



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Agency Secretary

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

June 3, 2009
CIWQS Place No. 728683 (BT)
401 Database Site No. 02-38-C0122

Sent via electronic mail: No hard copy to follow

California Department of Transportation
Attn: Mr. Nidal Tuquan
Nidal_Tuquan@dot.ca.gov
111 Grand Ave.
Oakland, CA 94612-3717

Subject: Water Quality Certification for the Doyle Drive Golden Gate Bridge South Access Project, San Francisco, San Francisco County

Department Project No.: EA 04-16370

Dear Mr. Tuquan:

We have reviewed and hereby issue water quality certification to the California Department of Transportation (Department) for the project referenced above (hereinafter Project). The Department has applied for and received a U.S. Army Corps of Engineers (Corps) Nationwide Permit No. 14, *Linear Transportation*, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). As such, the Department has applied to the Water Board for a Clean Water Act Section 401 water quality certification that the Project will not violate State water quality standards.

Project: The Department proposes to replace the seismically-deficient, existing viaduct structure that carries traffic to and from the Golden Gate Bridge through the Presidio (Doyle Drive). The existing structure will be replaced with a six-lane facility and a southbound auxiliary lane between the Park Presidio Interchange and the new Presidio access at Girard Road. The Project involves construction of eight sections, listed here sequentially from west to east: an at-grade roadway, the "Presidio" elevated viaduct, another at-grade roadway, the "Battery Tunnel," another section of an at-grade roadway, the "Marina Boulevard Tunnel," a low causeway, and an at-grade roadway near the Palace of Fine Arts.

Impacts: Project implementation will permanently fill approximately 0.81 acres of jurisdictional seasonal freshwater wetlands and due to construction access and staging, temporarily impact approximately 0.16 acres of jurisdictional seasonal freshwater wetlands. Project implementation will also result in approximately 1,391 linear feet (0.11 acres) of

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temporary impacts to jurisdictional waters as a result of restoration activities in Dragonfly Creek, the Battery East bluffs, and at Tennessee Hollow.

Project implementation would result in added impervious area. Stormwater runoff from impervious areas may contain hydrocarbons, metals, volatile organic compounds, trash, and sediment at levels that may significantly impact waters of the State if left untreated.

Construction of the Project tunnel(s) may disrupt the flow of groundwater resulting in indirect impacts to approximately 1.77 acres of down-gradient wetlands that are sustained by groundwater (wetlands 4, 6d, and 7, upon the Battery-Blaney bluffs—the bluffs are north of Doyle Drive and south of Crissy Field).

Future Project-Related Impacts: Prior to Project completion, two existing outfalls shall be upgraded to provide drainage to San Francisco Bay from the Project area. The new outfalls may have larger diameters and be lengthened into the Bay to prevent sand drifts from blocking the outlets. At the time of issuance of this certification, the Department did not yet have design plans beyond the conceptual level and therefore, impact information was not available. This certification does not certify construction of these new outfall structures. The outfall structures must be certified in the future, either as a modification to this certification, or as a new certification.

Mitigation: To mitigate for permanent impacts to jurisdictional wetlands, the Department shall provide wetland creation, and wetland and riparian restoration and enhancement on National Park Service land and land subject to Presidio Trust's jurisdiction within the Presidio. Because the Department is receiving economic stimulus funding for the Project and on an accelerated schedule, the Final Mitigation and Monitoring Plans (MMPs) are not yet available and will be submitted subsequent to certification issuance. As such, exact levels of compensatory mitigation available at each mitigation location will not be available until the Final MMPs are completed.

The Department shall mitigate for the 0.81 acres of permanent impacts to jurisdictional wetlands by creating 1.6 acres of freshwater seasonal or perennial wetlands, or, restoring 2.4 acres of freshwater seasonal or perennial wetlands, or, restoring 2.4 acres of riparian habitat by removing creeks from culverts. A combination of these creation and restoration may be approved provided restoration activities are provided in greater quantities than creation.

Mitigation activities are proposed at the following locations:

- Upper Dragonfly Creek: Dragonfly Creek is a perennial stream. The Department proposes to restore approximately 0.78 acres of freshwater wetland and willow/oak riparian habitats. Invasive species removal at this location began in 2006 in anticipation of the Project.
- Middle Dragonfly Creek: Dragonfly Creek is currently underground at this location. The Department proposes to create approximately 0.41 acres of willow/oak riparian habitat at this location.

