



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



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

May 2, 2008

In the Matter of
Water Quality Certification

for the

**HUMBOLDT BAY HARBOR – RECREATION AND CONSERVATION DISTRICT
FIELDS LANDING MARINE TERMINAL PROJECT**

WDID NO. 1B07026WNHU

APPLICANT: Humboldt Bay Harbor, Recreation and Conservation District
RECEIVING WATER: Humboldt Bay
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit No. 110.00
COUNTY: Humboldt
FILE NAME: Humboldt Bay Harbor, Recreation and Conservation District
Fields Landing Marine Terminal

BY THE EXECUTIVE OFFICER:

1. On March 6, 2007, the Humboldt Bay Harbor, Recreation and Conservation District (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 demolition, removal, and disposal of storm damaged Fields Landing Terminal dock. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 8, 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 purpose of the project is to prevent potential public, navigational and environmental health and safety risks from storm damaged pilings and a rusted spud barge. The property is located at the Fields Landing Marine Terminal, in the unincorporated community of Fields Landing, along the Humboldt Bay shoreline, approximately five miles south of Eureka. The area surrounding the project location is used for industrial and maritime activities, such as ship/barge loading and unloading, boat storage and repair. The specific project area is bordered by a boat storage lot and parking lot both of asphalt and/or gravel. A gravel haul road leads to the staging area.
3. The project involves the demolition, removal and disposal of the storm damaged shipping pier and a spud barge. During the 2005-2006 winter storm events, the existing pier was damaged, causing timbers and decking pieces to cast adrift,

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creating a navigation hazard. Under an Emergency Permit No 1-06-001-G from the California Coastal Commission, issued in January 2006, the applicant removed debris from the water and stockpiled it on site. The project area has historically been used for industrial and maritime boat storage and boat repair. The project area is bordered by asphalt and graded gravel parking and boat storage lots. The steel barge, built in the 1970s, historically was used for dock repair and pile driving projects in Humboldt Bay until 1999.

4. The barge has hollow metal tubes called spuds which stabilize the barge when docked. Due to the dilapidated condition the barge consisting of hollow steel floats, two steel spuds, a steel crane frame and a small air cooled engine will be removed. Barge removal involves raising the spuds, towing the barge 100 yards to a boat lift which will remove the barge from the water and place it in the boat yard and cutting the barge into pieces for transport to a designated steel recycle location. In preparation for this project, the applicant has removed any known hazardous materials from the barge, with the exception of 6 ounces or less of lube oil in the air cooled engine on the barge.
5. The project involves removal and disposal of approximately 45,000 square feet of storm damaged timber planks from the deck, approximately 700 one-foot diameter untreated wooden pilings and piling caps. The applicant proposes to use an existing graded gravel haul road which leads to a level staging area with an earthen dike for prevention of stormwater runoff; the area was previously used for the emergency coastal permit activities. The applicant proposes to use a tracked excavator which will be operated from the deck to be removed and the adjacent asphalt and graded gravel areas. The applicant proposes to remove the piling first and the wooden deck last. The applicant proposes to remove the wooden piling completely by vibrating; pilings that break during removal will be cut one foot below the mud line. All debris is slated to be temporarily stockpiled in a designated upland area before removal to an appropriate disposal site. The stockpiled debris will be removed concurrently with the demolition activities. The pilings are slated to be disposed of in three ways: 1) delivered to DG Fairhaven Power Facility to be used to produce renewable energy; 2) reused as fencing material at local ranches in the area; and/or removal for offsite disposal at a landfill.
6. The applicant has installed a chain link fence separating the proposed work area from the Fields Landing Marine Terminal and the adjacent boat yard. The applicant proposes to use a floating boom to prevent any debris from entering the intertidal zone during demolition and to remove any debris captured by the floating boom at the end of each workday.
7. The proposed project does not require compensatory mitigation. The proposed pier and barge removal is within intertidal areas; the California Coastal Commission indicates that it anticipates that the project will restore intertidal and submerged environmentally sensitive habitat areas (ESHA), specifically by increasing the area exposed to sunlight, as well as available space for eelgrass and invertebrate colonization. The proposed project activities will not involve vegetation removal. The applicant proposes to count the pilings removed, using the pilings as mitigation credits for any potential future installation of a dock or pilings at the Fields Landing Marine Terminal only. Noncompensatory mitigation for the project includes the use of Best Management Practices (BMPs) for heavy equipment operation near a waterway, and for sediment and erosion control. The applicant proposes to deploy a floating boom around the project area within the bay/intertidal wetlands to capture

any debris within the project area. The project is scheduled for an estimated 4 month period between April 15 and October 15

8. A Lake or Streambed Alteration Agreement is not required for this project.
9. The Applicant has received authorization from the United States Army Corps of Engineers (File No. 2007-400372N) to perform the project pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. section 403).
10. The Humboldt Bay Harbor, Recreation and Conservation District adopted a Mitigated Negative Declaration (SCH No. 2007032059) for the project in order to comply with the California Environmental Quality Act.

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

Filled or Excavated Area: Area Temporarily Impacted: 1.03 acres (45,000 sq.ft.)
removal of timber deck planks, pilings and piling caps
Area Permanently Impacted: None

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

Dredge Volume: None

Latitude/Longitude: 40.716667 N/124.216667 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt Bay Harbor, Recreation and Conservation District, Fields Landing Marine Terminal Project (WDID No. 1B07026WNHU), 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. No rubbish shall be deposited within 150 feet of the high water mark of any stream or marine water body. A floating boom to contain any debris shall be in place during all demolition activities.
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. 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.
9. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
10. 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.
11. 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.
12. 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
13. 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.
14. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
15. 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.

16. 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.

17. 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).
18. The authorization of this certification for any dredge and fill activities expires on May 2, 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 Diana Henriouille at (707) 576-2350.

Catherine Kuhlman
Executive Officer

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Original to: Mr. David Hull, Humboldt Bay Harbor, Recreation and Conservation
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Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka,
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1455 Market Street, San Francisco, CA 94103-1398