

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



F14e

5-20-0446 (OC RE-HAB 1, LLC & GC-8, LLC)
April 13, 2021

CORRESPONDENCE

Penny Elia.....2
Steven Probert.....54
Greg & Chris Booth.....55

Seifert, Chloe@Coastal

From: Penny Elia <greenp1@cox.net>
Sent: Friday, April 9, 2021 4:59 PM
To: Seifert, Chloe@Coastal
Subject: Re: Public Comment on April 2021 Agenda Item Friday 14e - Application 5-20-0446 (OC Re-Hab 1, LLC, San Clemente 2 of 2 - large files

Thanks much. Yes, I want my comments included in correspondence please since the wq issues relate to the entire golf course as I explain in the email. The slope failure is not off site as it relates to the chronic environmental problems associated with this development - dating back to 1982. I could make a better case if I could type, but at minimum I would like Mark Gold and Commissioners Escalante and Aminzadeh to know that this chronic wq problem exists and is totally related to this golf course - including the area addressed in your staff report. Please include this response to your question in correspondence as well. I am attempting to get CCC and Regional Board staff partnering on this problem and a solution created. Thanks for understanding.

Best -

Penny

On Apr 9, 2021, at 4:28 PM, Seifert, Chloe@Coastal <chloe.seifert@coastal.ca.gov> wrote:

Hi Penny,

I can confirm receipt of this email and the four attachments. The water quality issues and off-site slope failure addressed in these materials don't seem to relate directly to the landslide repairs and habitat mitigation proposed in App. 5-20-0446; can you confirm whether you would like your correspondence to be published for Item F14e?

Thanks,
Chloe

From: Penny Elia <greenp1@cox.net>
Sent: Thursday, April 8, 2021 4:40 PM
To: Seifert, Chloe@Coastal <chloe.seifert@coastal.ca.gov>; SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Dobson, Amber@Coastal <Amber.Dobson@coastal.ca.gov>; Engel, Jonna@Coastal <Jonna.Engel@coastal.ca.gov>; Willis, Andrew@Coastal <Andrew.Willis@coastal.ca.gov>; Haage, Lisa@Coastal <Lisa.Haage@coastal.ca.gov>; Wanger, Al@Coastal <Al.Wanger@coastal.ca.gov>
Cc: Becker, Eric@Waterboards <Eric.Becker@waterboards.ca.gov>; Bradford, Darren@Waterboards <Darren.Bradford@waterboards.ca.gov>; Yu, Helen@Waterboards <Helen.Yu@waterboards.ca.gov>; Walsh, Laurie@Waterboards <Laurie.Walsh@waterboards.ca.gov>
Subject: Public Comment on April 2021 Agenda Item Friday 14e - Application 5-20-0446 (OC Re-Hab 1, LLC, San Clemente 2 of 2 - large files

Good afternoon -

Thank you for discussing this item with me last week, Chloe. As you know, I have had hand surgery so submittal of in-depth comments for the Commissioners' review and consideration is difficult at best so

will do my best to briefly outline my concerns as they relate to ongoing water quality impacts associated with this golf course. With this in mind, I have been in touch with our outstanding San Diego Region 9 staff - both permitting & enforcement (copied) and am also copying Al Wanger so he and his staff might consider these impacts to our receiving waters as well.

Before briefly addressing the WQ concerns which certainly deserve more attention than my hand can handle right now, I do want to thank CCC staff for the most welcome restoration/mitigation - this is a great step forward. Good job on everything, including close attention to plant palette.

The following attachments assist in illustrating and documenting the chronic slope failures and water quality issues along this golf course. The slope failure addressed in the redacted complaint has never been fully resolved and this is at the 16th hole - the problems exist in many areas along the golf course, not just holes 5 and 6. The EPA Complaint is also unresolved and is a combination of both stormwater discharges and chronic irrigation runoff resulting in consistent postings at Poche Beach.

Attached:

* EPA Complaint

- Redacted Complaint - slope failure at 16th hole
- Poche Beach Pollution - 2019/2020 Heal the Bay Beach Report Card
- 2016 Clean Water Act Section 401 Water Quality Certification - Shorecliffs - **SENT VIA SECOND EMAIL DUE TO FILE SIZE LABELED 2 of 2**

Thank you for considering these comments and concerns and I hope CCC and Region 9 can work together to improve water quality along this stretch of beach. The City of San Clemente has not been responsive to date, nor has Shorecliffs Golf Course.

Best -

Penny Elia
949-499-4499



DO NOT REPLY TO THIS MESSAGE.

Thank you for submitting your environmental complaint to CalEPA.

If this is an emergency, please dial 911 immediately. For hazardous material spill notification, call the State Warning Center at 1-800-852-7550.

Dear Penny Elia,

The California Environmental Protection Agency (CalEPA) received your complaint on 3/28/2019. Your complaint will be referred to the appropriate agency for investigation. Your complaint tracking number is COMP-42257.

A summary of the information you provided is provided below. If you need to correct any information or have questions about your complaint, please send your request or questions to complaints@calepa.ca.gov.

Thank you for taking the time to notify us of your concern.

Description: On January 29, 2019, a complaint re: excessive stormwater runoff and improper drainage to the receiving waters of the Pacific Ocean was made at the counter at City of San Clemente to Holly Maag, PE. She then referred the complaint to Rick Milam (Maintenance & Ops Supervisor) and Randy Little (also in the City's Maintenance Department). This department advised that they were not willing to take action without a formal, written complaint. Multiple emails, photos, videos and other documentation were provided to the City of San Clemente. We were advised that "this area is private - it's a golf course" (email on file) and the City refused to take any action. This is an ongoing problem as the drainage begins up at the golf course and travels from the inland area near Calle Vaquero, to Calle Vallarta and then on to Poche Beach where there is a chronic problem with pollution and water quality issues. The City has refused to accept that the problem at Poche Beach is associated with all of the untreated runoff that gathers contaminants along its long path that runs adjacent to the Shorecliffs development and golf course. We have a large number of photographs and videos that exceed the file size accepted by this complaint form so are attaching only a Google mapping showing the origination area. The route the flow takes to the beach and ultimately into the receiving waters of the Pacific Ocean is too large of a file to send, but will be sent to the SDRWQCB via email. There is a large pool that collects a lot of runoff and the standing water at the area depicted in the attached photo, and is growing algae as is the entire swale system that transfers the runoff.

Date/Time of Occurrence: 3/28/2019 12:00 AM

Location Address:

Calle Vallarta/Avenida Messina

San Clemente, 92672

Location Description (if provided): Described previously.

Responsible Party Name: Rick Milam

Responsible Party Company Name: City of San Clemente

Responsible Party Address:

390 Avenida Pico, Building A

San Clemente, California 92672

CHRISTOPHER R. CLARK (Bar No. 124393)
FINGAL, FAHRNEY & CLARK, LLP
333 Bayside Drive
Newport Beach, CA 92660
(949) 723-8100

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CENTRAL JUDICIAL DISTRICT

JAMES BRUNEAUX
Plaintiff,

vs.

LHC INVESTMENTS, an unknown business
entity, GC8, an unknown business entity, and
DOES 1 through 100,

Defendants.

Case No. 31233

COMPLAINT FOR:

1. NEGLIGENCE
2. NUISANCE
3. INJUNCTION

Plaintiff James Bruneaux for causes of action against Defendants, and each of them, complains
and alleges as follows:

PARTIES TO THE ACTION

1. Plaintiff James Bruneaux ("Plaintiff") is now, and at all times material hereto was, an
individual residing in the County of Orange, State of California.

2. Defendant LHC Investments ("LHC"), an unknown business entity, is now, and at all
times material hereto was, the owner of the Shorecliffs Golf Course located at 501 Avenida Vaquero, San
Clemente, County of Orange, State of California.

3. Defendant GC8 ("GC8"), an unknown business entity, is now and at all times material
hereto was, conducting business in the County of Orange, State of California.

