



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

Mr. John Talsky
Tuna Club of Santa Catalina Island
100 St. Catherine Way, Box 526
Avalon, CA 90704

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
No. 7014 2870 0001 4613 6080

TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION FOR PROPOSED AVALON TUNA CLUB PILE REPAIR AND REPLACEMENT PROJECT (Corps' Project No. 2015-00073-PKK), AVALON BAY, CITY OF AVALON, LOS ANGELES COUNTY (File No.15-069)

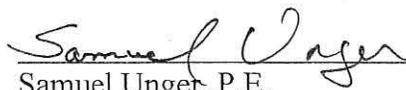
Dear Mr. Talsky:

Board staff has reviewed your request on behalf of Tuna Club of Santa Catalina Island (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on January 6, 2016.

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, Section 401 Program, at (213) 576-5733.



Samuel Unger, P.E.
Executive Officer

4-6-16

Date

DISTRIBUTION LIST

Adam Gale
Anchor QEA, LLC
27201 Puerta Real, Suite 350
Mission Viejo, CA 92691

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U.S. Environmental Protection Agency, Region 9
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U.S. Fish and Wildlife Service
2177 Salk Ave. Carlsbad Ca, 92008

Charles Posner
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

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**Project Information
File No. 15-069**

1. Applicant: Mr. John Talsky
Tuna Club of Santa Catalina Island
100 Street Catherine Way, Box 526
Avalon, CA 90704

Phone: (310) 510-1782 Fax: (310) 510-1782

2. Applicant's Agent: Adam Gale
Anchor QEA, LLC
27201 Puerta Real, Suite 350
Mission Viejo, CA 92691

Phone: (949) 347-2870

3. Project Name: Avalon Tuna Club Pile Repair and Replacement

4. Project Location: Avalon, Los Angeles County

<u>Latitude</u>	<u>Longitude</u>
33°20'45.01" N	118°19'37.64" W
33°20'45.28" N	118°19'36.98" W
33°20'45.39" N	118°19'36.50" W
33°20'44.92" N	118°19'36.27" W
33°20'44.74" N	118°19'36.74" W
33°20'44.38" N	118°19'36.57" W
33°20'44.15" N	118°19'37.18" W
33°20'44.61" N	118°19'37.41" W

5. Type of Project: Replace or repair 70 piles and perform associated structural repairs

6. Project Purpose: The proposed project (Project) will repair the over-water facility to maintain the structural integrity of the recreational structures, improve visitor safety and access.

7. Project Description: Damaged piles, footings, and encasements and supporting brace connections will be repaired and the existing utility hangers will be

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modernized. No changes will be made to the size, configuration, or use of the facility.

Background

The Tuna Club leases an over-water facility in Avalon Bay in Avalon, California, which has served as a venue for recreational activities for nearly 100 years. The two-story clubhouse constructed in 1916 spans approximately 90 feet along the seawall and 60 feet seaward into Avalon Bay. This structure has a wraparound deck with modifications at the seawall for dissipating wave uplift forces. The clubhouse is listed on the National Register of Historic Places and California Historical Landmarks in Los Angeles County.

A 45-foot by 45-foot square porch was constructed sometime after 1916. The porch is located on the bay side of the clubhouse. A gangway connection is positioned at the northeast corner of the porch that provides access to a float; however, the gangway and float are removed during winter months.

The clubhouse and porch have timber superstructures supported by 14-inch-diameter timber piles encased in concrete encasements, plastic wraps, and fiber or grout composite wraps. Both structures are intended to support the load capacity required for Tuna Club operations and events. Over the years, the Tuna Club has made alterations and improvements to maintain the structural integrity of the facility, including rebuilding the porch superstructure in the 1980s, dock venting by the seawall in 1988, and various under-deck repairs in 2007.

In January 2014, an underwater inspection (Moffatt & Nichol Blaylock, 2014) was conducted to examine the condition of the clubhouse and porch. Significant damage was found on several piles due to marine borers, failed concrete encasements, and dry rot. Repair activities were developed to address these deficiencies, but these activities could not be completed prior to large swell events that further damaged the Tuna Club facility.

