and BMP guidelines.
- Disposal of debris and excess material. Debris and excess material shall be disposed or recycled at a legal disposal/recycling site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required. No debris or excess material shall be placed on or within adjacent park or habitat areas.
- Debris and sediment shall be removed from the construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into habitat areas and coastal waters.
- Any and all debris resulting from construction activities shall be removed from the project site within 7 days of completion of construction.

17. Proposed Compensatory Mitigation:

The proposed Project will enhance the aquatic function of the existing excavated basin. The Project will result in an increase in both the quantity of wetlands, from 0.11 acre to 0.75 acre as well as the quality of wetlands.

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18. Required
Compensatory
Mitigation:

Since this is a wetland restoration project, the Regional Board will not require any compensatory mitigation. [See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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Conditions of Certification File No. 15-080

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 and the California Coastal Commission Coastal Development Permit. **These 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, the CDFW's Streambed Alteration Agreement, 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, 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. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2011-0003-DWQ, for Aquatic Animal Invasive Species Control; 2011-0004-DWQ, for Spray Applications; 2011-0002-DWQ, for Vector Control; and 2013-0002-DWQ, for Weed Control.

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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.
14. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing activities. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
15. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge (ROWD)** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste.

Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

16. All project/maintenance 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.
17. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature

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- dissolved oxygen
- turbidity
- total suspended solids(TSS)

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

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. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

18. 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. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species.
19. 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 restoration success has been achieved and documented. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:
 - (a) Color photo documentation of the pre- and post- restoration site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the restoration areas;
 - (c) The overall status of project including whether or not work has begun on the Project and a detailed schedule;
 - (d) Copies of all permits revised as required in Additional Condition 1;

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- (e) Water quality monitoring results for each reach (as required) compiled in a spreadsheet 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.
20. 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.
21. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“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)”

22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-080**. Submittals shall be sent to the attention of the 401 Certification Unit.

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23. 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.
24. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. R4-2012-0175. The project shall also 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.
25. 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.
26. 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.
27. *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

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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.
28. 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.