



**California Regional Water Quality Control Board  
North Coast Region  
John W. Corbett, Chairman**



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold  
Schwarzenegger**  
Governor

April 18, 2007

In the Matter of

**Water Quality Certification**

for the

**COAST SEAFOODS COMPANY – MARICULTURE ACTIVITIES IN HUMBOLDT BAY  
WDID NO. 1B01140WNHU**

APPLICANT: Coast Seafoods Company  
RECEIVING WATER: Humboldt Bay  
HYDROLOGIC UNIT: Eureka Plain 110.00  
COUNTY: Humboldt  
FILE NAME: Coast Seafoods Company – Mariculture Activities

BY THE EXECUTIVE OFFICER:

1. On January 16, 2007, Coast Seafoods Company (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with continued shellfish mariculture operations in the northern portion of Humboldt Bay (also known as Arcata Bay). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 1, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. Coast Seafoods Company (Coast) has been growing and harvesting shellfish in Arcata Bay since the early 1950s. Coast currently owns and leases approximately 3,950 acres in Arcata Bay. Coast historically utilized as much as 1,000 acres of tidelands for its bottom culture shellfish growing operations. Bottom culture methods involve growing oysters directly on the bottom of the bay and harvesting oysters with an oyster dredge. In the 1990s, at the request of various regulatory agencies, Coast began converting to off-bottom culture methods, primarily long-line culture of Pacific and Kumamoto oysters.
3. Coast's previously permitted mariculture operations covered an operation footprint of approximately 500 acres. Coast's operations covered by this certification include an

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additional reduction of the operational footprint to a maximum of 300 acres that can be used for shellfish production at any one time. Coast's operations will include approximately 284 acres of long-line culture, approximately 11 acres of rack-and-bag culture, less than 5 acres of nursery areas, and less than 0.10 acre for the floating upwelling systems and wet storage floats. Coast has terminated all bottom culture operations and any remaining bottom culture areas shall lie fallow unless the beds are converted to off-bottom culture methods and are included in the 300-acre operational footprint.

4. The long-line oyster culture method involves hanging seeded long-lines (ropes) on notched stakes that are arranged in rows on the mudflats. Long-line culture utilizes oyster cultch with oyster spat attached (collectively referred to as oyster seed). The oyster seed is prepared at Coast's hatchery in Quilcene, Washington and trucked to Humboldt Bay. Coast stacks bags of oyster seed on wood pallets in the nursery area on Gunther Island. The bags of seed are stacked on wood pallets to prevent the bottom bags from silting in and suffocating the seed. After a few months in the nursery area, seed bags are collected and brought to Coast's processing plant in Eureka where the individual pieces of seed are braided into ropes to make the long-lines. The long-lines are bagged at the processing plant and the bags are placed on a bed or in the Arcata Channel nursery area to await planting.
5. The notched stakes used for hanging long-lines are typically made of 0.75-inch diameter PVC pipe. The long-lines hang approximately 1 foot above the bottom of the mudflats. Spacing of long-lines is variable but most beds have five long-lines spaced approximately 2.5 feet apart with 10-foot spacing between each group of five long-lines. Approximately 1,680 stakes are used per acre of long-line bed. With approximately 285 acres planted with long-lines, the total area of the bay floor that is covered by the ends of all the long-line stakes is less than 0.04 acre. Authorized operations will not result in any increase in the area of impact to waters of the United States when compared to current and past operations.
6. Compensatory mitigation is not required for Coast's continued mariculture operations in Arcata Bay; however, Coast will comply with operational conditions, Best Management Practices (BMPs), and non-compensatory mitigation measures including the following:
  - Coast will submit an annual report to the Harbor District describing the status of each bed.
  - Coast will avoid vessel contact with the bay bottom, where feasible.
  - Coast will avoid potential impacts to eelgrass due to shading by not anchoring vessels in such a way as to shade the same area of eelgrass for more than 12 hours.
  - Coast will not discharge feed, pesticides, antibiotics, or hormones into marine waters.
  - Coast will not intentionally deposit shells onto the bay floor.
  - During December, January, and February, Coast will visually survey beds prior to harvesting and/or planting to determine whether herring have spawned on the eelgrass, oyster culture materials, or substrate. Coast will postpone for two weeks any harvesting or planting activities on beds where herring spawning has occurred.
  - Coast will not engage in any dredging, hydraulic harvesting, bed cleaning, or any other activities with a hydraulic harvester.
  - Coast will not initiate any new bottom culture.

- Coast has removed all bat ray fencing on its owned or leased tidelands and will not construct any new bat ray fencing.
7. On April 12, 2007, the Humboldt Bay Harbor, Recreation and Conservation District adopted a Mitigated Negative Declaration (State Clearinghouse number 99062069) for the project in order to comply with the California Environmental Quality Act (CEQA). The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.

Receiving Water: Arcata Bay in the Eureka Plain Hydrologic Unit No. 110.00

Filled or Excavated Area: Authorized mariculture activities will not result in any increase in the amount mudflat area covered by existing shellfish mariculture operations

Latitude/Longitude: 40.83257N/124.14093W

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT COAST SEAFOODS COMPANY'S HUMBOLDT BAY MARICULTURE ACTIVITIES (WDID NO. 1B01140WNHU), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Coast Seafoods Company complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 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 title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the applicant.
4. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
5. The mitigation measures detailed in the Biological Resources, Hazardous Materials, Hydrology, and Water Quality sections in the Mitigated Negative Declaration are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, Coast shall comply with all mitigation measures identified in the CEQA findings.

6. Coast shall provide Regional Water Board staff access to the project site to document compliance with this certification.
7. If, at any time, an unauthorized discharge to surface water occurs or any water quality problem arises, Coast shall immediately cease any activities causing an unauthorized discharge or water quality problem. The Regional Water Board shall be notified promptly and in no case more than 24 hours after an unauthorized discharge or water quality problem arises. Any activities that cause an unauthorized discharge or water quality problem shall remain suspended until Coast is able to conduct those activities in a manner that will not result in an unauthorized discharge or water quality problem.
8. 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 applicable State or federal law. For the 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. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
9. The Regional Water Board may add to or modify the conditions of this certification, as appropriate, to implement 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.
10. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by Coast, Coast 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, and the 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.

11. Except 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 Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
12. The authorization of this certification for any dredge and fill activities expires on April 18, 2012. 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.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

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Catherine E. Kuhlman  
Executive Officer

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Original to: Mr. Greg Dale, Coast Seafoods Company, 25 Waterfront Drive, Eureka, CA 95501

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502  
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398  
Mr. Samuel Plauche', Buck and Gordon LLP, 2025 First Avenue, Suite 500, Seattle, WA 98121-3140