During the August 2014 Hurricane Marie swell event, massive waves swept through the Santa Catalina Island waterfront and exposed damage and removed piles supporting the Tuna Club facility. Further damage to the facility was exposed during extremely strong Santa Ana winds and high tides in December

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2014; this swell also exacerbated existing repair and maintenance needs to the facility resulting from the Hurricane Marie swell. As a result of these events, portions of the facility were partitioned off and deemed nonfunctional due to safety concerns and required immediate attention.

Emergency repairs to address damage caused by the Hurricane Marie swell event and Santa Ana winds were completed in March 2015 (RGP 63, Corps' File No. 2015-00073-PKK). Repairs included replacing two missing piles and repairing four damaged piles. The current project will complete additional repairs and improvements to address deficiencies identified during the January 2014 underwater investigation.

Project Activities

Significant deterioration was found on several piles due to marine borers, failed concrete encasements, and dry rot. To correct these issues the project will include:

- Pile repair or replacement.
- Repair of one of the brace connections which was not properly installed.
- Replacement of the utility hangers with stainless-steel hangers. The existing nails are subject to corrosion, and one of the existing hangers has failed.

Pile locations have been delineated on a grid system. Grid system locations are also used to identify the location of other proposed renovations (such as sewer hangers and brace connections).

The Applicant will replace or repair 70 of the 118 piles supporting the Tuna Club facility. Replacement and repair will occur at a rate of ten to 14 piles per year, to be completed over five years. Although all 118 piles will need eventual repair or replacement, completing all 118 piles is anticipated to take approximately nine to twelve years. The Tuna Club will apply for additional permits for activities beyond scope of this authorization in the future.

Of the 70 piles planned for removal in the next five years, there are 13 timber piles with 50% or more of section loss that require immediate attention, with one pile (6:J) replaced as pursuant to Regional General Permit 63 (emergency permitting) File No. 015-00073-PKK completed in 2015. However, this pile still requires a

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new encasement. These piles will be completed during the first construction season. Construction will commence as soon as possible once all approvals are obtained. Work will occur after Labor Day each year and be completed prior to the next summer season.

Piles will be repaired or replaced based on the discretion of the contractor. To the extent possible, existing piles will be restored to their original cross sectional area. Only when absolutely necessary will the existing pile be replaced with a new pile. If an existing pile has deteriorated to the point that it is not providing the necessary structural support, the pile will be removed and replaced in-kind with a new pile. Replacement or repair piles will be the same size as existing damaged piles (14-inch diameter timber). The repaired encasements will increase the pile diameter by no more than two inches.

Any wood treatment used will conform to the specifications of the American Wood Preservation Association for saltwater use. All of the newly installed piles and pile encasements will be wrapped with plastic jackets.

In areas where concrete footings have deteriorated and are not properly supporting piles, concrete footings will be removed and replaced. Any proposed footing will replace an existing footing; no new footings are being proposed. The replacement footings will be the same size as the old footings. No excavation will be required to replace an existing concrete footing.

The sequence and method for installing the new footings is as follows:

- Existing footings that need replacement will be broken pneumatically and taken to a legal point of disposal;
- Steel tendons will be installed using a pneumatic fence post driver to refusal;
- Replacement footings will be formed (cast in place) to the original size to the footing to be replaced and poured with concrete;

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- Forms will be removed after concrete has cured (about 1 day);
- New piling or timber will be affixed to the top of the footing and attached to the cap supporting the deck structure;
- Pilings will be done at low or extreme low tidal conditions;
- Piling in deeper water will be done using divers;
- The pile encasements will be pushed pneumatically into the substrate approximately two feet below the existing mudline.

Pile encasement repair will include the following steps:

- Shoring will be provided for adjacent pilecaps;
- Previous encasements will be removed;
- All rotten timber will be removed;
- The remaining pile (above and below damage) will be inspected to verify that there is sufficient competent timber to develop a proper spliced connection;
- The annulus between formwork and pile will be injected with epoxy-based underwater grout. Epoxy grout will also replace all portions of timber pile that have been removed;
- The epoxy grout used will be designed for underwater applications and resistant to aggressive water environments;
- Brackets will be installed to enhance the pile-to-deck connection.

