



Linda S. Adams  
Acting Secretary for  
Environmental Protection

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

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Edmund G. Brown Jr.  
Governor

April 6, 2011

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In the Matter of

**Water Quality Certification**

**For**

**Humboldt Bay Harbor, Recreation and Conservation District  
Emergency Shoreline Protection at Fields Landing  
WDID No. 1B11037WNHU**

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-  
Emergency Protection at Fields Landing

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BY THE EXECUTIVE OFFICER:

1. On April 4, 2011, 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 the placement of rip-rap along the shoreline of Humboldt Bay to prevent further erosion. Information describing the Project was noticed for public comment on the Regional Water Board's website on October 11, 2006. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification." Due to the nature of emergency

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associated with this project, 401 Water Quality Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period; ending April 27, 2011, and the Order may be modified based on public comments.

2. The project is located on Humboldt Bay Harbor, Recreation and Conservation District property, at the foot of South Depot Road in Fields Landing, Humboldt County. The project area consists of 350 feet of Humboldt Bay shoreline in an area that has historically been impacted by man-made support structures. On March 11, 2011, damage sustained from a tsunami-accelerated shoreline erosion and undermined what remained of the previous erosion suppression structures. The project involves the placement of quarry rock along the shoreline to prevent further erosion into Humboldt Bay.
3. The purpose of the project is to stabilize an eroding shoreline located adjacent to a roadway and private property. The failing area is currently eroding and delivering sediment into Humboldt Bay and compromising the structural integrity of the roadway. Stabilization of the shoreline will decrease current erosion and sedimentation.
4. The shoreline will be re-stabilized using an estimated 300 cubic yards of ½ ton to 1 ton quarry riprap. Rip-rap will be installed using an excavator at the top bank and placement will be limited to periods of low tide. The placement of the rip-rap will be done in accordance to the submitted application.
5. The project will result in 1,225 square feet (350 linear feet) of permanent impacts to waters of the United States, consisting of replacement of former bank stabilization of various types. Compensatory mitigation is not required for this project. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) for containment of construction debris. The project is scheduled for April 2011, and is expected to take 3 days to complete.
6. The Applicant has applied (File No. 2011-00095N) for authorization from the United States Army Corps of Engineers to perform the project under a Nationwide Permit pursuant to Rivers and Harbors Act, section 10. A Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game is not required for this project. The Applicant has been issued an Emergency Permit from the California Coastal Commission (No. 1-11-008-G).
7. The project is exempt from CEQA under California Code of Regulations, title 14, section 15061, subdivision (b). The project meets the exemption criteria under title 14, California Code of Regulations, section 15269 [Emergency Projects]. The Regional Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of the 401 Certification order.

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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: Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.00

Filled or Excavated Area: Area Permanently Impacted: 1,225 square feet of tidelands  
Area Temporarily Impacted: None

Total Linear Impacts: Length Permanently Impacted: 350 linear feet  
Length Temporarily Impacted: None

Dredge/Fill Volume: 300 cubic yards

Latitude/Longitude: 40.721939 N / 134.221503 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt Bay Harbor, Recreation and Conservation District-Emergency Protection at Fields Landing (WDID No. 1B111037WNHU), 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

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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. 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 (Enclosed).
6. No debris, soil, silt, sand, bark, slash, sawdust, 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. Best Management Practices (BMPs) erosion control shall be implemented and in place at commencement of, during and after any project activities that could result in sediment discharges to surface water.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. 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.
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. 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.

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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. 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 April 06, 2016. 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.

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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\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Original to: Mr. David Hull, Humboldt Bay Harbor, Recreation and Conservation District, P.O. Box 1030, Eureka, CA 95502-1030

Copy to: Mr. Peter Douglas, California Coastal Commission, 710 E Street, Suite 200, Eureka, Ca 95501-6813

Electronic

Copies to: Mr. Richard Fitzgerald, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599. [RFitzgerald@dfg.ca.gov](mailto:RFitzgerald@dfg.ca.gov)  
Ms. Samantha Olson, SWRCB, Office of the Chief Counsel. [SOlson@waterboards.ca.gov](mailto:SOlson@waterboards.ca.gov)  
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