4. The true names and capacities, whether individual, corporate, associate or otherwise, of
Defendants Does 1 through 100, inclusive, are unknown to Plaintiff. Plaintiff is informed and believes

1 and thereon alleges that Defendants Does 1 through 100, inclusive, are each responsible in some manner
2 for the events and happenings referred to in the Complaint and hereby proximately caused damage to
3 Plaintiff as herein alleged. Accordingly, Plaintiff hereby sues said Defendants by said fictitious names.
4 Plaintiff will seek leave of court to amend the Complaint to set forth the true names and capacities of said
5 Defendants when the same have been ascertained.

6 5. Plaintiff is informed and believes and thereon alleges that at all times material hereto, each
7 Defendant, including those named fictitiously herein, in addition to acting for himself, herself, or itself,
8 on his, her or its own behalf individually, is and was acting as the agent, servant, employee and
9 representative of, and with the knowledge and permission of, each of the other of said Defendants and
10 within the course, scope and authority of said agency, service, employment and representation. Plaintiff
11 is further informed and believes and thereon alleges that the acts of each of the Defendants referred to in
12 this Complaint were fully ratified by all of the other Defendants herein.

13 VENUE OF ACTION

14 6. The venue of this action is within the County of Orange because the real property at issue
15 in this action is located in the City of San Clemente, County of Orange, State of California.

16 FIRST CAUSE OF ACTION

17 (NEGLIGENCE AGAINST ALL DEFENDANTS)

18 7. Plaintiff incorporates herein by reference, as though fully set forth herein, the allegations
19 contained in paragraphs 1 through 6, inclusive.

20 8. Plaintiff resides at [REDACTED] San Clemente, California ("Subject Property").

21 9. Defendants own and/or operate a golf course commonly known as Shorecliffs Golf Course,
22 a portion of which abuts the Subject Property's downhill rear slope.

23 10. Plaintiff is informed and believes and thereon alleges that at all times material hereto,
24 Defendants so negligently and carelessly graded the toe of the slope so as to remove the lateral support
25 proximately causing a slope failure of approximately seventy (70) feet in width and seventeen (17) feet
26 high, and to a depth of approximately three (3) to five (5) feet below the surface of the slope.

27 11. As a direct and proximate result of the negligent and careless acts of the Defendants,
28 Plaintiff has been damaged in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00).

1 Plaintiff will seek leave of court to amend this Complaint to state the exact amount of said damages when
2 the same have been ascertained or on proof thereof.

3 12. As a further proximate result of the tortious conduct of Defendants, Plaintiff has suffered
4 severe emotional distress causing additional damage in an amount presently unascertained. Plaintiff will
5 seek leave of court to amend this Complaint to state the exact amount of his emotional distress damages
6 when the same have been ascertained or on proof thereof.

7 SECOND CAUSE OF ACTION

8 (NUISANCE AGAINST ALL DEFENDANTS)

9 13. Plaintiff incorporates herein by reference, as though fully set forth herein, the allegations
10 contained in paragraphs 1 through 12, inclusive.

11 14. Defendants improper grading of the toe of the slope which abuts the rear yard of the
12 Subject Property constitutes a nuisance pursuant to Civil Code, Section 3479, in that it has removed the
13 lateral support for the Subject Property's rear yard.

14 15. As a proximate result of Defendants' removal of the toe of the slope, a substantial slope
15 failure occurred in the rear yard of the Subject Property in or about February 1998.

16 16. Plaintiff has notified Defendants of the nuisance, the damages caused thereby, and the
17 potential for future damages. Although Plaintiff has demanded the repair of the slope including the
18 regrading of the toe of the slope to return the lateral support for the entire slope, Defendants have failed
19 to take such remedial action.

20 17. As a direct and proximate result of the nuisance caused by Defendants grading and
21 removal of the toe of the slope abutting the rear yard of the Subject Property, Plaintiff has been damaged
22 in an amount in excess of \$75,000.00. Plaintiff will seek leave of court to amend this Complaint to state
23 the exact amount of said damages when the same have been ascertained or on proof thereof.

24 18. As a further proximate result of the tortious conduct of Defendants, Plaintiff has suffered
25 severe emotional distress causing additional damage in an amount presently unascertained. Plaintiff will
26 seek leave of court to amend this Complaint to state the exact amount of his emotional distress damages
27 when the same have been ascertained or on proof thereof.

28 ///

19. The existence of the improperly removed toe of the slope abutting the rear yard of the Subject Property creates a continuing threat to the health, safety, use and enjoyment of Plaintiff's property. Consequently, unless Defendants are forced to abate the nuisance by repairing the slope including the replacement of the toe of the slope to provide lateral support for the rear yard of the Subject Property, Plaintiff will suffer irreparable injury to his property and its value from the continuing threat posed by Defendants' removal of the toe of the slope. Plaintiff is therefore entitled to the abatement of this nuisance in the form of the replacement of the toe of the slope and regrading of the slope under the supervision of a licensed engineer.

THIRD CAUSE OF ACTION

(INJUNCTION AGAINST ALL DEFENDANTS)

20. Plaintiff incorporates herein by reference, as though fully set forth herein, the allegations contained in paragraphs 1 through 19, inclusive.

21. The removal of the toe of the slope by Defendants at the base of the rear yard slope behind the Subject Property constitutes a continuing threat to the health, safety, use and enjoyment of Plaintiff's property in that it has caused a slope failure and continues to present a threat of further slope failures which may remove the support for the foundation of the residence on the Subject Property.

22. Plaintiff has notified Defendants of the danger posed by the removal of the toe of the slope and the potential for future damages. Although Plaintiff has demanded the replacement of the toe of the slope and the regrading of the slope, Defendants have failed to take such remedial action.

23. Consequently, unless Defendants are ordered to repair the subject slope to provide lateral support for the rear yard of the Subject Property, Plaintiff will suffer irreparable injury to his property and its value from the continuing threat posed by this condition. Plaintiff is therefore entitled to an injunction requiring Defendants to properly repair the toe of the slope and the slope itself under the supervision of a licensed engineer.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

On the First Cause of Action:

1. For actual damages according to proof;

111

1 On the Second Cause of Action:

- 2 2. For actual damages according to proof;
- 3 3. For an order of abatement requiring Defendants to replace the toe of the slope and repair
- 4 the rear slope of the Subject Property;

5 On the Third Cause of Action:

- 6 4. For an injunction requiring Defendants to repair the toe of the subject slope to provide
- 7 lateral support for the rear yard of the Subject Property;

8 On all Causes of Action:

- 9 5. For costs of suit incurred herein;
- 10 6. For such other and further relief as the Court deems just and proper.

11

12 Dated: July 23, 1999

FINGAL, FAHRNEY & CLARK, LLP

13

14

15 By: _____

16 CHRISTOPHER R. CLARK

17 Attorneys for Plaintiff

18 [REDACTED]

19

20 [REDACTED]

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HEAL THE BAY

2019-2020

BEACH REPORT CARD



- **Poche Beach** at the creek outlet in Orange County returned to the Beach Bummer list at number two after a brief hiatus (it was on the list in 2018, 2013, 2012, 2011). San Clemente Pier made a second consecutive appearance as a Beach Bummer coming in at number nine.

CONSISTENTLY POSTED – OFTEN FOR EXTENDED PERIODS OF TIME

**PRIMARILY A RESULT OF SHORECLIFFS GOLF COURSE
NON-EXISTENT WATER QUALITY CONTROL
PROTOCOLS & PROCEDURES**

CHRONIC POLLUTION OF THIS BEACH MUST CEASE



—

• [REDACTED]
• [REDACTED]
• [REDACTED]

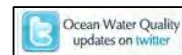
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]





San Diego Regional Water Quality Control Board

December 16, 2016

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 8950

Mr. George Zeber
OC Re-hab 1, LLC
13101 Barrett Hill Circle
North Tustin, CA 92705

In reply/refer to:

R9-2016-0134: 824568:dbradford

**Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2016-0134
for the Via Ballena - Shorecliffs Golf Course Landslide Repair Project**

Mr. Zeber:

Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2016-0134 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by OC Re-hab 1, LLC for the Via Ballena - Shorecliffs Golf Course Landslide Repair Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

OC Re-hab 1, LLC is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject OC Re-hab 1, LLC to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring OC Re-hab 1, LLC to cease and desist from violations or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Please submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to the San Diego Water Board, 2375 Northside Drive, San Diego, CA 92108. Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2016-0134: 824568:dbradford.

