
**ACTION ON REQUEST FOR
CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS**

PROJECT: Santa Barbara Channel Hazards Removal Program (Project)

APPLICANT: Madhu Ahuja, Agent
California State Lands Commission
200 Oceangate, 12th Floor
Long Beach, CA 90802-4331

U.S. Army Corps of Engineers (Corps) File No. 200201452-JEM

This Order responds to your request on behalf of California State Lands Commission (Applicant) for water quality certification for the subject Project. Your complete application was received on July 1, 2008.

ACTION

- | | |
|--|--|
| <input type="checkbox"/> Order for Standard Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input checked="" type="checkbox"/> Order for Technically
Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste
Discharge Requirements |

This Certificate replaces an expired certification for the same project issued on February 26, 2003 and amended on October 19, 2005 to add a Site 11 to the Project. Little work was completed under this original certification due to funding constraints. All sites are to be revisited, as remnants of these derelict structures may reappear due to storm, wave, and tidal action.

This Certification applies to 22 hazards removal sites identified in Table 1 below (sites 1, 2, 4 -11, and 13-24). Sites 3 and 12, although described in the Project's Mitigated Negative Declaration (MND, SCH No. 2002071146) and Mitigation & Monitoring Plan (MMP), were not a part of this application. All work proposed under the current application is to be conducted as originally described in the MND.

TABLE 1: Santa Barbara Channel Hazards Removal Project Sites

Site Number	Name (Location)	Site Number	Name (Location)
1	Tajiguas Creek	14	Miramar Beach
2	El Capitan State Beach	15	Fernald Point
4	Eagle Canyon	16	Ortega at Summerland
5	Ellwood Cove	17	Santa Claus Lane
6	Santa Barbara Shores A	18	Carpenteria State Beach
7	Santa Barbara Shores B	19	Casitas Pier / East Side
8	Sands Beach at Devereaux Slough	20	Mussel Rock / Pitas Point
9	Devereaux Point	21	Santa Ventura Beach
10	Isla Vista Park (Goleta – Dos Pueblos Canyon)	22	Ortega Hill (East Fernald Point)
11	Goleta Beach (east of Goleta Slough)	23	Rincon Point
13	Baltimore Hotel Beach Front (South Birham)	24	Pauley Well (Offshore)

STANDARD CONDITIONS

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 California Water Code (CWC) and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

ADDITIONAL CONDITIONS

A. Administrative Conditions:

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law.
2. The State Water Resources Control Board (State Water Board) reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the Applicant and/or responsible Project Site Supervisor, if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
3. This Certification Order will take effect on the date the Corps issues the Project's Clean Water Act (CWA) section 404 permit and will remain in effect for five years or until the expiration of the Corps' permit, whichever occurs first.
4. A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site.
5. The Applicant shall grant State Water Board and Regional Water Quality Control Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the project may have on the waters of the State.
6. The Applicant shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the State. The notification shall include the volume and type of materials discharged and recovered, measures used to stop and contain the discharge, and measures implemented to prevent future discharges.

B. Additional Information Requirements Prior to Start of Project:

1. The Applicant shall submit to the State Water Board copies of all permits including the Corps' CWA section 404 permit application prior to any discharge to waters of the State. No discharge into any waters of the State or waters of the U.S. shall occur until these permits have been approved.

2. A copy of the project's MMP shall be provided to State Water Board at least 30 days prior to the start of construction. This MMP shall include a Spill Prevention and Containment Plan.

