



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



Linda S. Adams
Acting Secretary for
Environmental Protection

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Edmund G. Brown Jr.
Governor

June 29, 2011

In the Matter of

Water Quality Certification

for the

**EUREKA FOREST PRODUCTS – SIERRA PACIFIC DOCK, MAINTENANCE
DREDGING PROJECT
WDID No. 1B05028WNHU**

APPLICANT: Sierra Pacific Industries
RECEIVING WATER: Humboldt Bay
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit No. 110.00
COUNTY: Humboldt
FILE NAME: Eureka Forest Products - Maintenance Dredging Project,
Sierra Pacific Dock

BY THE EXECUTIVE OFFICER:

1. On April 11, 2011, Sierra Pacific Industries (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 annual maintenance dredging at the Eureka Forest Product dock located along the eastern shoreline of Humboldt Bay at 1206 West 14th Street, Eureka. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 1, 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 Applicant currently uses the dock facility to export wood chips and lumber, and for importing logs. Barges moor at the dock while the goods are transferred. The purpose of the dredging project is to restore and maintain adequate berthing depth along the dock to allow for continued safe mooring and product movement by the Applicant. The project involves dredging to remove bay sediment that has accumulated along the face of the dock since the last time the dock was dredged in 1989. On August 10, 2006, the Regional Water Board issued certification authorizing similar dredging activities; however, the previously authorized dredging was not conducted and the 2006 certification is due to expire on August 10, 2011.

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3. The dredging area is approximately 80 feet wide by 700 feet long and parallel to the face of the 474-foot long dock. The dredging area extends approximately 100 feet north beyond the north end of the dock and approximately 126 feet south beyond the south end of the dock. The dredging area covers approximately 1.29 acres of the bottom of Humboldt Bay. Final dredging depth is minus 35 feet mean lower low water plus a one foot overdredge allowance. Approximately 2,000 cubic yards of sediment will be dredged during the initial episode and approximately 10,000 cubic yards may be dredged over the next five years.
4. A crane with a clamshell dredge will be located on the dock and will deposit dredged material into dump trucks to be transported to an onsite retention basin located in the northeast corner of upland property adjacent to the dock. The spoil retention basin will be used to decant water from the sediment using percolation. The retention basin site is sloped away from the bay to prevent incidental surface run-off from flowing into the bay. The retention basin will consist of two adjacent dewatering basins. The primary dewatering basin will be approximately 50-feet long by 25-feet wide with a four-foot high perimeter berm. The dredge spoils will be spread to a depth of 3 feet in the primary basin and allowed to remain for at least 48 hours. During this time the water in the spoils will percolate out of the spoils and into the subsurface or into the secondary dewatering basin. Following completion of the dewatering process, dredge spoils will be loaded into trucks and transported to a permitted offsite location for disposal.
5. The applicant has obtained authorization from the United States Army Corps of Engineers to perform the project under Individual Permit (File No. 29536 N), pursuant to the Clean Water Act, Section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required for this project.
6. The project will not result in any new permanent impacts to waters of the United States. Compensatory mitigation is not required for this project. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) for sediment and turbidity control. All work will be completed between September 1 and March 31 when bay waters are typically more naturally turbid and to avoid the peak out-migration period for federally listed juvenile salmonids.
7. On July 20, 2006, the Humboldt Bay Harbor, Recreation, and Conservation District approved a Mitigated Negative Declaration (SCH No. 2006052166) 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.
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

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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.

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

Filled or Excavated Area: Area Temporarily Impacted: 1.29 acres of bay floor
Area Permanently Impacted: None

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

Dredge Volume: 10,000 cubic yards

Latitude/Longitude: 40.7949 N/124.1878 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Eureka Forest Products – Sierra Pacific Dock Maintenance Dredging Project (WDID No.1B05028WNHU), 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

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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 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 all dredging episodes, with details regarding the schedule of operations, in order to allow staff to be present onsite and to answer any public inquiries that may arise regarding the project.
5. 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.
6. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
7. The Applicant shall dispose of all dredged material at an approved and appropriately permitted solid waste disposal site that is in compliance with all applicable permits.
8. The Applicant shall submit an acceptable dredged material disposal plan to the Regional Water Board, for approval by the Executive Officer, prior to the start of any annual dredging episodes. Dredging shall not be conducted until the Applicant has received written approval of the dredge material disposal plan from the Regional Water Board.
9. Adequate BMPs for sediment and turbidity control shall be implemented and in place during all dredging and dredge material disposal activities.
10. Creation of pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code, is prohibited.
11. The suspended sediment load of surface waters shall not be altered in such a manner as to cause a nuisance or adversely affect beneficial uses.
12. 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.

13. 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.
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 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.
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 June 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.

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. David Kiff, Sierra Pacific Industries, P.O. Box 5046, Eureka, CA 95501

cc: Mr. Travis Schneider, Pacific Afiliates, Inc., 990 West Waterfront Drive, Eureka, CA 95501

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

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