For questions or comments regarding the Certification, please contact Darren Bradford by telephone at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2016-0134 for the Via Ballena
- Shorecliffs Golf Course Landslide Repair Project

DWG:jgs:db:eb:dlb

CC:

U.S. Army Corps of Engineers
Regulatory Branch
San Diego Field Office
Andreas Polis
Andreas.Polis@usace.army.mil

California Department of Fish and Wildlife
South Coast Region
Habitat Conservation Planning – South
Kevin Hupf
Kevin.Hupf@wildlife.ca.gov

U.S. EPA, OWOW
Melissa Scianni
Scianni.melissa@epa.gov

State Water Resources Control Board,
Division of Water Quality
401 Water Quality Certification and
Wetlands Unit
Stateboard401@waterboards.ca.gov

Mr. Eric Becker
San Diego Water Board
Eric.Becker@waterboards.ca.gov

Mr. David Barker
San Diego Water Board
David.Barker@waterboards.ca.gov

Tech Staff Information	
Certification No.	R9-2016-0134
Party ID	556453
Reg. Meas. ID	406163
Place ID	824568
Person ID	556452
WDID	9000003056

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

2375 Northside Drive, Suite 100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

PROJECT: **Via Ballena - Shorecliffs Golf Course Landslide
Repair
Certification Number R9-2016-0134
WDID: 9000003056**

Reg. Meas. ID: 406163
Place ID: 824568
Party ID: 556453
Person ID: 556452

APPLICANT: **OC Re-hab 1, LLC
13101 Barrett Hill Circle
North Tustin, CA 92705**

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

PROJECT DESCRIPTION

An application dated May 12, 2016 was submitted by OC Re-hab 1, LLC (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed Via Ballena - Shorecliffs Golf Course Landslide Repair Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on September 14, 2016. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2016-00153-AP).

The Project is located within the City of San Clemente, Orange County, California at 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, and 257 Via Ballena. The Project center reading is located at latitude 33.44485 and longitude -117.63652. The Applicant has paid all required application fees for this Certification in the amount of \$33,750.00. On an annual basis, the Applicant must also pay all active discharge fees and post discharge monitoring fees, as appropriate¹. On September 14, 2016 the San Diego Water Board provided public notice of

¹ The Applicant must pay an annual active discharge fee each fiscal year or portion of a fiscal year during which discharges occur until the San Diego Water Board or the State Water Resources Control Board (State Water Board) issues a Notice of Completion of Discharges Letter to the Applicant. The Applicant must pay an annual post-discharge monitoring fee each fiscal year or portion of a fiscal year commencing with the first fiscal year following the fiscal year in which the San Diego Water

(footnote continued on next page)

the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

Two landslides have occurred - one in 2006 and another in 2011. A total of seven homes have been red-tagged and/or demolished as a result of these landslides. At least five other properties have sustained significant damage. Near vertical headscarps are present at both landslides. The Project will repair slope failures adjacent to the 5th Hole of Shorecliffs Golf Course so that it prevents further failures and loss of property. Project activities consist of the installation of a 7 foot by 7 foot box culvert from the I-5 Freeway to the Via Cascadita storm drain, for the purpose of carrying stream flows that have eroded the toe of the slope over time. Approximately 150,000 cubic yards of imported material will be discharged and used to create a series of benches at a 2:1 slope with a gravity buttress that will anchor the toe of the slope. The canyon bottom will be raised a minimum of 20 feet adjacent to the landslide so the slopes can be stabilized. Surface and subsurface drainage will be installed on the reconstructed hillside. The Applicant will replace the impacted channel by establishing (meandering) an existing 6300 linear foot channel at Site 2 and Site 3 (see Attachment 4) creating at least an additional 2500 linear feet of new channel. The City of San Clemente has confirmed that the new culvert will not cause increased downstream erosion or hydromodification.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin* (9) (Basin Plan).

Project construction will permanently impact 0.3 acre (2,500 linear feet) of streambed waters of the United States and/or State and 0.4 acre (1,680 linear feet) of wetland waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.70 acre (4,180 linear feet) of jurisdictional waters will be achieved through the establishment of 2.9 acres (4,180 linear feet) of waters of the United States and/or State. All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill. Mitigation for discharges of fill material to waters of the United States and/or State will be

(footnote continued from previous page)

Board or State Water Board issued a Notice of Completion of Discharges Letter to the Applicant, but continued water quality monitoring or compensatory mitigation monitoring is required. The Applicant must pay the annual post-discharge monitoring fee each fiscal year until the San Diego Water Board or the State Water Board issues a Notice of Project Complete Letter to the Applicant. Additional information regarding fees can be found electronically at the following location:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredgefillcalculator.xlsx

completed by the Applicant on-site at the Shorecliffs Golf Course, located in the Prima Deshecha hydrologic sub-area (HSA 901.31) at a minimum compensation ratio of 4.14:1 (area mitigated:area impacted).

Detailed written specifications and work descriptions for the compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the *Restoration, Mitigation, Monitoring, & Maintenance Plan Via Ballena – Shorecliffs Golf Course Landslide Repair* (Mitigation Plan), dated July 1, 2016. San Diego Water Board acceptance of the Mitigation Plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan is incorporated in this Certification by reference as if set forth herein. The Mitigation Plan provides for implementation of compensatory mitigation which offsets adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Mitigation Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations, the Mitigation Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

Additional Project details are provided in Attachments 1 through 4 of this Certification.

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Attachments:

1. Definitions
2. Project Location Maps
3. Project Site Plans
4. Mitigation Figures

I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2016-0134 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf.
- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality

certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.

- E. **Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 USC section 1313). The Basin Plan is accessible at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

- F. **Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water Board for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. **Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. **Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** 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.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the Pacific Ocean or its tributaries;
 3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

- K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.
- M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.

- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- I. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.

- N. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- O. **On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.
- P. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of Pacific Ocean or its unnamed tributaries. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VII.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.
- Q. **Groundwater Dewatering.** If groundwater dewatering is required for the Project, the Applicant shall enroll in and comply with the requirements of San Diego Water Board Order No. R9-2015-0013, NPDES No. CAG919003, *General Waste Discharge Requirements For Groundwater Extraction Waste Discharges to Surface Waters within the San Diego Region Except for San Diego Bay* or its successor permit.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.
- B. **Bridge, Crossing, and Culvert Design.** Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed so they will not cause scouring of the stream bed and/or erosion of the banks in the vicinity of the Project. Storm drain lines/culverts and other stream crossing structures shall be designed and maintained to accommodate at least a 100-year, 24-hour storm event, including associated bedload and debris, with a similar average velocity as upstream and downstream sections.

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- A. **Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.

- B. Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to Pacific Ocean and its unnamed tributaries within the San Juan Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
Stream Channel	0.30	2,500	1.7 Establishment ¹	5.67:1	2,500 Establishment	1:1
Wetland	0.40	1,680	1.2 Establishment ²	3:1	1,680 Establishment	1:1

1. Streambed establishment by meandering an existing 6300 linear foot channel at Site 2 and Site 3 (see Attachment 4) creating at least an additional 2500 linear feet of new channel.
2. Wetland establishment at adjacent on-site drainage.

- C. Compensatory Mitigation Plan Implementation.** The Applicant must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.
- D. Performance Standards.** Compensatory mitigation required under this Certification shall be considered achieved once it has met the ecological success performance standards contained in the Mitigation Plan (page 11) to the satisfaction of the San Diego Water Board.
- E. Compensatory Mitigation Site Design.** The compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:
1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and

3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.

F. **Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.

G. **Long-Term Management and Maintenance.** The compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity, in conformance with the long-term management plan and the final ecological success performance standards identified in the Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:

1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;
3. The Mitigation site(s) must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and
4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.

H. **Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.

- I. **Mitigation Site(s) Preservation Mechanism.** Within 90 days from the issuance of this Certification, the Applicant must provide the San Diego Water Board with a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within one year of the start of Project construction**, the Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- C. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. **Records of Monitoring Information.** Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.