C. General Discharge Conditions:

1. This Project shall comply with all applicable National Pollutant Discharge Elimination System permits and Waste Discharge Requirements.
2. This Project shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
3. This Project shall not discharge waste classified as "hazardous" as defined in Title 22 CCR section 66261 and CWC section 13173.
4. No fueling, cleaning, or maintenance of vehicles or equipment shall take place in any areas where an accidental discharge to any waters, streams or wetlands may occur.
5. Except as expressly allowed in this Certification, the discharge, or creation of the potential for discharge, of any soil materials including fresh concrete, cement, silts, clay, sand, and other organic materials to waters of the State is prohibited.
6. The MMP is hereby incorporated by reference into this Certification. The Applicant shall adhere to all practices and procedures described in the MMP in order to avoid or minimize any adverse effects of project implementation. Any substantial deviation from or change to the MMP must be approved by the State Water Board before commencement of work under the altered MMP.
7. Four sites possess known or potential habitat for Federally listed threatened or endangered species: Site 7 (Santa Barbara Shores B), Site 8 (Devereaux Slough), Site 9 (Devereaux Point), and Site 18 (Carpenteria State Beach). The Corps' CWA section 404 Individual Permit (Number 200201452-JEM) issued on January 5, 2003 did not authorize any activities at these four hazards removal sites. The Corps is currently consulting with U.S. Fish and Wildlife Service (USFWS) regarding these sites. Therefore, no work shall commence at these four sites until a Biological Opinion is issued by the USFWS, and the work is permitted by the Corps.

D. Mitigation and Monitoring Plan Reporting:

1. A copy of the Project's MMP shall be provided to State Water Board at least 30 days prior to the start of construction. This MMP shall include a Spill Prevention and Containment Plan.

2. The Applicant shall submit a notice of mitigation completion and final mitigation report to the State Water Board which must be approved by the State Water Board staff contact for this project.
3. All applications, reports, or information shall be submitted to attn.: 401 Certification and Wetlands Program, Division of Water Quality, State Water Resources Control Board, 1001 I Street, 15th Floor, Sacramento, CA 95814.
4. All information requested in this Certification, including monitoring and mitigation reporting as described in Condition Number D.1 above, is pursuant to CWC section 13267. Civil liability may be administratively imposed by the State Water Board for failure to furnish requested information pursuant to CWC section 13268.

PUBLIC NOTIFICATION OF PROJECT APPLICATION

On July 7, 2008, receipt of the project application was posted on the State Water Board Web site to serve as appropriate notification to the public. There was a 21 day public comment period which closed on July 28, 2008. No comments were received.

STATE WATER BOARD CONTACT PERSON

If you have any questions, please contact State Water Board Environmental Scientist Cliff Harvey at (916) 558-1709 or via e-mail at CHarvey@waterboards.ca.gov or by mail at, 401 Certification & Wetland Unit, Division of Water Quality, State Water Resources Control Board, 1001 I Street, 15th Floor, Sacramento, CA 95814

WATER QUALITY CERTIFICATION

I hereby issue an Order certifying that discharges from the Project work associated with the sites listed in Table 1 comply with the applicable provisions of Clean Water Act 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) if all of the conditions listed in this Certification action are met. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which establishes that this Water Quality Certification also serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Cal. Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicants' Project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



Dorothy Rice
Executive Director

AUG 08 2008

Date

SIGNATORY REQUIREMENTS

All Documents Submitted In Compliance With This Order Shall Meet The Following Signatory Requirements:

1. All applications, reports, or information submitted to the State Water Resources Control Board (State Water Board) must be signed and certified as follows
 - (a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - (b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - (c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in Items 1.a through 1.c above may sign documents if:
 - (a) The authorization is made in writing by a person described in Items 1.a through 1.c above.
 - (b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - (c) The written authorization is submitted to the State Water Board Executive Director.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information; I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

PROJECT INFORMATION SHEET

Applicant: California State Lands Commission
200 Oceangate, 12th Floor
Long Beach, CA 90802-4331

Applicant's Agent: Madhu P. Ahuja

Project Name: Santa Barbara Channel Hazards Removal Program

Project Location: 22 ocean shoreline sites between Gaviota (Santa Barbara County) and Ventura (Ventura County).

Type of Project: Shore and Beach Hazards Removal.