- Lower Dragonfly Creek: The Department proposes to create approximately 0.64 acres of willow riparian habitat and enhance approximately 0.26 acres of freshwater wetland. Planting of native riparian plantings have already commenced at this location.
- Quartermaster Reach Connection: The Department proposes to create approximately 0.17 acres of willow riparian habitat and restore the creek by day-lighting 280 feet of the creek.
- North Fort Scott: The Department proposes to enhance approximately 0.44 acres of freshwater wetland meadow at this location.
- West Crissy Bluffs: The Department proposes to enhance approximately 0.19 acres of freshwater wetland at this location.
- Battery East/Marine Drive: The Department proposes to enhance approximately 0.62 acres of freshwater wetland at this location.
- Tennessee Hollow: At this location, the Department proposes to restore by day-lighting approximately 800 linear feet of the eastern tributary of Tennessee Hollow and restore an additional 250 linear feet of a degraded creek section.

Temporary impacts to wetlands shall be mitigated by in-kind, in-place restoration after construction. Because riparian habitats shall be restored and/or enhanced, mitigation for temporary impacts at these locations is not required.

As mitigation for increased pollutant loads associated with impervious areas, the Department shall provide treatment of stormwater runoff from an area equivalent to the added and reworked impervious areas (26.9 acres). Additionally, the Department shall provide permanent stormwater treatment for an additional 0.4 acres of Project impervious area to compensate for absence of treatment during the operation of the 4.1 acre temporary detour structure.

The Department shall implement a long-term hydrogeologic and biological monitoring plan to evaluate potential impacts to the hydrogeology and biological resources at wetlands 4, 6d, and 7 as a result of any up-gradient disturbance of groundwater flow. Impacts to wetlands shall be subject to additional mitigation requirements.

CEQA Compliance: An Environmental Impact Report was prepared and approved for this project pursuant to the provisions of the California Environmental Quality Act by the San Francisco Transportation Authority (SFTA). The SFTA filed a Notice of Determination on December 17, 2008 (SCH No. 2000032006).

Wetland Tracker System: It has been determined through regional, state, and national studies that tracking of mitigation/restoration projects must be improved to better assess the performance of these projects, following monitoring periods that last several years. In addition, to effectively

carry out the State's No Net Loss Policy for wetlands, the State needs to closely track both wetland losses and mitigation/restoration project success. Therefore, we require that the Department use a standard form to provide Project information related to impacts and mitigation/restoration measures. An electronic copy of the form and instructions can be downloaded at: <http://www.waterboards.ca.gov/sanfranciscobay/certs.shtml>. Project information concerning impacts and mitigation/restoration will be made available at the web link: <http://www.wetlandtracker.org>.

Certification: I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 – DWQ, “General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification” which requires compliance with all conditions of this Water Quality Certification. The following conditions are associated with this certification:

1. The Department shall adhere to the Standard conditions imposed by Nationwide Permit No. 14, issued to the Department by the Corps;
2. All jurisdictional wetlands and waters temporarily impacted by construction activities shall be immediately returned to pre-construction or improved conditions upon cessation of construction activities in these locations. Native seed and plantings shall be used for all revegetation activities, except where the Presidio Trust mandates certain plant varieties;
3. The Department shall provide post-construction treatment of stormwater runoff from no less than 27.3 acres of impervious area within the Project limits using vegetation-based treatment systems (e.g., biofiltration strips, biofiltration swales);
4. All permanent stormwater treatment controls shall be fully operational by the completion of Contract #7 which will build the Northbound High Viaduct, Northern Park Presidio Interchange and Northbound roadway to Merchant Road;
5. The Department shall submit, acceptable to the Executive Officer, a long-term hydrogeologic and biological monitoring plan to evaluate the extent of impacts to the hydrogeology and biological resources at wetlands 4, 6d, and 7, no later than July 15, 2009. The plan shall include a minimum monitoring period of five years. Any long-term hydrogeologic and biological impacts to wetlands 4, 6d, and/or 7 shall be subject to additional mitigation requirements;
6. The Department shall submit, subject to acceptance by the Executive Officer, final, post-construction stormwater treatment plans including details on design, installation, regular

inspections, and long-term operation and maintenance for Contract No. 3 (Southbound High Viaduct/Southern Park Presidio Interchange), no later than August 1, 2009;