- E. **California Rapid Assessment Method.** California Rapid Assessment Method (CRAM)² monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site and proposed compensatory mitigation site(s). These conditions reflect the overall level of ecological function of an aquatic resource. Prior to initiating Project construction, the Applicant shall develop a monitoring plan to implement California Rapid Assessment Method (CRAM) monitoring. The Applicant must conduct a quantitative function-based assessment of the health of streambed habitat to establish pre-project baseline conditions, set CRAM success criteria, and assess the mitigation site(s) progress towards meeting the success criteria. CRAM monitoring must be conducted prior to the start of Project construction authorized under this Certification and annually following construction completion for a period of 5 years. The annual CRAM monitoring results shall be submitted with the Annual Project Progress Report. An evaluation, interpretation, and tabulation of all CRAM assessment data shall be submitted with the Final Project Completion Report..
- F. **Discharge Commencement Notification.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.
- G. **Geographic Information System Data.** The Applicant must submit Geographic Information System (GIS) shape files of the Project impact sites within 30 days of the start of project construction and GIS shape files of the Project mitigation sites within 30 days of mitigation installation. All impact and mitigation site shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.
- H. **Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation, compensatory mitigation, and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. The Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1st through December 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:
1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
 - a. The names, qualifications, and affiliations of the persons contributing to the report;
 - b. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best

² The most recent versions of the California Rapid Assessment Method (CRAM) for Wetlands and additional information regarding CRAM can be accessed at <http://www.cramwetlands.org/>

management practices project features for erosion and storm water quality treatment;

- c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
- d. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. **Compensatory Mitigation Monitoring Reporting.** Mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:

- a. Names, qualifications, and affiliations of the persons contributing to the report;
- b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
- c. A description of the following mitigation site(s) characteristics:
 - i. Detritus cover;
 - ii. General topographic complexity;
 - iii. General upstream and downstream habitat and hydrologic connectivity; and
 - iv. Source of hydrology
- d. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;
- e. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;

- f. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 - g. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/401c/401PhotoDocRB9V713.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
 - h. A qualitative comparison to adjacent preserved streambed areas;
 - i. The results of the California Rapid Assessment Method (CRAM) monitoring required under section VI.E of this Certification;
 - j. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
 - k. A survey report documenting boundaries of the compensatory mitigation site(s).
- l. **Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project**. The final report must include the following information:
- 1. Date of construction initiation;
 - 2. Date of construction completion;
 - 3. BMP installation and operational status for the Project;
 - 4. As-built drawings of the Project, no bigger than 11"X17";
 - 5. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced; and
 - 6. An evaluation, interpretation, and tabulation of all California Rapid Assessment Method (CRAM) assessment data collected throughout the term of Project construction in accordance with section VI.E of this Certification.

- J. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- K. **Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. R9-2016-0134:824568:dbradford
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2016-0134: 824568:dbradford.

- L. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described 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 San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- M. **Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be certified as follows:

"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."

VII. NOTIFICATION REQUIREMENTS

- A. **Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board 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 San Diego Water Board, 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.
- B. **Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of Orange, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.
- C. **Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State,

shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.

- D. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
 3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board **within 10 days of the**

transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of responsibility for compliance with this Certification in the event that a transferee fails to comply.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of San Clemente is the lead agency under the California Environmental Quality Act (Public Resources Code section 21000, et seq., (CEQA)), and promulgated a Notice of Exemption on July 8, 2016 under CEQA Guidelines Title 14, California Code of Regulations. The City of San Clemente has determined the project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15269 (c).
- B. A Notice of Exemption was filed by City of San Clemente on July 8, 2016. The San Diego Water Board has reviewed the lead agency's Notice of Exemption and also finds that the project is categorically exempt and will not have a significant effect on the environment if compensatory mitigation is accomplished as conditioned in this Certification.

IX. SAN DIEGO WATER BOARD CONTACT PERSON

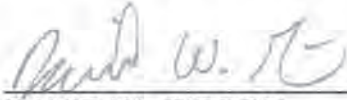
Darren Bradford, Environmental Scientist
Telephone: (619) 521-3356
Email: darren.bradford@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Via Ballena - Shorecliffs Golf Course Landslide Repair** (Certification No. R9-2016-0134) 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. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2016-0134 issued on December 16, 2016.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

16 December 2016

Date

ATTACHMENT 1

DEFINITIONS

Activity - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

Buffer - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

California Rapid Assessment Method (CRAM) - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

Compensatory Mitigation Project - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Discharge of dredged material – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

Discharge of fill material – means the addition of fill material into waters of the United States and/or State.

Dredged material – means material that is excavated or dredged from waters of the United States and/or State.

Ecological Success Performance Standards – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

Enhancement – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

Fill material – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

Isolated wetland – means a wetland with no surface water connection to other aquatic resources.

Mitigation Bank – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

Preservation - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Start of Project Construction - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

OC Re-hab 1, LLC

Via Ballena - Shorecliffs Golf Course Landslide Repair

Certification No. R9-2016-0134

ATTACHMENT 2
PROJECT LOCATION MAPS

Exhibit A – Site Location

Exhibit B – 2012 Topographic Map

Jurisdictional Delineation
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California

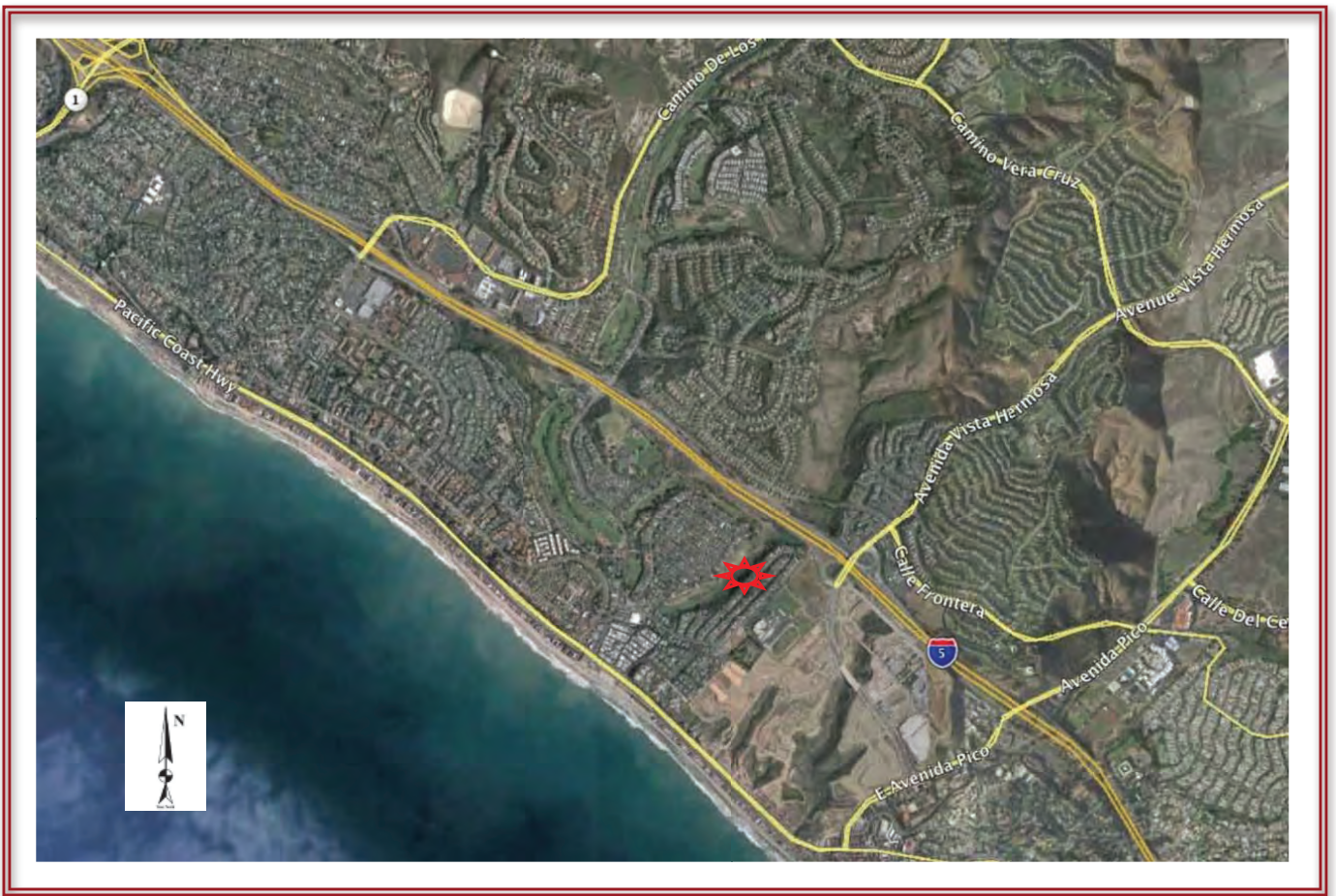
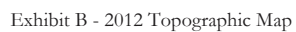