Project Description: The proposed project would remove derelict structures located within the California State Lands Commission's jurisdiction in Ventura and Santa Barbara Counties. Twenty-two hazard sites have been identified for treatment along the Santa Barbara Channel coastline from Tajiguas Creek to the Ventura River, including one deepwater hazard located approximately 13,500 feet offshore.

A California Environmental Quality Act Initial Study/Mitigated Negative Declaration (MND) for the subject project was released by the California State Lands Commission on July 29, 2002, SCH Number 2002071146; SCH posting date 7/30/02. A Notice of Determination (NOD) adopting the MND was filed with SCH on 10/2/02. A second NOD was posted on 8/24/04, reauthorizing the original projects along with some associated upland sites.

Many of the hazards are remnants of past oil and gas development, while others are the result of other types of development along the coastline. Several types of hazardous structures are found at the identified project sites. These include piles, sheet piling, "H" piles, "H" beams, well casings, well caissons, groins, railroad irons (rails), electrical cables, angle bar in conglomerate tar, pipelines, pipe frames, and a deep offshore wellhead.

The hazards at most of these sites are not visible except in winter, when storms transport beach sand off shore, exposing the derelict structures.

Project Description
(cont.)

Structures to be removed would typically be excavated or exposed, and then either cut off, burned off, or pulled out using hand tools or equipment such as excavators, skip loaders or vibratory pile extractors. It is expected that any holes left by removal of these structures will fill in with sand during the next tide cycle.

The MND describes a range of potential environmental effects and mitigation measures for those effects.

A Mitigation and Monitoring Plan (MMP) was prepared and submitted describing methods and practices to be used to implement the mitigations (i.e., avoidance and minimization steps) described in the MND, including water quality protection measures, biological resource protection measures, and spill prevention and response measures. The MND and MMP specify that a qualified biological monitor will be on site during project activity to ensure compliance with the listed mitigation measures.

No off-site or compensatory mitigation is described or required.

Federal Agency/
Permit(s):

U.S. Army Corps of Engineers,
Sec. 10, Rivers and Harbors Act.
Sec. 404, Clean Water Act. (file no. 200201452-JEM)

State Agency/
Permits:

Calif. Coastal Commission, Coastal Development Permit

Receiving Water(s)
Name:

Santa Barbara Channel, Pacific Ocean

Hydrologic Unit(s):

315.00, 401.00

Dredge and Fill Volume
(CY):

Waters of the U.S. (Ocean) Temporary Dredge: 334.7 yd³

Water Body Type(s)
& Area of

Waters of the U.S. (Ocean) Temporary Dredge : 0.365 ac

Filled / Excavated
Waters (Acres):

A complete list of project sites, locations, and impacts is shown in Table 2.1.

TABLE 2.1 Santa Barbara Channel Hazards Removal Program – Sites, Locations, and Impacts

