



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

July 27, 2010

In the Matter of

Water Quality Certification

for the

**CRESCENT CITY HARBOR DISTRICT – RIPRAP/BREAKWATER REPAIR AT
VARIOUS LOCATIONS AROUND CRESENT CITY HARBOR
WDID No. 1A09009WNDN**

APPLICANT: Crescent City Harbor District
RECEIVING WATER: Pacific Ocean
HYDROLOGIC UNIT: Smith River Plain Hydrologic Subarea No. 103.11
COUNTY: Del Norte
FILE NAME: Crescent City Harbor District – Riprap/Breakwater Repair at
Various Locations

BY THE EXECUTIVE OFFICER:

1. On January 28, 2009, the Crescent City Harbor 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 repairing a breakwater and damaged rock slope protection (RSP) at several locations around the Crescent City Harbor. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 14, 2009, 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 project involves repairing and reinforcing RSP on the inner boat basin breakwater and other locations within the harbor that were damaged during the severe December 2005 and January 2006 storm event. High tides, storm surges, and high winds caused overtopping and damage to the L-shaped breakwater that protects the inner harbor from wave action. The inside, outside, and top of the breakwater were damaged to the extent that the breakwater's integrity was jeopardized, putting harbor residents, watercraft, and docks at risk from potential future storms. RSP consisting of 500 to 4,000 pound rocks were eroded from the

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breakwater and the top portion of the breakwater lost up to 3 feet in height. Large holes and gaps, several measuring larger than 2 feet in diameter, were formed at four locations along the breakwater. The damaged breakwater will be repaired by removing existing RSP to expose the core of the breakwater and to allow for installation of a concrete diaphragm in the breakwater's core for a length of 770 feet. Holes in the breakwater will be repaired with heavy RSP and engineered fill. The existing RSP that will be removed for construction of the diaphragm will be replaced and additional rock and engineered fill will be placed on both sides of the breakwater to restore the slopes and top.

3. The project also involves similar RSP repair activities on the harbor side of Whaler Island and areas across from the breakwater on the south side of the entrance to the inner boat basin (Citizen's Dock). Repairs near Whaler Island include installation of a concrete key between the edge of the pavement and RSP, and placement of 1-ton and 2-ton RSP along the damaged shoreline slope. Repairs to the damaged RSP areas on the south side of the entrance to the inner boat basin involve placement of aggregate base, 1-ton RSP, and concrete slope protection.
4. The RSP and breakwater repair projects will result in a total of 1,365 linear feet of permanent impacts to waters of the United States. Permanent impacts are associated with repairing eroded areas to restore the existing structures. The project will not result in any temporary impacts to waters of the United States.
5. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes implementation of Best Management Practices (BMPs) for erosion control. The project is scheduled to begin in 2010 and is expected to take one year to complete.
6. The applicant has received authorization from the United States Army Corps of Engineers (File No. 2009-0072N) to perform the project under Nationwide Permit Numbers 3 and 13, pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required.
7. 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.
8. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This

Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.

9. 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: Pacific Ocean in the Smith River Plain Hydrologic Subarea No. 103.11

Filled or Excavated Area: Area Temporarily Impacted: None
Area Permanently Impacted: 13,650 square feet of shoreline to restore the original footprint of the existing RSP

Total Linear Impacts: Length Temporarily Impacted: None
Length Permanently Impacted: 1,365 linear feet of shoreline to repair eroded areas and restore the footprint of the existing RSP on the Breakwater (460 linear feet), Citizen's dock (285 linear feet), and Whaler Island (620 linear feet)

Dredge Volume: None

Latitude/Longitude: Breakwater: 41.74732 N/124.18573 W
Citizen's Dock: 41.74632 N/124.18377 W
Whaler Island: 41.74148 N/124.18333 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Crescent City Harbor District – Riprap/Breakwater Repair at Various Locations Project (WDID No. 1B09009WNDN), 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. 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.
7. The Applicant and their contractor(s) are not authorized to discharge any wastewater (e.g., water that has contacted uncured concrete, asphalt, or uncured cement) to surface waters, ground waters, or land. Wastewater may only be disposed of to a sanitary waste water collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility. If the Applicant or their contractor proposes an alternate disposal method, the Applicant or their contractor shall apply for a permit from the Regional Water Board. Plans to reuse or recycle wastewater require written approval from Regional Water Board staff.
8. Any potentially hazardous waste(s) (solids, liquids, or slurries) derived or encountered in this project shall undergo the appropriate characterization to demonstrate compliance with all applicable waste disposal laws and regulations. If unanticipated or anticipated waste are encountered or created during the project, the Applicant shall notify the Regional Water Board immediately and at least within 24 hours. The Applicant or their contractor shall prepare applicable work plans for handling, treating, transporting, and disposing of waste. The work plans shall be prepared and signed by an engineer or geologist with the appropriate and valid California licenses.
9. 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.
10. 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.

11. 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.
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. 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.
14. 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.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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.
17. 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.

18. 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).
19. The authorization of this certification for any dredge and fill activities expires on July 27, 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: Mr. Richard Young, Crescent City Harbor District, 101 Citizens Dock
Road, Crescent City, CA 95531

Electronic

Copy 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