Exhibit A - Site Location

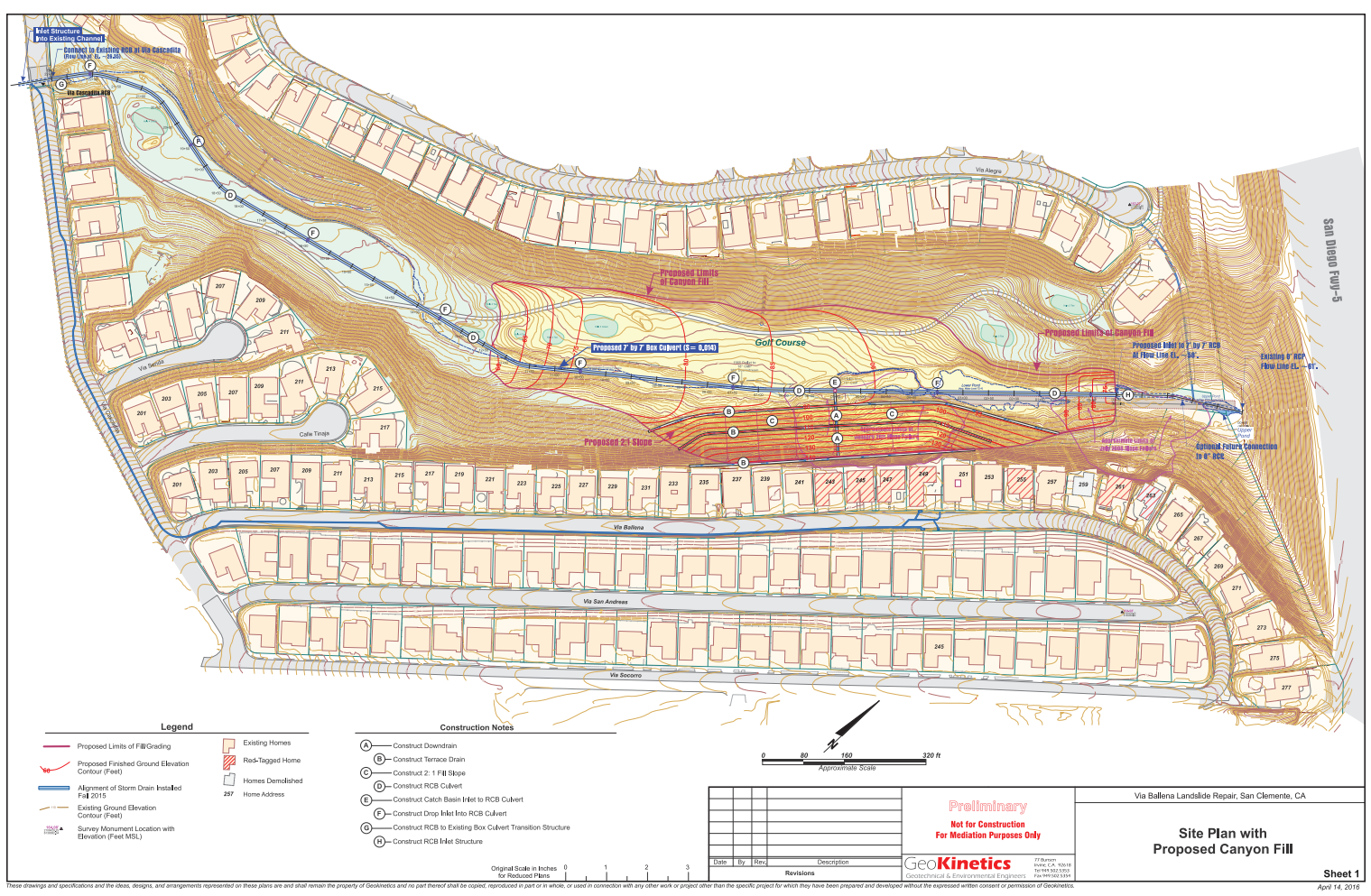
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California



OC Re-hab 1, LLC
Via Ballena - Shorecliffs Golf Course Landslide Repair
Certification No. R9-2016-0134

ATTACHMENT 3
PROJECT SITE PLANS

Sheet 1 – Site Plan
Sheet 4.1.2 – Cross Section A-A'
Sheet 4.2.2 – Cross Section B-B'
Sheet 4.3.2 – Cross Section C-C'

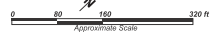


Legend

- Proposed Limits of Fill/Grading
- Proposed Finished Ground Elevation Contour (Feet)
- Alignment of Storm Drain Installed Fall 2015
- Existing Ground Elevation Contour (Feet)
- Survey Monument Location with Elevation (Feet MSL)
- Existing Homes
- Red-Tagged Home
- Homes Demolished
- Home Address

Construction Notes

- (A) Construct Downdrain
- (B) Construct Terrace Drain
- (C) Construct 2:1 Fill Slope
- (D) Construct RCB Culvert
- (E) Construct Catch Basin Inlet to RCB Culvert
- (F) Construct Drop Inlet Into RCB Culvert
- (G) Construct RCB to Existing Box Culvert Transition Structure
- (H) Construct RCB Inlet Structure



Original Scale in Inches for Reduced Plans: 0 1 2 3

Date			By	Rev	Description
Revisions					

Preliminary
Not for Construction
For Mediation Purposes Only

GeoKinetics
Geotechnical & Environmental Engineers

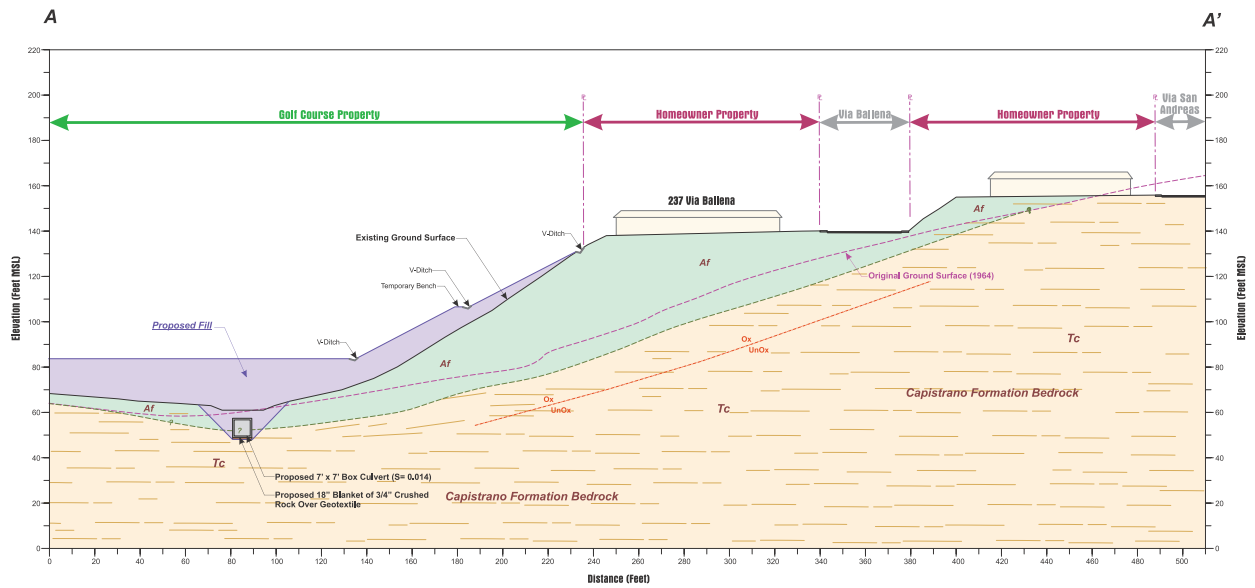
7700 North 1st Avenue
Suite 100
Phoenix, AZ 85018
Tel: 602.955.1100
Fax: 602.955.1101

Via Ballena Landslide Repair, San Clemente, CA

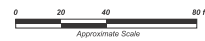
**Site Plan with
Proposed Canyon Fill**

Sheet 1
April 14, 2016

These drawings and specifications and the ideas, designs, and arrangements represented on these plans are and shall remain the property of GeoKinetics and no part thereof shall be copied, reproduced in part or in whole, or used in connection with any other work or project other than the specific project for which they have been prepared and developed without the expressed written consent or permission of GeoKinetics.