7. The Department shall submit, subject to acceptance by the Executive Officer, final, post-construction stormwater treatment plans including details on design, installation, regular inspections, and long-term operation and maintenance for Contract Nos. 4-7 (Southbound Battery Tunnel; Girard Road Under-Crossing/Main Post Tunnels/Low Viaduct; Northbound Battery Tunnel; Northbound High Viaduct/Northern Park Presidio Interchange/Northbound Roadway to Merchant Road), no later than November 1, 2009;
8. The Department shall mitigate for the 0.81 acres of permanent impacts to jurisdictional wetlands by creating 1.6 acres of freshwater seasonal or perennial wetlands, or, restoring 2.4 acres of either freshwater seasonal or perennial wetlands, or riparian habitat by means of day-lighting culverted portions of creek within the Presidio. A combination of creation and restoration mitigation may be approved by the Executive Officer. All required mitigation shall be fully constructed by completion of the final roadway construction contract, "Contract #7: Northbound Presidio Viaduct, Northern Park Presidio Interchange, Northbound Roadway to Merchant Road." Failure to construct the abovementioned level of mitigation, by the abovementioned deadline, shall result in additional mitigation requirements and/or enforcement action by the Water Board;
9. Final MMPs for the following mitigation projects shall be submitted by the following dates:
 - Battery East/Marine Drive: October 1, 2009
 - West Crissy Bluffs: October 1, 2009
 - Upper, Middle, and Lower Dragonfly Creek: April 1, 2010
 - North Fort Scott: July 1, 2010
 - Quartermaster Reach Connection: July 1, 2011
 - Tennessee Hollow: October 1, 2011

Final MMPs shall be subject to the acceptance of the Executive Officer. Any of the proposed mitigation areas identified in this certification may be replaced or complemented with another project on land subject to the jurisdiction of the Presidio Trust, subject to the acceptance of the Executive Officer. Failure to fully implement mitigation by the dates and at the amounts noted in the Final, Water Board Executive Officer-accepted MMP, shall result in enforcement action and/or additional mitigation requirements from the Water Board. Because the Final MMPs have not yet been reviewed and accepted by the Executive Officer, there is a possibility the proposed mitigation may not be considered acceptable. In

the event that all, or any portion of the Final MMPs are not accepted by the Executive Officer, the Department shall still be required to fully comply with condition number 8 of this certification;

10. Construction of the following mitigation projects shall be completed by whichever occurs first; either the dates listed below, or by completion of the final roadway construction contract (see certification condition 8):

- Upper, Middle, and Lower Dragonfly Creek: April 1, 2011;
- North Fort Scott: April 1, 2011;
- Quartermaster Reach Connection: April 1, 2012;
- Tennessee Hollow: April 1, 2013 and,
- Battery East/Marine Drive and West Crissy Bluffs: Mitigation construction has been completed at these two mitigation sites. Adequacy of the mitigation shall be determined by the Executive Officer upon submission of the Final Mitigation and Monitoring Plans.

Any delays in mitigation construction shall be subject to additional mitigation requirements and/or enforcement action by the Water Board.

11. All Final MMPs shall include:

- a. Detailed success criteria;
- b. Final success criteria shall not be considered achieved until ten years have passed from the time of completion of mitigation construction;
- c. A proposal to implement contingency measures if mitigation monitoring data demonstrates mitigation goals have not been met;
- d. A time schedule for submittal of periodic monitoring reports to the Water Board;
- e. Pre-established photographic monitoring points be marked on a map and used during the monitoring period, with color photos included in every monitoring report;
- f. Planting plans incorporating native plant species, using locally-gathered nursery stock when available; and,
- g. Grading details based on survey data for all areas where wetland creation and creek realignment or day-lighting is proposed.

