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Secretary for
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**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**

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Arnold
Schwarzenegger
Governor

February 27, 2008

In the Matter of

Water Quality Certification

for the

**TRINIDAD RANCHERIA – TRINIDAD PIER RECONSTRUCTION PROJECT
WDID NO. 1B07170WNHU**

APPLICANT: Trinidad Rancheria
RECEIVING WATER: Pacific Ocean
HYDROLOGIC UNIT: Big Lagoon Hydrologic Area No. 108.10
COUNTY: Humboldt
FILE NAME: Trinidad Rancheria – Trinidad Pier Reconstruction Project

BY THE EXECUTIVE OFFICER:

1. On November 30, 2007, the Trinidad Rancheria (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 the Trinidad Pier Reconstruction Project in Trinidad. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 22, 2008, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The Trinidad Pier is the northernmost oceanfront pier in California. The pier was built in 1946 and it has been used for commercial and recreational purposes over the past 50 years. Trinidad's economy is based on fishing and tourism and the pier is a primary facility that supports these activities. Trinidad pier and harbor currently serve a fleet of commercial fishermen. The pier also provides educational opportunities by accommodating the Humboldt State University Telonicher Marine Lab's saltwater intake pipe, and the California Center of Integrated Technology's (CICORE) water quality monitoring device.
3. The safety of the pier is difficult to maintain due to excessive deterioration of the creosote-treated piles and the pressure treated decking. Only minor maintenance

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activities have been conducted on the pier since it was built. This project involves replacement of the entire pier structure in the same location. The primary purpose of the project is to correct the structural deficiencies of the pier and improve the pier's utilities for the benefit of the public and fishermen.

4. The existing pier and improvements are to be removed and replaced with approximately 13,500 square feet of pre-cast concrete decking, 115 cast-in-steel-shell concrete piles, 53 plastic/fiberglass fender piles, four hoists, standard lights, guardrail, and dock utility pipes including water, power, and phone. Removal of the existing pier and construction of the new pier will occur simultaneously. Reconstruction activities will begin at the south end and will progress in sections moving towards the land. All structures and utilities will be removed from the section of pier deck being reconstructed.
5. The existing piles in the active section will be removed by vibratory extraction. Each pile will be unseated from the sediment by slowly pulling up on the pile with a crane while a vibratory hammer is vibrating the pile. Broken or damaged piles that are not successfully removed by vibration will be cut off below the mud line. Extracted piles and other structures removed from the pier will be hauled to the staging area for temporary storage. A maximum of fifteen treated piles will be stockpiled at the staging area before they are transferred to an approved upland disposal site.
6. Following the removal of the existing pier piles, steel shell casings will be vibrated to a depth of approximately 2.5 feet above the final tip elevation. The steel shells are coated with a polymer to protect the piles from deteriorating in the saltwater environment. The half-inch thick steel shells shall extend from above the water surface to below the upper layer of sediment, which consists of sand, and into the harder sediment, which consists mostly of weathered shale and sandstone. An auger will be used to remove sediment from inside the steel shells and the shells will be left in place to support the integrity of the augured hole. Concrete is poured underwater using a tremmie to seal the augured area below the steel shell. Steel cages will be lowered into the shells prior to pouring concrete to fill the holes and form the piles. Pre-cast concrete bent caps will be installed across the top of each row of piles. Pre-cast concrete sections will be placed on the bent caps to create the decking. A layer of concrete will be poured over the pre-cast sections so that the deck surface will be sloped to the runoff collection piping.
7. A storm water runoff collection, treatment, and disposal system will be incorporated into the new pier design. Storm water runoff from the pier will be collected and piped to a treatment and disposal system that will be located below ground in a paved upland area. The treatment system is a passive siphon-actuated, flow-through, storm water filtration system consisting of a structure that houses rechargeable, media-filled cartridges. The system works by passing storm water through media filled cartridges that trap particulates and adsorb pollutants such as suspended solids, dissolved metals, nutrients, and hydrocarbons. Treated storm water runoff will flow into a pre-manufactured subsurface chamber designed to retain and percolate the treated storm water into the subsurface.
8. Installation of 115 eighteen-inch diameter pier support piles and 53 ten-inch diameter fender piles will permanently impact approximately 233 square feet of the ocean floor. Removal of 205 existing ten-inch diameter piles will eliminate approximately 162 square feet of the existing pier footprint on the ocean floor. The project will increase the footprint of the pier on the ocean floor by approximately 71

square feet. Removal and installation of piles will result in minor temporary impacts to the sediment surrounding each pile.

9. Compensatory mitigation is not required. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for use of concrete and operation of heavy equipment over the ocean. A floating oil containment boom will be installed around the work area during creosote-treated pile removal to contain floating debris and any oil sheens. Oil-absorbent materials will be used if any sheen is observed. The project is expected to take nine months to complete.
10. The applicant has applied for a Coastal Development Permit from the California Coastal Commission. A Lake or Streambed Alteration Agreement from the California Department of Fish & Game is not required for this project.
11. The Applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 3, pursuant to Clean Water Act, section 404.
12. The City of Trinidad has prepared a mitigated negative declaration (SCH No. 2007092006) for the project in order to comply with 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. The environmental document indicates that noise levels generated underwater by construction activities could adversely affect mammals and fish. Noise impacts will be minimized by vibrating the piles into place instead of using a pile driving hammer. Noise impacts will also be monitored to confirm that noise levels are not above thresholds specified by the National Marine Fisheries Service. The environmental document also indicates potential adverse impacts associated with discharges of storm water, petroleum products, concrete, and sediment augured from the pier casings into the waters of the Area of Special Biological Significance. Installation of an upland storm water treatment and disposal system and implementation of a demolition plan and BMPs are expected to reduce potential impacts from storm water, sediment, petroleum and concrete discharges to less-than-significant levels. Mitigation measures in the mitigated negative declaration are incorporated into this Water Quality Certification.

Receiving Water: Pacific Ocean in the Big Lagoon Hydrologic Area No. 108.10

Filled or Excavated Area: Area Temporarily Impacted: none
Area Permanently Impacted: 71 square feet of additional footprint on the ocean floor (162 square feet of existing pier footprint to be removed and replaced with 233 square feet of new pier footprint)

Total Linear Impacts: Length Temporarily Impacted: none
Length Permanently Impacted: none

Dredge Volume: None

Latitude/Longitude: 41.05954 N/124.14484 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinidad Pier Reconstruction Project (WDID No. 1B07170WNHU), 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 in writing at least five working days (working days are Monday – Friday) 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 rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.
6. 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. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
9. 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.

10. 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.
11. 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.
12. 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.
13. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
14. 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.
15. 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.

16. 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).
17. The authorization of this certification for any dredge and fill activities expires on February 27, 2013. 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.

Robert R. Klamt
Interim Executive Officer

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Original to: Ms. Jacque Hostler, Cher-Ae Heights Indian Community of the Trinidad Rancheria, P.O. Box 630, Trinidad, CA 95570

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. Jason Berrey, Pacific Affiliates, Inc., 990 W. Waterfront Drive, Eureka, CA 95501