Legend	
Af	Artificial Fill
Qcol	Quaternary Colluvium
Qal	Quaternary Alluvium
Tc	Tertiary (Miocene) Capistrano Formation Bedrock
	Geologic Contact
Ox	Oxidized
UnOx	Unoxidized



Original Scale in Inches for Reduced Plans: 0 1 2 3

Date	By	Rev	Description

Preliminary
Not for Construction
For Mediation Purposes Only

GeoKinetics
Geotechnical & Environmental Engineers

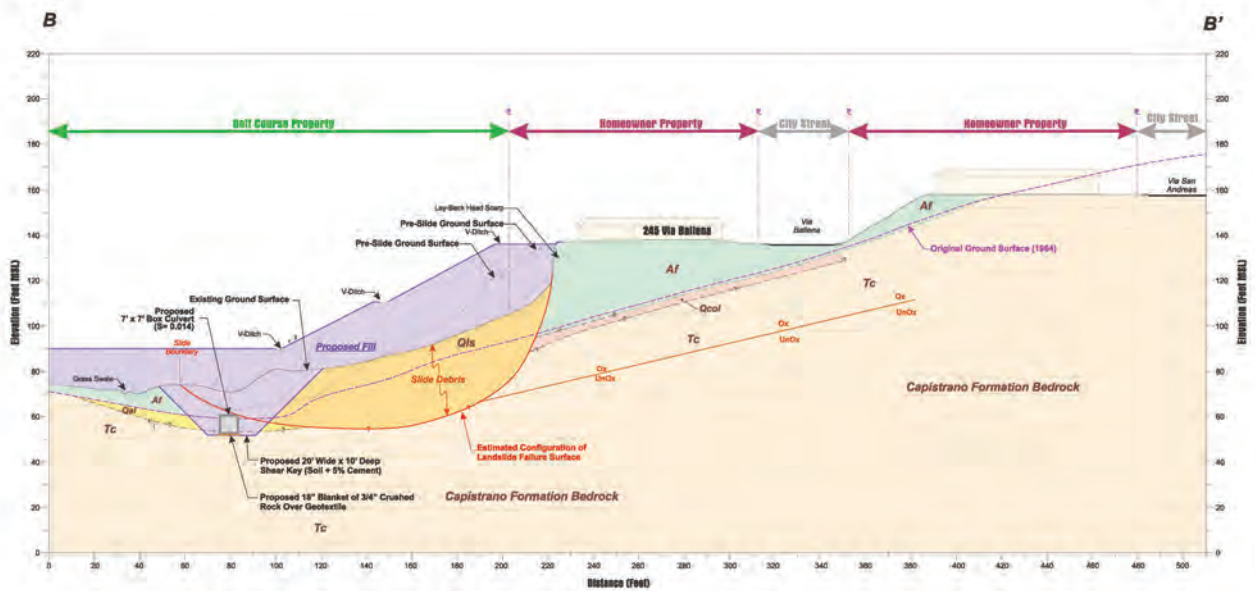
7700 W. 10th Ave., Suite 100
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101

Via Ballena Landslide Repair, San Clemente, CA

Cross Section A-A'
With Proposed Improvements

Sheet 4.1.2
January 20, 2018

These drawings and specifications and the ideas, designs, and arrangements represented on these plans are and shall remain the property of GeoKinetics and no part thereof shall be copied, reproduced in part or in whole, or used in connection with any other work or project other than the specific project for which they have been prepared and developed without the expressed written consent or permission of GeoKinetics.



Legend

Qls	Landslide	Geologic Contact	
AF	Artificial Fill	Ox UnOx	Oxidized Unoxidized
Qcol	Quaternary Colluvium		
Qal	Quaternary Alluvium		
Tc	Tertiary (Miocene) Capistrano Formation Bedrock		



Original Scale is inches: 0 1 2 3

Date	By	Rev.	Description

Preliminary
Not for Construction
For Mediation Purposes Only

GeoKinetics
Geotechnical & Environmental Engineering

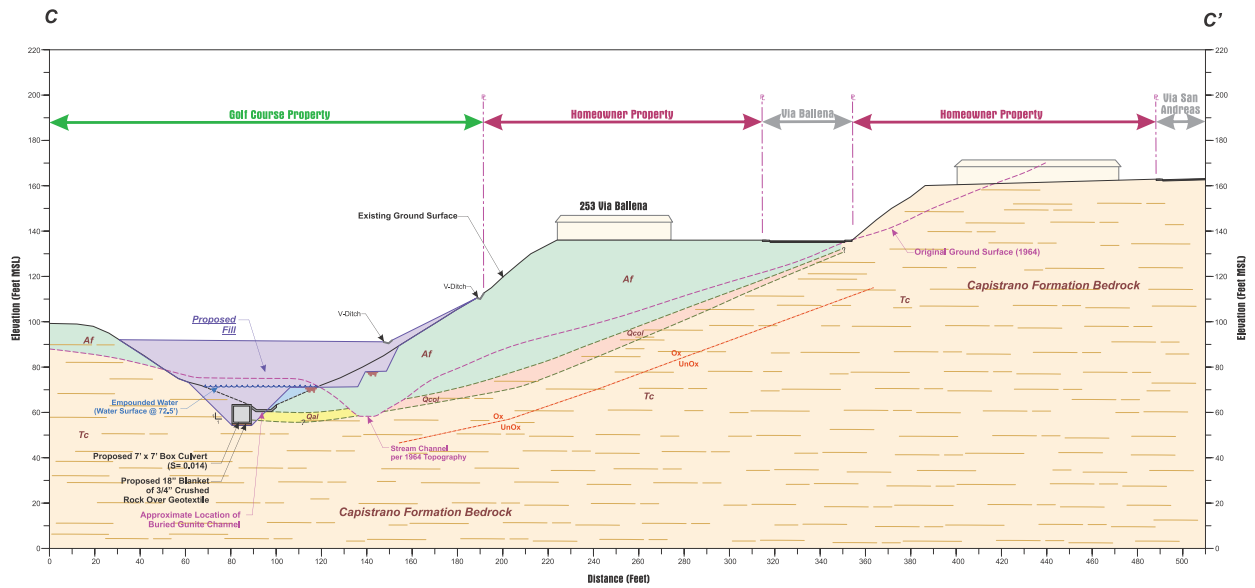
Via Balena Landslide Repair, San Clemente, CA

Cross Section B-B'
With Proposed Improvements

Sheet 4.2.2

January 20, 2010

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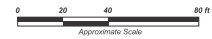


General Slope Repair Activities

- 1 Grade Access Bench
- 2 Construct Tie-Back Anchor Reaction Wall
- 3 Install Row of Tie-Back Anchors
- 4 Excavate (Slot-Cut) & Shore Shear Key
- 5 Install 7' x 7' Box Culvert
- 6 Backfill Shear Key and Access Bench

Legend	
Af	Artificial Fill
Qcol	Quaternary Colluvium
Qal	Quaternary Alluvium
Tc	Tertiary (Miocene) Capistrano Formation Bedrock
---	Ox Oxidized
---	UnOx Unoxidized
---	Geologic Contact
---	Estimated Groundwater Level