12. The discharge of sediment to San Francisco Bay, or to areas where sediment may discharge to San Francisco Bay, is prohibited. The Department shall implement all appropriate sediment and erosion control construction best management practices;

13. The Department is required to use the standard Wetland Tracker form to provide Project information describing impacts and mitigation/restoration measures no later than November 1, 2010. The completed Wetland Tracker form shall be submitted electronically to wetlandtracker@waterboards.ca.gov, or, shall be submitted as a hard copy to both: 1) San Francisco Bay Regional Water Quality Control Board (see letterhead for address), to the attention of Wetland Tracker, and, 2) San Francisco Estuary Institute, 7770 Pardee Lane, Oakland, CA 94621-1424, to the attention of Mike May;
14. Not later than 30 days prior to the beginning of construction of any Project component, the Department shall submit, acceptable to the Executive Officer, a final SWPPP to address the Project's expected construction stage impacts, prepared pursuant to the State Water Resources Control Board Water Quality Order No. 99-06-DWQ, the NPDES Statewide Permit for Storm Water Discharges From the State of California Department of Transportation Properties, Facilities, and Activities. If the Department is proposing rainy season construction activities, the Department shall provide a detailed schedule of activities and the associated pollution prevention measures that shall be in place to protect State waters;
15. This certification does not allow for the take, or incidental take, of any special status species. The Department shall use the appropriate protocols, as approved by the California Department of Fish and Game and the U.S. Fish and Wildlife Service, to ensure that Project activities do not impact the Beneficial Use of the Preservation of Rare and Endangered Species;
16. The Department shall maintain a copy of this water quality certification at the Project site so as to be available at all times to site operating personnel. It is the responsibility of the Department to assure that all personnel (employees, contractors, and subcontractors) are adequately informed and trained regarding the conditions of this certification;
17. Except as expressly allowed in this Certification, the discharge, or creation of the potential for discharge, of debris, rubbish, or any soil materials including fresh concrete, cement, silts, clay, sand and other organic materials to waters of the State is prohibited. Any of these materials placed within or where they may enter waters of the State by the Department or any party working under contract, or with the permission of the Department, shall be removed immediately. When construction is completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into waters of the State. During construction, the Department and the contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site;
18. This Certification applies to the Project as proposed in the application materials. Please be advised that failure to implement the Project as proposed is a violation of this water quality certification;

19. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code (CWC) and Section 3867 of Title 23 of the California Code of Regulations(23 CCR);
20. This certification action does not apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to California Code of Regulations (CCR) Title 23, Subsection 3855(b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought; and,
21. Certification is conditioned upon total payment of the full fee required in State regulations (23 CCR Section 3833). Water Board staff received full payment of \$2869.00 on May 26, 2009.

We anticipate your cooperation in implementing these conditions. However, please be advised that any violation of water quality certification conditions is a violation of State law and subject to administrative civil liability pursuant to California Water Code (CWC) section 13350. Failure to respond, inadequate response, late response, or failure to meet any condition of this certification may subject you to civil liability imposed by the Water Board to a maximum of \$5,000 per day per violation or \$10 for each gallon of waste discharged in violation of this certification.

Conditions 5-7, 9, 13, and 14 are requirements for submission of a report. Any requirement for a report made as a condition to this action is a formal requirement pursuant to CWC section 13267, and failure or refusal to provide, or falsification of such required report is subject to civil liability as described in CWC section 13268.

We anticipate no further action on this request. Should new information come to our attention that indicates a water quality problem with this project, the Water Board may issue Waste Discharge Requirements pursuant to 23 CCR Section 3857.

If you have any question, please contact Brendan Thompson at (510) 622-2506, or via e-mail to BThompson@waterboards.ca.gov.

Sincerely,

Bruce H. Wolfe
Executive Officer

cc (via e-mail): Mr. Bill Orme SWRCB-DWQ
Mr. Hal Durio, Regulatory Branch, USACE
Ms. Jane Hicks, Regulatory Branch, USACE
Ms. Holly Costa, Regulatory Branch, USACE
Mr. Cameron Johnson, Regulatory Branch,
USACE

Mr. Dale Bowyer, Water Board
Ms. Melissa Escaron, Fish and Game, Yountville
Mr. Hardeep Takhar, Caltrans
Ms. Jayshree Chauhan, Caltrans
Mr. David Smith, USEPA