Piles, pile encasements, and concrete footing will be removed using hand tools. Impact pile driving will not be necessary; piles will be installed mechanically between the Tuna Club facility and existing or replacement concrete footings. No crane or barge mounted equipment is anticipated. No excavation will be required. Construction staging will occur on the structure itself in addition to minor staging in the uplands in compliance and coordination with the City of Avalon.

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The Project will include repair to the existing brace connection at Pile 7:F. The methodology anticipated for this repair includes mechanically refastening the existing brace to the pile.

Existing sewer hangers beneath the Tuna Club facility are subject to corrosion and proposed for replacement. This includes 20 sewer hangers. The hangers will be replaced with stainless steel hangers, to be placed in the same locations as the existing hangers.

No eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia*) was observed during biological surveys in 2008, 2009, 2012 and 2014.

An updated eelgrass survey of the project area will be conducted prior to construction of the proposed repairs and during the eelgrass growing season. If eelgrass is discovered in the project area, long-term impacts as a result of the removal of any eelgrass at the project site will be mitigated in accordance with the California Eelgrass Mitigation Policy.

Construction activities are anticipated to generate minimal, short-term, and highly localized noise during the removal and repair of piles as well as during over-water repairs. No pile driving or other activities that create loud underwater or airborne noises are proposed. Any impacts to marine mammals, if present, will be minimal as these species are highly mobile and able to move throughout coastal waters, and the area of impact is extremely localized to the footprint of the facility. There will be no effect to endangered species.

- | | |
|--|---|
| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
Letter of Permission (File No. 2015-00073-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 15301(d) (Existing Facilities). |

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11. Receiving Water: Avalon Bay, Pacific Ocean (Hydrologic Unit Code: 180701070003)
12. Designated Beneficial Uses: NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, SPWN, SHELL
13. Impacted Waters of the United States: Ocean/Estuary/Bay: 0.17 temporary acres (86 linear feet)
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Emergency repairs at the Avalon Tuna Club were completed in 2015 to address damage to the facility caused by Hurricane Marie swell event and Santa Ana winds. Repairs included replacing two missing piles and repairing four damaged piles. These activities were authorized by the U.S Army Corps of Engineering through an Emergency Authorization (RPG 63) dated February 6, 2015.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Floating debris shall be removed from the water and disposed of properly.
 - During construction, the contractor shall comply with permit conditions imposed by the U.S Army Corps of Engineers, Regional Water Quality Control Board, and other regulatory agencies.
 - Disposal of construction and trash debris into the intertidal zone or the nearshore waters shall be prohibited.
 - All construction-related equipment shall be maintained in good-working order to minimize the potential for hazardous waste spills.
 - Hazardous material spill prevention and cleanup plans shall be maintained on site.

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- All waste material removed from the project site shall be relocated to an approved disposal point.
- A pre-construction eelgrass and *Caulerpa taxifolia* survey shall be performed in the project area 30 to 60 days prior to commencement of proposed repair activities; a post-construction survey shall be performed if eelgrass is located during the pre-construction survey.
- Equipment operators and all other project workers shall not harass any marine mammals, waterfowl, or fish in the project area.

17. Proposed
Compensatory
Mitigation:

None.

18. Required
Compensatory
Mitigation:

The impacts created in ocean waters will be temporary and minimal; therefore this Regional Board will not require compensatory mitigation.

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. 15-069

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 (CCC) 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 CCC's Development Permit, or the ACOE Section 404 Letter of Permission.
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. 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, the site must be stabilized to prevent impacts to water quality to and minimize impacts from runoff from the site.
15. All project or 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. 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 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 project completion has been achieved and documented. The Annual Reports shall describe all of the project or construction activities performed during the previous year. The Annual Reports shall describe the status or any delays. At a minimum the Annual Reports shall include the following documentation:

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- (a) Color photo documentation of the pre- and post-project site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project 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;
 - (e) Water quality monitoring results (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.
18. 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.
19. 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.

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Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

20. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **15-069**. Submittals shall be sent to the attention of the 401 Certification Unit.
21. 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.
22. 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.
23. 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.
24. 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.
25. *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

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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.
26. 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.