



California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman



Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

August 10, 2006

Mr. Rick Borges
P.O. Box 5046
Eureka, CA 95502

Dear Mr. Borges:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for Maintenance Dredging at Eureka Forest Products - Sierra Pacific Dock

File: Eureka Forest Products-Maintenance Dredging Project, Sierra Pacific Dock
WDID 1B05028WNHU

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 request for Water Quality Certification for activities related to annual maintenance dredging at the Eureka Forest Products - Sierra Pacific Dock in Eureka, Humboldt County. On March 14, 2005, the Regional Water Board received your application and a \$660.00 processing fee. We received an additional \$640.00 on April 11, 2005 which covered the remaining balance of the applicable processing fee. On April 11, 2005, we posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. The California Department of Fish and Game commented that sediment sampling and laboratory testing should be conducted prior to dredging. Sediment sampling and analysis were completed in accordance with an approved workplan.

Project Description: The project involves dredging to remove sediment that has accumulated at the edge of the dock since the area was last dredged in 1989. The purpose of the dredging project is to restore and maintain adequate berthing depth to allow for continued safe mooring and product movement by Sierra Pacific Industries. Approximately 2,000 cubic yards of sediment will be dredged initially and approximately 1,000 cubic yards will be dredged annually thereafter for a period of five years.

The authorized dredging area extends approximately 70 feet away from the dock face and approximately 130 feet north from the north end of the dock. Approximately 1.25 acres will be dredged using a clamshell dredge. A crane with a clamshell dredge will be located on the dock and will deposit dredged material into dump trucks for transportation to an onsite retention basin located in the

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northwest corner of the Eureka Forest Products property that is adjacent to the dock.

The retention basin will be designed to drain water from the dredged sediment and allow the water to percolate. The basin site is sloped away from the bay to prevent incidental surface run-off from flowing into the bay. The basin will be approximately 75 feet by 50 feet with a three-foot high perimeter berm. The spoils will be spread to a thickness of approximately 3 feet, to facilitate evaporation and percolation. Adequately dewatered dredged sediment shall be transported to an approved disposal site.

Receiving Waters: Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.

Latitude/Longitude: 40.796N/124.188W

Filled or Excavated Area: Area Temporarily Impacted: 1.25 acres
Area Permanently Impacted: none

Total Volume Dredged: 6,000 cubic yards of sediment

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No.35 (File No. 29536N)

Compensatory Mitigation: Compensatory mitigation is not required.

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

CEQA Compliance: The Humboldt Bay Harbor, Recreation and Conservation District, as the lead agency for California Environmental Quality Act (CEQA) compliance, prepared a Mitigated Negative Declaration (SCH# 2006052166) for this project and filed a Notice of Determination on July 20, 2006.

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 applicant shall dispose of all dredged material at an approved and appropriately permitted solid waste disposal site that is in compliance with all applicable permits.
- 2) The applicant shall submit an acceptable dredged material disposal plan to the Regional Water Board, for approval by the Executive Officer, prior to the start of any annual dredging episode. Dredging shall not be conducted until the applicant has received written approval of the dredge material disposal plan from the Executive Officer.
- 3) The applicant shall notify Regional Water Board staff prior to the commencement of annual dredging activities, 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.
- 4) A copy of this permit must be provided to all contractors and subcontractors conducting work on this project, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 5) All activities and Best Management Practices shall be implemented according to the submitted application and the conditions in this Water Quality Certification.

- 6) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place during all dredging and dredge material disposal activities.
- 7) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging 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. If, at any time, an unauthorized discharge to surface waters occurs, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 8) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 9) Creation of pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code, is prohibited.
- 10) The suspended sediment load of surface waters shall not be altered in such a manner as to cause a nuisance or adversely affect beneficial uses.
- 11) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 12) 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 Sierra Pacific Dock Maintenance Dredging Project, (Facility No. 1B05028WNHU) 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 August 10, 2011. 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 initiation of any dredging activities (pursuant to Additional Condition No. 3 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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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