



California Regional Water Quality Control Board
North Coast Region
Beverly Wasson, Chairperson



Alan C. Lloyd, Ph.D.
Agency Secretary

<http://www.waterboards.ca.gov/northcoast>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Arnold
Schwarzenegger
Governor

July 6, 2005

Mr. Clint Hunter
P.O. Box 1600
Willits, CA 95490

Dear Mr. Hunter:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification)
for the Hideaway Mini Storage Project

File: Hideaway Mini Storage, McKinleyville, WDID No. 1B05024WNHU

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your applicant request for a Clean Water Act, Section 401, Water Quality Certification to fill wetlands associated with development of your property in McKinleyville. The Regional Water Board received your application and \$500 processing fee on March 23, 2005. Regional Water Board staff deemed your application complete on May 23, 2005 upon receipt of an additional \$1,032 to cover the remaining balance of the required \$1,532 application fee. On May 17, 2005, we posted a notice and information describing your project on our website, for a 21-day public comment period. We did not receive any public comments regarding your project.

Project Description: This project is located near the northeast corner of the intersection of Central Avenue and Murray Road in the community of McKinleyville. Site development includes grading and placement of approximately 1,150 cubic yards of fill in existing wetlands to build a mini storage facility on approximately 3.5 acres of the approximately 9-acre parcel. Approximately 3.82 acres of the 9-acre parcel are currently classified as wetlands. The existing onsite wetlands are not continuous, range in size and range in ecosystem value. The project was designed to avoid and minimizes impacts to onsite wetlands and was designed to only impact the more degraded and less biologically valuable wetlands. Approximately 0.48-acre of the onsite wetlands are required to be filled for the project and approximately 0.53-acre of wetlands will be created onsite to compensate for the wetland impacts. Mitigation measures include additional work to consolidate, restore and enhance the remaining onsite wetlands.

California Environmental Protection Agency

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Receiving Water: Unnamed tributary to North Fork Widow White Creek in the Blue Lake Hydrologic Area No. 109.10

Filled or Excavated Area: Area Temporarily Impacted: <0.01-acre
Area Permanently Impacted: 0.48-acre

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit 39 (22446N)

Total Linear Impacts: Length temporarily impacted: none
Length permanently impacted: none

Compensatory Mitigation: The project includes creation of 0.53-acre of new wetlands onsite and restoration of additional onsite wetlands. A conservation easement or other appropriate land encumbrance is required. The applicant is required to provide a long-term funding mechanism to ensure the success of the wetland mitigation and restoration portion of the project.

Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices for heavy equipment use and sediment and turbidity control.

CEQA Compliance: The County of Humboldt, as the lead California Environmental Quality Act agency (CEQA), approved a Mitigated Negative Declaration for the project on April 13, 2005.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to 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 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee

required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The Regional Water Board shall be notified at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
- 2) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 3) Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the United States.
- 4) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 5) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place prior to and during construction.
- 6) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification
- 7) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.
- 8) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.

- 9) The wetland mitigation and restoration sites shall be monitored in accordance with the monitoring plan and schedule contained in the *Hunter Wetland Restoration and Landscaping Plan* prepared by Mad River Biologists. A copy of the wetland mitigation monitoring report shall be submitted to the Regional Water Board within 45 days of each annual inspection.
- 10) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Hideaway Mini Storage Project (Facility No. 1B05024WNHU) 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 [33 USC Subsection 1341 (a)(1)], 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.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on July 6, 2010. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Dean Prat of our staff at (707) 576-2801 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

DLP:clh/070605_DLP_hideway401cert

Enclosure: 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"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502
Mr. Marty McClelland, Oscar Larson and Associates, P.O. Box 3806, Eureka, CA 95502-3806