Original Scale in Inches for Reduced Plans 0 1 2 3



Date	By	Rev	Description

Preliminary
Not for Construction
For Mediation Purposes Only

GeoKinetics
Geotechnical & Environmental Engineers
7700 Canyon Blvd, Suite 100
Boulder, CO 80501
303.440.1100

Via Ballena Landslide Repair, San Clemente, CA

**Cross Section C-C'
With Proposed Improvements**

Sheet 4.3.2
January 20, 2018

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OC Re-hab 1, LLC
Via Ballena - Shorecliffs Golf Course Landslide Repair
Certification No. R9-2016-0134

**ATTACHMENT 4
MITIGATION FIGURES**

Exhibit D – Jurisdictional Determination
Exhibit A – Project Area, Channel Creation, Establishment, & Enhancement Site
Locations
Exhibit C – Mitigation Site 2
Exhibit C – Mitigation Site 3
Exhibit D – Concept Plan (Mitigation Site 2 & Site 3
Exhibit C – Mitigation Site 3
Site 2 - Conceptual Wetland Creation and Enhancement Areas
Site 3 - Conceptual Wetland Creation & Enhancement Areas

Jurisdictional Delineation
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California



Exhibit D - Federal & State Wetlands, Adjacent Wetlands, and Non-Wetland Waters with National Wetlands Inventory Overlay

Restoration, Mitigation, Monitoring, & Maintenance Plan
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California



Exhibit A - Project Area, Channel Creation, Establishment, & Enhancement Site Locations

Restoration, Mitigation, Monitoring, & Maintenance Plan
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California

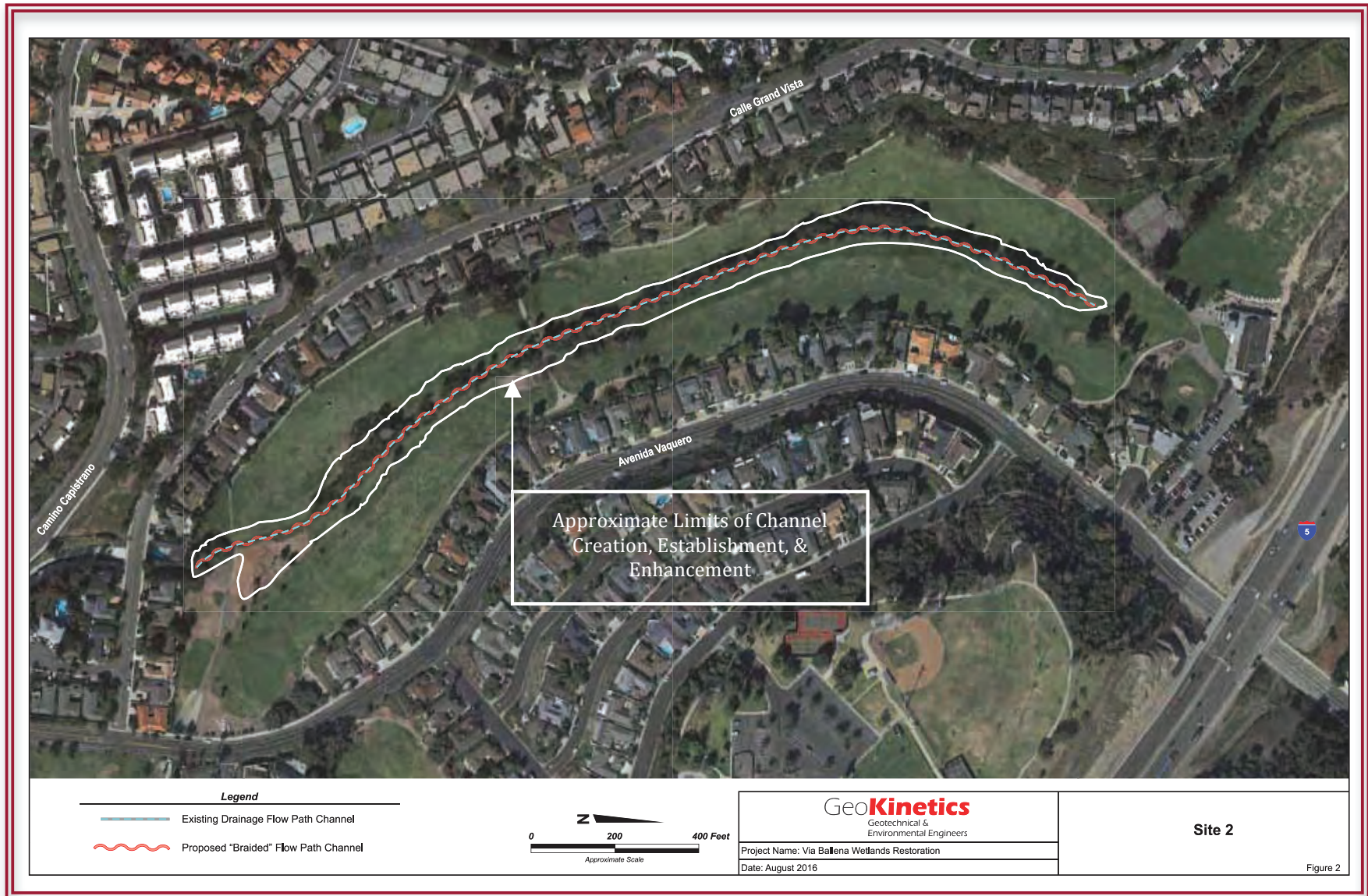


Exhibit C - Mitigation Site 2

Restoration, Mitigation, Monitoring, & Maintenance Plan
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California



Exhibit C - Mitigation Site 3

Restoration, Mitigation, Monitoring, & Maintenance Plan
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California

