



**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

August 8, 2007

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In the Matter of

**Water Quality Certification**

for the

**RECLAMATION DISTRICT 768 – LEVEE REPAIR PROJECT  
WDID NO. 1B06068WNHU**

APPLICANT: Reclamation District 768  
RECEIVING WATER: Humboldt Bay  
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit No. 110.00  
COUNTY: Humboldt  
FILE NAME: Reclamation District 768 – Levee Repairs

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BY THE EXECUTIVE OFFICER:

1. On May 17, 2006, Reclamation District 768 (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 to repair the storm damaged levee along the Mad River Slough and the north side of Humboldt Bay near Arcata. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 2, 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. Reclamation District 768 (applicant) was established in 1904 and consists of approximately 1,500 acres of land. The applicant is responsible for maintenance of the 3.5 mile long Arcata Bay levee located south of Highway 255 and the 1.4 mile long Jackson Ranch levee located adjacent to the Mad River Slough on the north side of Highway 255. Winter storms and high tides from December 30, 2005 through January 3, 2006 led to overtopping of the levee and over 20,000 linear feet of erosion damage to the levee system. Emergency repairs have already been completed on approximately 11,500 linear feet of the most severely damaged sections of the levee. The project involves repairing the remaining sections of the damaged levee to match its original footprint.

**California Environmental Protection Agency**

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3. Levee repair activities include: construction of access roads, staging areas, and crossings; site preparation and debris removal; repairs to the seaward, landward and top of the levee; and, maintenance, repair, or replacement of culverts and tide gates. Approximately 8,000 linear feet of existing roads will be upgraded to allow heavy equipment to access the levee. Temporary staging areas will be created adjacent to the levee access points for material and equipment storage. The temporary access roads and staging areas will be surfaced with six inches of fabric-backed road base.
4. Repairs to the seaward side of the levee involve excavation of the eroded areas to create a level bench at the lowest point of the erosion damage. The bench will be backfilled with engineered fill and compacted in eight inch lifts. The restored levee slope will be covered with fabric-backed rock slope protection. Repairs to the landward side of the levee will generally be the same as the seaward side. The eroded levee surface will be graded and compacted. Imported aggregate base or engineered fill will be placed and compacted on top of the repaired levee surface.
5. There are currently eleven culverts with attached tidegates in the applicant's levee system. Seven of these existing structures will be repaired or replaced. If complete replacement is required, heavy equipment operating from the top of the levee will be used to excavate the levee fill, remove the culvert, and install a new culvert and tidegate of the same size at the same location.
6. Compensatory mitigation is not required for the proposed project. Noncompensatory mitigation for the proposed project includes timing construction activities with low tides and the use of Best Management Practices for erosion control and heavy equipment use near a waterway.
7. A Lake or Streambed Alteration Agreement from the California Department of Fish & Game is not required for this project.
8. The Applicant has applied to the United States Army Corps of Engineers to perform the project under Individual Permit (File No. 4002350N), pursuant to Clean Water Act, section 404.
9. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, section 15301 – existing facilities, pursuant to CEQA.

Receiving Water: Humboldt Bay in the Eureka Plain Hydrologic Area No. 110.00

Filled or Excavated Area: Area Temporarily Impacted: 4.5 acre of agricultural wetlands that are disturbed and seeded on a regular basis for ongoing use as cattle grazing pasture.

Area Permanently Impacted: 2.3 acre of wetland area previously occupied by the existing levee prior to storm damage. No new area of wetland will be permanently impacted.

Total Linear Impacts: Length Temporarily Impacted: None  
Length Permanently Impacted: 7,877 linear feet of  
Humboldt Bay shoreline previously occupied by the existing  
levee prior to the storm damage.

Dredge Volume: None

Latitude/Longitude: 40.86509 N/124.132 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Reclamation District 768 Levee Repair Project (WDID No. 1B06068WNHU), 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 the Applicant 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 title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. 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 Order, shall be allowed to enter into or be placed where it may be washed by wave action or rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.
6. Best Management Practices (BMPs) for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.

7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. All levee repair activities shall be conducted between April 15 and October 15 each year.
9. The road base and fabric for temporary access roads and staging areas shall be removed by October 15 each year and the underlying pasture surface shall be restored and reseeded.
10. All culvert and tidegate repair work shall take place during low tides.
11. A copy of this Order shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
12. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
13. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
14. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
15. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
16. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
17. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
18. 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 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.

19. 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, 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.

20. 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).
21. The authorization of this certification for any dredge and fill activities expires on August 8, 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

Original to: Mr. Lois Wallace, Reclamation District 768, 4150 Old Samoa Road,  
Arcata, CA 95521

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. Stein Coriell, Oscar Larson & Associates, 317 Third Street, Eureka,  
CA 95502