



Linda S. Adams
Secretary for
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**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**

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Arnold
Schwarzenegger
Governor

February 22, 2010

In the Matter of

Water Quality Certification

For the

**U.S. COAST GUARD – REPLACEMENT OF PERIPHERY FENCE AT U.S. COAST
GUARD STATION HUMBOLDT BAY
WDID NO. 1B09146WNHU**

APPLICANT: U.S. Coast Guard
RECEIVING WATER: Humboldt Bay
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit No. 110.00
COUNTY: Humboldt
FILE NAME: USCG Station Humboldt Bay - Security Fence Replacement

BY THE EXECUTIVE OFFICER:

1. On December 14, 2009, the United States Coast Guard (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 replacing the existing security fence surrounding the U.S. Coast Guard Station Humboldt Bay located on the Samoa Peninsula. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 21, 2010, 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 existing peripheral security fence at U.S. Coast Guard Station Humboldt Bay is damaged, rusted and deteriorated, and sections of the fence are leaning. The project involves replacing the existing security fence with similar materials in the same configuration as the existing fence. The project is necessary to provide physical security to the facility. Approximately 200 linear feet of the north shore area

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fence line is located along the beach and extends to the riprap area along the shoreline. Approximately 60 linear feet of this section is located within the intertidal zone.

3. The project involves removing the existing concrete support foundations and installing new foundations for the new fence posts. Several abandoned concrete support foundations from a previous fence will also be removed as part of this project. Project activities will be conducted during low tide.
4. The concrete support footings for the new fence will result in permanent impacts to 12.5 square feet of intertidal beach area with no vegetation. Removal of old concrete support footings will restore approximately 28 square feet of the beach in the same area. The project will not result in any additional permanent impacts to waters of the United States. Compensatory mitigation is not required for the project. The project is scheduled for implementation in February or March 2010. The project is expected to take three days to complete.
5. The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit, pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish is not required.
6. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, section 15302 – replacement or reconstruction, pursuant to CEQA.
7. 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.

Receiving Water: Humboldt Bay shoreline (intertidal) in the Eureka Plain
Hydrologic Unit No. 110.00

Filled or Excavated Area: Area Temporarily Impacted: 28 square feet of intertidal
beach
Area Permanently Impacted: 12.5 square feet of intertidal
beach

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

Dredge Volume: None

Latitude/Longitude: 40.76920 N/124.21646 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the U.S. Coast Guard Station Humboldt Bay – Security Fence Replacement (WDID No. 1B09146WNHU), 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 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. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
6. 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.

7. If, at any time, an unauthorized discharge to surface water occurs, or any water quality problem arises, the Applicant shall cease the associated project activities 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.
8. 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. Implementation of such change in the project prior to Regional Water Board notification and approval is a violation of this Order subject to enforcement action under the Water Code.
9. 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.
10. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
11. 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.
12. 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.

13. This certification is contingent on compliance with all applicable requirements of the North Coast Water Quality Control Plan, except as may be modified by the specific conditions of the certification.
14. The authorization of this certification for any dredge and fill activities expires on February 22, 2015. 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.

Catherine Kuhlman
Executive Officer

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Original to: Ms. Gail Bouffard, U.S. Coast Guard, 2000 Embarcadero, Suite 200,
San Francisco, CA 94606

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,
Box 14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398