



**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

May 18, 2011

In the Matter of

Water Quality Certification

for the

**HUMBOLDT BAY ROWING ASSOCIATION – NON-SEASONAL DOCK AND
GANGWAY
WDID No. 1B11009NHU**

APPLICANT: Humboldt Bay Rowing Association
RECEIVING WATER: Humboldt Bay
HYDROLOGIC AREA: Eureka Plain Hydrologic Unit No. 110.00
COUNTY: Humboldt
FILE NAME: Humboldt Bay Rowing Association

BY THE EXECUTIVE OFFICER:

1. On January 20, 2011, the Humboldt Bay Rowing Association (Applicant or HBRA) 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 installation of a year-round dock and gangway for the Applicant's boating access to Humboldt Bay. 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. The HBRA is a non-profit organization dedicated to promoting the sport of rowing for community members of all ages and abilities. The HBRA provides members with equipment, rowing instruction, and rowing access to the bay. In coordination with the HBRA, individual and groups use the dock for kayaking, canoeing, equipment demonstrations, and special events on the bay. The facility also houses the Humboldt State University men's crew team.
3. The HBRA is converting the use of an existing floating dock and gangway from temporary/seasonal use to a non-seasonal/year-round structure. No additional

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structures or improvements are included. The existing dock and gangway will simply remain in place throughout the year and will no longer be subject to seasonal removal. The existing structures will remain in place until the HBRA or the City of Eureka terminates the lease of the site. Upon lease termination the HBRA will be required to remove all portions of the floating dock and gangway from Humboldt Bay.

4. The Applicant has applied (File No. 2011-0011N) for authorization from the United States Army Corps of Engineers to perform the project under Individual Permit, pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game is not required for this project.
5. On April 26, 2011, the City of Eureka approved a Mitigated Negative Declaration (SCH No. 2011032047) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The project will not result in any new permanent impacts to waters of the United States; however, compensatory mitigation is required for impacts to eelgrass beds that are assumed to have already occurred as a result of shading by the existing gangway. The applicant is required to mitigate all impacts to eelgrass habitat at a minimum ratio of 1.2 to1 through implementation of an Eelgrass Mitigation and Monitoring Plan.
6. 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.
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 Waters: Humboldt Bay in the Eureka Plain Hydrologic Unit No.
110.00

Filled or Excavated Area: Area Temporarily Impacted: None

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Area Permanently Impacted: None

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

Dredge Volume: None

Latitude/Longitude: 40.80803 N/124.15556 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt Bay Rowing Association – Non-Seasonal Dock and Gangway (WDID No.1B11009WNHU), 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 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. 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.
5. 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.
6. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
7. 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.

8. 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.

9. 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).
10. The authorization of this certification for any dredge and fill activities expires on May 18, 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.

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

Original sent to: Mr. Jerome Simone, Humboldt Bay Rowing Association, P.O. Box 750, Trinidad, CA 95570

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., Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398