



**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

September 20, 2010

In the Matter of
Water Quality Certification
For
Georgia-Pacific Crib Wall and Spillway Maintenance Project
WDID No. 1B10098WNME

APPLICANT: Georgia-Pacific LLC
RECEIVING WATER: Pacific Ocean
HYDROLOGIC AREA: Noyo River Hydrologic Subarea No. 113.20,
Mendocino Coast Hydrologic Area 113.00
COUNTY: Mendocino County
FILE NAME: Georgia-Pacific Crib Wall and Spillway Maintenance Project

BY THE EXECUTIVE OFFICER:

1. On September 1, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Bridget DeShields of ARCADIS U.S., Inc., on behalf of Ms. Julie Raming of Georgia Pacific LLC (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) and/or Waste Discharge Requirements (Dredge/Fill Projects) for activities associated with the Georgia-Pacific Crib Wall and Spillway Maintenance Project (project) in the City of Fort Bragg. Additional information was submitted on September 9 and 15, 2010. The total fee of \$723.00 has been received. The Regional Water Board is providing public notice of the application pursuant to title 23, California Code of Regulations, section 3858, and has posted information describing the project on the Regional Water Board's website. The project will permanently impact approximately 0.012 acres, and temporarily impact 0.014 acres of coastal bluff adjacent to the Pacific Ocean within the Noyo River Hydrologic Subarea No. 113.20, Mendocino Hydrologic Area 113.00.
2. The project is located at 90 W. Redwood Drive at the Georgia Pacific Fort Bragg Mill Site, west of Highway 1, in the City of Fort Bragg.
3. The purpose of the project is to perform maintenance on the Mill Pond Dam (dam) at the former Georgia-Pacific Woods Products Facility. Georgia-Pacific is being directed to perform this maintenance by the Division of Safety of Dams (DSOS). The DSOS has requested that the maintenance be carried out along the portion of the dam which abuts the beach along Soldier Bay (i.e., along the crib wall and

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spillway) to address safety issues caused by potential instability of this section of the dam.

4. The section of the dam that will receive this maintenance work is approximately 100 feet long with the work extending from the toe of the dam face to a height of approximately 20 to 25 feet above the toe. The key activities that will accomplish this will include: filling the crevices and voids in the dam wall and beneath the spillway and overflow structures with shotcrete, filling the voids within the crib wall with flowable concrete fill, installing rock netting over the dam wall to prevent rock fall and raveling, installing articulation block concrete mats (AB Mats) at the base of the wall extending onto the beach to reduce erosion and scour at the base of the dam, and installing riprap on top of the AB Mats and along the toe of the dam.
5. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to provide erosion control and pollution prevention in the project area during construction. In addition, to prevent any waste water that has contacted concrete or similar materials from entering Soldier Bay, a temporary containment structure will be installed, either a sand berm constructed from beach sand to a minimum height of two feet and lined on the inside face with plastic sheeting or a two foot tall plastic curtain constructed similar to silt fencing. The containment structures will be constructed as close to the toe of the dam as practicable and will be located above the high tide level (HTL). The plastic sheeting will extend from the top of the containment structure (a height of 2 feet) and continue along the surface of the sand to the toe of the dam. Any collected water will be filtered and used for dust suppression. Any debris generated will be collected and disposed of at a licensed off-site landfill.
6. The Applicant shall undertake beach restoration activities as part of the project. The Applicant shall remove 175 cubic yards of rip rap materials in a 0.07 acre area below the HTL adjacent to the beach berm. The rip rap will be removed with an excavator positioned on the roadway; heavy equipment will not be used on the beach or in other waters of the State. The Applicant shall use appropriate storm water BMPs to prevent the discharge of pollutants in storm water runoff and impacts to water quality. Rip rap will either be placed on the outside of the beach berm or stockpiled on the Georgia-Pacific site.
7. The Applicant shall submit a wetland mitigation plan within three months of approval of the Emergency Coastal Development Permit to the Regional Water Quality Control Board for review and approval. The mitigation will be "in kind" at a minimum 1:1 ratio. The mitigation must be completed within one year of the Emergency Coastal Development Permit approval. Mitigation areas will be monitored for function and value, will have performance criteria, and will require monitoring and annual reporting for at least five years, or until criteria have been met.
8. The Applicant has applied for authorization from Army Core of Engineers to perform the project under Nationwide Permit No. 25, pursuant to the Clean Water Act, section 404.

9. The Applicant has applied for a Fort Bragg Coastal Development Permit
10. The Regional Water Board, as lead California Environmental Quality Act (CEQA) agency, will file a notice of exemption for a Categorical Exemption, 15301 Class 1 Maintenance of Existing Facilities with no expansion of existing use, with the State Clearing House, pursuant to CEQA guidelines.
11. The Project involves construction that may adversely affect waters of the State, and the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.

Receiving Water: Pacific Ocean in the Noyo River Hydrologic Subarea No. 113.20, Mendocino Coast Hydrologic Area 113.00

Filled or Excavated Area: Permanent impacts to approximately 0.012 acres, and Temporary impacts to approximately 0.014 acres of Coastal bluff and waters of the State

Latitude/Longitude: Latitude 39.44208 °N, and longitude 123.81238°W

Expiration: September 20, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the, Georgia-Pacific Crib Wall and Spillway Maintenance Project (WDID No. 1B10098WNME), 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. 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 Order.

5. 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.
6. The Applicant shall prioritize use of wildlife-friendly 100% biodegradable erosion control products/BMPs wherever feasible. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. The Applicant shall not use or allow the use of erosion control products that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall not use or allow the use of soil stabilization products that contain synthetic materials within waters of the United States or waters of the State at any time. The Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, if not sooner.
7. 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.
8. 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.
9. To prevent any waste water that has contacted concrete or similar materials from entering Soldier Bay, the Applicant shall install a temporary containment structure, either a sand berm constructed from beach sand to a minimum height of two feet and lined on the inside face with plastic sheeting or a two foot tall plastic curtain constructed similar to silt fencing. The containment structures will be constructed as close to the toe of the dam as practicable and will be located above the high tide level (HTL). The plastic sheeting will extend from the top of the containment structure (a height of 2 feet) and continue along the surface of the sand to the toe

of the dam. Any collected water shall be filtered and used for dust suppression. Any debris generated shall be collected and disposed of at a licensed off-site landfill.

10. All activities and BMPs shall be implemented according to the submitted application and the conditions in this Order.
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. 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 Order, 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 Order. In response to a suspected violation of any condition of this Order, 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 Order, the Regional Water Board may add to or modify the conditions of this Order 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 September 20, 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 Stephen Bargsten at (707) 576-2653.

Catherine Kuhlman
Executive Officer

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Web link: 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 may be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_order_s/water_quality/2003/wqo/wqo2003-0017.pdf

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Original to: Ms. Julie Raming, Georgia Pacific LLC, 133 Peachtree Street NE,
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Copies sent to: Ms. Bridget DeSheilds, ARCADIS U.S., Inc, 140 Second Street,
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Ms. Marie Jones, Community Development Director, City of
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P.O. Box 47, Yountville, CA 94599
Ms. Samantha Olson, SWRCB, Office of the Chief Counsel
Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act

Electronic
Copy to: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory
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