



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



**Linda S. Adams**  
Acting Secretary for  
Environmental Protection

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**Edmund G. Brown Jr.**  
Governor

April 29, 2011

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In the Matter of

**Water Quality Certification**

for the

**CRESCENT CITY HARBOR DISTRICT – INNER BOAT BASIN REHABILITATION  
PROJECT  
WDID No. 1A10115WNDN**

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 – Inner Boat Basin  
Rehabilitation

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BY THE EXECUTIVE OFFICER:

1. On October 25, 2010, 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 restoration and rehabilitation of the Crescent City Harbor – Inner Boat Basin. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 4, 2011, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. On November 15, 2006, an 8.3 magnitude earthquake in the Kuril Islands of Japan generated a tsunami that reached the California coast. A series of waves engulfed the harbor at Crescent City, causing extensive damage to the docks and berthing system of the inner boat basin. The tsunami created excessive side forces on all the docks in the basin causing the concrete docks to flex beyond their structural limits, resulting in cracking of the concrete and breaking of the whaler boards that hold the sections of the docks together. Approximately 37,000 square feet of the 57,100 square feet of floating docks were damaged beyond repair and the

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remaining 20,100 square feet are severely damaged but still being used. All 161 dock support pilings were damaged, resulting in the loss of structural integrity of the overall berthing system. The tsunami also deposited approximately 7,400 cubic yards of additional sediment within the inner boat basin and displaced an estimated 8,056 cubic yards of rock slope protection (RSP) at various locations around the inner boat basin.

3. The project will restore the inner boat basin to its pre-disaster capacity and function, as well as reduce the likelihood of damage from future tsunamis. The Harbor Commission considered ten dock configuration layouts during their February 16, 2010 public meeting. The preferred and chosen alternative mimics the pre-disaster layout and also provides adequate distribution of all sizes of boat slips sufficient to meet current needs while providing flexibility to accommodate additional boats in all categories. The preferred alternative includes the installation of a wave attenuator as part of the replacement of "H" dock and installation of socketed support piles.
4. The project includes dredging to remove 7,424 cubic yards of sediment that was deposited within the inner boat basin. The U.S. Army Corps of Engineers (ACOE) determined that removal of approximately 27,000 cubic yards of sediment will be required to restore the inner boat basin to the original recommended depth of 12 feet below the mean lower low water level. The ACOE's bathymetric surveys showed that 7,800 cubic yards of silt was deposited between February 2006 and July 2007. The yearly average sediment deposition has been 565 cubic yards with a monthly average of 47 cubic yards. Adjusting for the date of the tsunami and the date of the ACOE's 2006 survey provides an estimate of 7,424 cubic yards that is attributed to this tsunami event. The Harbor District is responsible for removal of the remaining amount of sediment through their routine maintenance dredging operations. The 7,424 cubic yards of material dredged during this project will be placed in the Harbor District's existing near shore dredge material disposal basins or hauled to an approved offshore disposal site.
5. There are two RSP revetment areas within the inner boat basin that require extensive repair. Most of the RSP is missing from these two areas and the geo-fabric is crumpled and exposed. These damaged RSP areas are located in the southeast corner of the basin and are approximately 45 feet and 150 feet in length. There are also eight other areas where spot repairs are required as the underlying fabric is visible but most of the RSP still remains. The damaged RSP areas require replacement of the fabric and placement of one-ton and two-ton rock. The spot repairs may only require placement of rock, depending on the condition of the fabric. The RSP repairs will be conducted within the footprint of existing revetment materials with the new materials being placed at approximately the same slope as the existing adjacent RSP materials such that no further encroachment into the water will occur.

6. The existing 161 steel piles within the inner boat basin are either 12 inches or 14 inches in diameter. The piles vary in depth into the ocean floor but are typically about 8 feet deep. OES inspected the existing piles and determined that they would all have to be replaced based on the intensity and height of the waves that caused the docks to pound against the piles, breaking them loose from their footings. The damaged piles will be removed by a barge-mounted vibratory hammer pile driver or winched out by crane.
7. The anticipated hydraulic force on the pilings requires the creation of concrete-filled sockets in the soft rock underlying the inner boat basin to develop sufficient resistance to overturning. Pile installation will involve vibratory driving of a steel casing through the sediment on the ocean floor and approximately six inches into the underlying rock. The steel casing diameter will be larger than the pile to be installed. After the sediment within the driven casing is removed a drill will be used to create a socket in the underlying rock at the required depth of 20 to 40 feet depending on the specific location. A new concrete pile (or steel pile in limited locations) will be lowered into the casing, and the drilled socket and annular space between the pile and casing will be filled with grout. Two barges will be required; a drill barge to drill the sockets and a derrick barge to install the casings, place the piles, and place the grout.
8. Dredging activities will result in temporary impacts to 1.35 acres (58,982 square feet) of ocean floor within the inner boat basin. RSP repair activities will result in up to 400 linear feet and 6,300 square feet of permanent impacts to waters of the United States. All permanent impacts associated with RSP repairs are to areas where RSP previously existed. The existing piles that will be removed during this project cover a 233 square foot area of the sea floor. The new piles will result in 506 square feet of permanent impact to the sea floor.
9. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes implementation of Best Management Practices (BMPs) for sediment and erosion control. The project is expected to begin in 2011 and it is expected to take two years to complete.
10. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project pursuant to Clean Water Act, section 404. The Applicant has also applied for a Coastal Development Permit. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required.
11. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for Statutory Exemption, section 15269 – emergency projects, pursuant to CEQA.
12. 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, and does not otherwise authorize degradation of the waters affected by this project.

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

Filled or Excavated Area: Area Temporarily Impacted: 1.35 acres of ocean floor within the inner boat basin  
Area Permanently Impacted: 6,300 square feet of shoreline covered with existing damaged RSP and 506 square feet of ocean floor within the inner boat basin

Total Linear Impacts: Length Temporarily Impacted: None  
Length Permanently Impacted: 400 linear feet of shoreline covered with existing damaged RSP

Dredge Volume: 7,424 cubic yards

Latitude/Longitude: 41.7479 N/124.1846 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Crescent City Harbor District – Inner Boat Basin Rehabilitation Project (WDID No.1A10115WNDN), 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:

**All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.**

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 California Code of Regulations, title 23, 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 California Code of Regulations, title 23, 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, 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 April 29, 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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Weblink: 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 can 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 sent to: Mr. Richard Young, Crescent City Harbor District, 101 Citizen's  
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cc: Mr. Ryan Young, Stover Engineering, P.O. Box 783, Crescent City,  
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Electronic  
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