Site No.	Site Name (County)	Latitude/Longitude (Township)	Hydro-logic Unit	Temporary Impact (Feet ²)	Volume of Excavation (Yards ³)
1	Tajiguas Creek (Santa Barbara Co.)	West End N 34.46759 / W120.1147 East End N 34.46494 / W 120.10458 (T5N - R31E - Sec. 34)	315.00	45	1.4
2	El Capitan State Beach (Santa Barbara Co.)	N 34.46242 / W 120.04607 (T4N - R30E - Sec. 34)	315.00	282	8.5
4	Eagle Canyon Creek/ Ellwood Cove (Santa Barbara Co.)	N 34.43496 / W 119.92948 (T4N - R 30 E - Sec. 15)	315.00	39	1.2
5	Ellwood Cove (Santa Barbara Co.)	West End: N 34.42593 / W 119.90865 East End: N 34.42191 / W 119.90281 (T4N - R29E - Secs. 15-16)	315.00	225	6.7
6	Santa Barbara Shores A (Santa Barbara Co.)	N 34.42009 / W 119.89339 (T4N - R 29E - Sec. 15)	315.00	126	3.8
7	Santa Barbara Shores B (Santa Barbara Co.)	West end: N34.42521 / W 119.90754 East end: N34.41968/W119.89177 (T4N-R29E-Secs. 14-15)	315.00	207	6.2
8	Sands Beach at Devereaux Slough (Santa Barbara Co.)	North end: N34.41172/W119.88318 South end: N34.41007/W119.88155	315.00	48	1.5
9	Devereaux Point (Santa Barbara Co.)	N34.40715/W119.87830	315.00	18	0.8
10	Isla Vista Park/ Goleta-Dos Pueblos Canyon (Santa Barbara Co.)	N 34.40881 / W 119.86647 (T4N - R29E - Sec. 24)	315.00	90	2.7
11	Goleta Beach (Santa Barbara Co.)	4 sites: 1:N34.41723/W119.82163 2:N34.41708/W119.81808 3:N34.41716/W119.81662 4.N34.41671/W119.81228	315.00	10,890	200.0
13	Baltimore Hotel Beach Front (Santa Barbara Co.)	West Groin N 34.41619 / W 119.64039 East Groin N 34.41605 / W 119.64039 (T4N - R26E - Sec. 19)	315.00	30	0.8
14	Miramar Beach (Santa Barbara Co.)	West End N 34.41934 / W 119.62637 (T4N - R26E - Sec. 20)	315.00	9	0.3
15	Fernald Point (Santa Barbara Co.)	N 34.41841 / W 119.62196 (T4N - R26E - Sec. 20)	315.00	60	7.4
Table 2.1 continued next page.					

TABLE 2.1 Santa Barbara Channel Hazards Removal Program – Sites, Locations and Impacts (cont.)					
16	Ortega at Summerland (Santa Barbara Co.)	West End N34.41841 / W 119.62637 East End N34.41507 / W 119.55302 (T4N – R26E – Sec.24)	315.00	324	10.8
17	Santa Claus Lane (Santa Barbara Co.)	N 34.40974 / W 119.55302 (T4N – R26E – Sec. 24)	315.00	3,300	76.5
18	Carpenteria State Beach (Santa Barbara Co.)	N34.39030/W119.50632	315.00	3	0.1
19	Casitas Pier / East Side (Santa Barbara Co.)	N34.38562 / W 119.50632 (T4N – R25E – Sec. 33)	315.00	0	0
20	Mussel Rock / Pitas Point (Ventura Co.)	N 34.35694 / W 119.44383 (T3N – R25E – Sec. 12)	401.00	45	1.4
21	Santa Ventura Beach (Ventura Co.)	North End N 34.2743 / W 119.30711 South End N 34.27409 / W 119.30689 (T2N – R 25E – Sec. 8)	401.00	27	0.8
22	Ortega Hill / East Fernald Point (Santa Barbara Co.)	West End N34.42105 / W 119.61787 East End N34.42106 / W 119.61617	315.00	120	3.6
23	Rincon Point (Santa Barbara Co.)	N 34.37542 / E 119.47324 (T3N – R25E – Sec. 2)	315.00	9	0.2
24	Pauley Well – Offshore (Santa Barbara Co.)	N34.4413 / W 120.1682 (NA – offshore site)	NA	0	0
			TOTAL	Area	Volume
				15,897 Ft.²	334.7 yd.³
				(0.365 ac.)	

Non-Compensatory
Mitigation:

A combination of avoidance and minimization measures are proposed to offset potential effects of project construction to waters of the U.S. All feasible and practical measures will be undertaken to avoid or minimize impacts to seasonal wetlands and other waters during construction. These measures will conform to guidelines stated in the project MMP.

Compensatory
Mitigation:

Not Applicable.

Public Notice:

In satisfaction of the public notice requirements of Section 3858, Title 23, of the California Code of Regulations, which govern the State's Certification Program, a Public Notice of Application for Water Quality Certification for the subject project was posted on the State Water Board Web site on July 7, 2008.

Fees:

On July 23, 2008, a check from the Applicant in the amount of \$2,250.00 was received by the State Water Board in payment of required fees associated with this permit application.