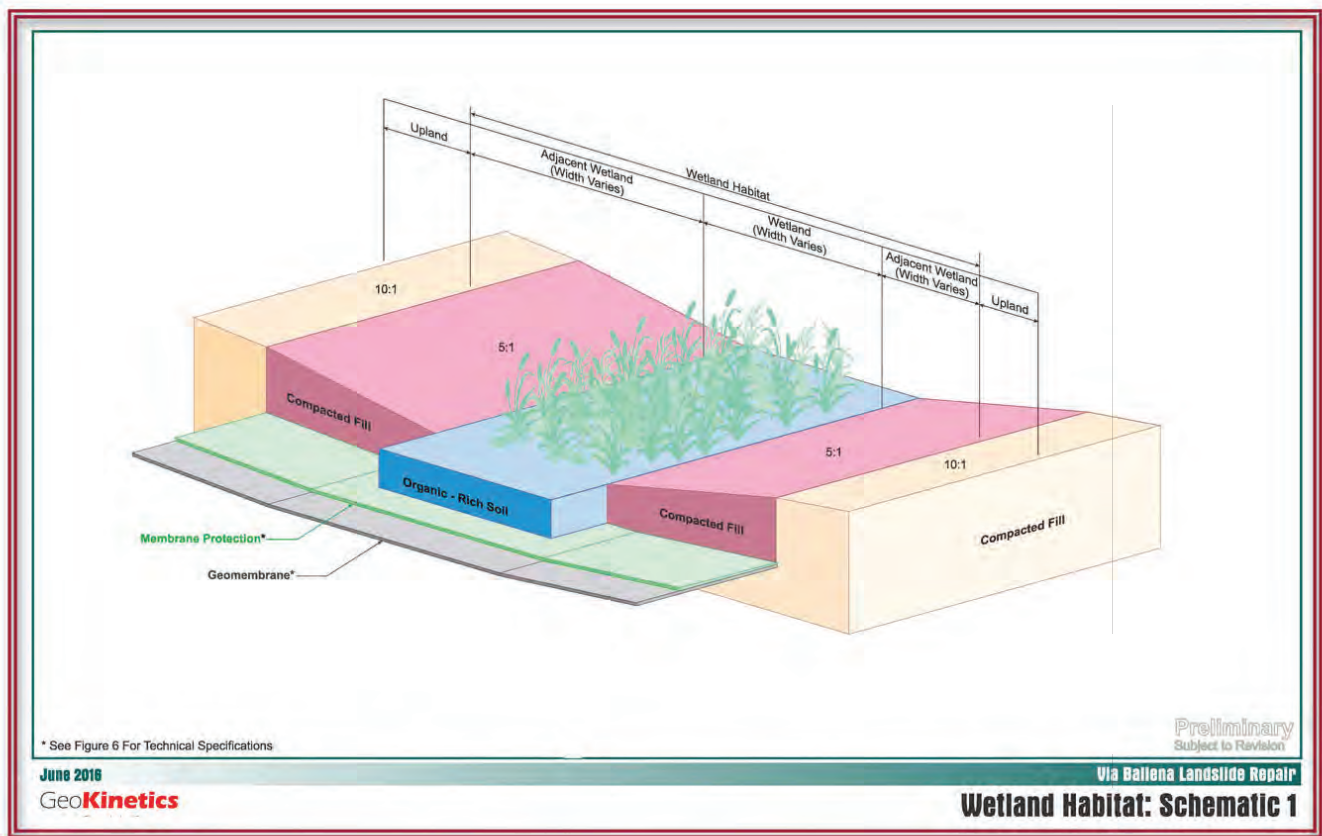


Exhibit D - Concept Plan (Mitigation Site 1)

Restoration, Mitigation, Monitoring, & Maintenance Plan
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California

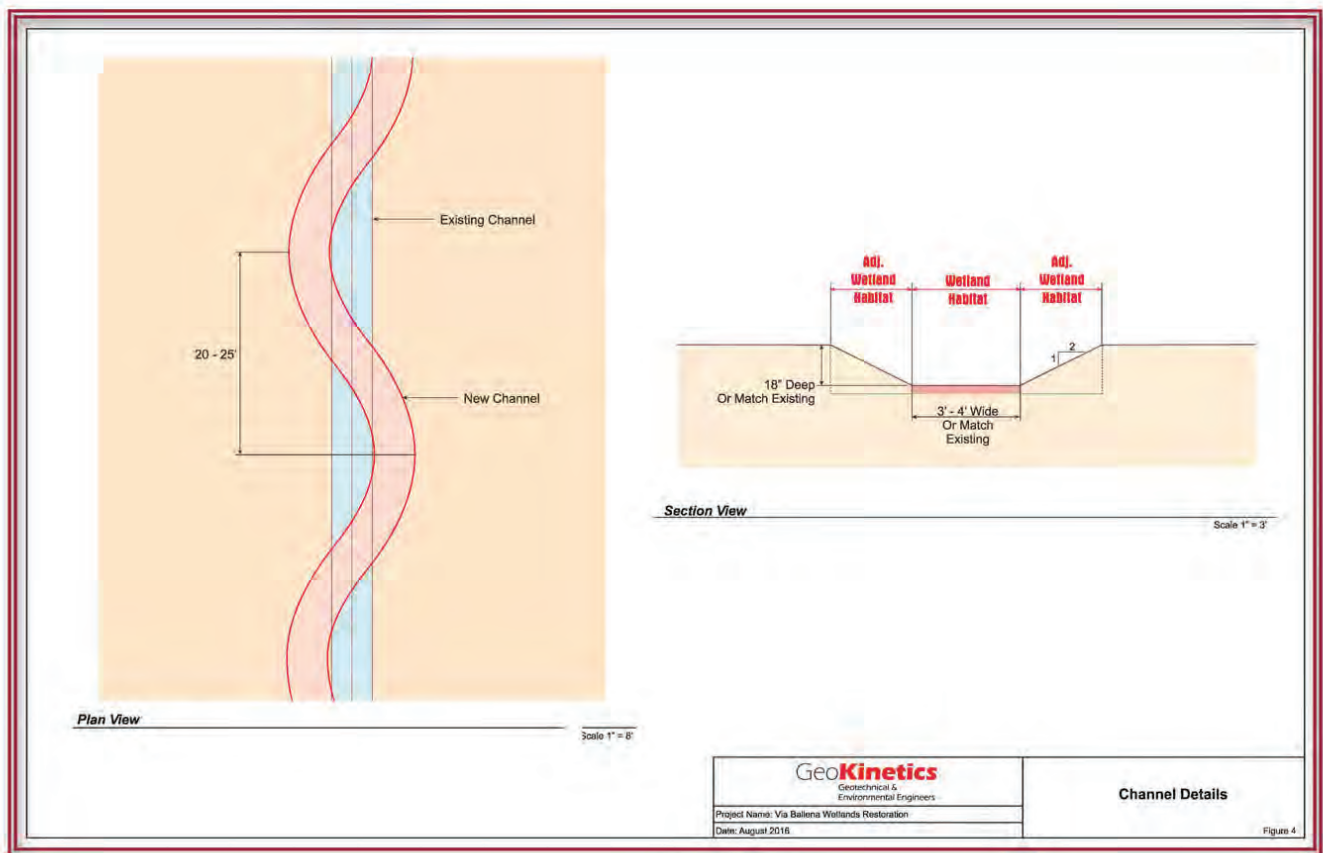


Exhibit D - Concept Plan (Mitigation Site 2 & Site 3)

Restoration, Mitigation, Monitoring, & Maintenance Plan
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California



Site 3 - Conceptual Wetland Creation & Enhancement Areas

Restoration, Mitigation, Monitoring, & Maintenance Plan
Via Ballena - Shorecliffs Golf Course Landslide Repair, San Clemente, California



Site 2 - Conceptual Wetland Creation and Enhancement Areas

Seifert, Chloe@Coastal

From: SouthCoast@Coastal
Sent: Friday, April 9, 2021 10:14 AM
To: Seifert, Chloe@Coastal
Subject: FW: Public Comment on April 2021 Agenda Item Friday 14e - Application 5-20-0446 (OC Re-Hab 1, LLC, San Clemente)

From: Michele Probert [mailto:michele@monkeymae.com]
Sent: Thursday, April 08, 2021 11:46 PM
To: SouthCoast@Coastal
Cc: sunde@san-clemente; Chris Booth; wardk@san-clemente.org
Subject: Public Comment on April 2021 Agenda Item Friday 14e - Application 5-20-0446 (OC Re-Hab 1, LLC, San Clemente)

Hello,

We just received notification regarding the Coastal Commission's meeting. Myself and a few of my neighbors have a concern regarding the toe of the hill below 213 and 215 Calle Tinaja. We understand that many good things are being done to improve the water flow and to reestablish the wetlands. We also understand that it is supposed to be a low flow channel and there will be wetlands and plantings on that same toe of the cliff. We are just concerned that any water flowing below may undercut the integrity of the hillside and cause another slide. We are hoping there is some way to either move the flow away from actually touching the hillside or do something to make sure the hill can't be compromised.

When there are heavy rains there is a good amount of water flowing down that channel and right up to the hillside. It will be undercut over time.

If there is a landslide on that portion of the hillside then all of the mitigation and wetlands below will be destroyed, so it is obviously best to determine if an issue is being created and to come up with a solution.

I would be happy to answer any questions or clarify anything. I am available to attend the meeting if necessary.

I am also attaching a letter from my neighbor, she asked me to send her concerns along also.

Thank you for your consideration.

Steven Probert
215 Calle Tinaja
310-916-3591

To Whom It May Concern,
We received a letter
yesterday late afternoon from
The California Coastal Commission.
The letter was dated on April 2,
2021. We have a day and a
half to respond.

Our concern is that the
marsh below our home on 213
Calle Tinaja and our neighbors
at 215 Calle Tinaja is causing
a huge concern.

The marsh was originally
routed on the other side of
Cascadita Canyon. It has
be re-routed below us & is
undermining the hillside above
it. The grade of the cart
path was built up. In my
opinion it was built too
close to the hillside & the
height of the path causes
water to flow towards the
hillside. We are really
concerned especially if
there is rain as this winter
was exceptionally dry.

We would appreciate it
if it could be moved as far
away as possible from our
homes above. Would love
a chance to plead our case.

Greg & Chris Booth
213 Calle Tinaja