
North Coast Regional Water Quality Control Board

March 25, 2013

In the Matter of

Water Quality Certification

for

City of Crescent City – Waterfront Revetment Repair WDID No. 1A13003WNDN

APPLICANT:	City of Crescent City
RECEIVING WATER:	Pacific Ocean in Crescent City Harbor
HYDROLOGIC UNIT:	Smith River Plain Hydrologic Subarea No. 103.11
COUNTY:	Del Norte
FILE NAME:	Crescent City, City of – Waterfront Revetment Repair

BY THE EXECUTIVE OFFICER:

1. On January 24, 2013, the City of Crescent City (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 repairing the rock slope protection (RSP) revetment that protects Beachfront Park and the Shoreline RV Park from erosion. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 26, 2012, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. In March 2011, a tsunami struck the Crescent City Harbor and damaged the existing revetment that protects the shoreline from high tides and winter waves. The revetment has been undermined and the RSP materials have slipped onto the adjacent beach. The revetment has lost its original shape and grade, and no longer adequately protects the adjacent Beachfront Park and the Shoreline RV Park developments.
3. Project activities involve recovering the displaced revetment materials that have slipped onto the beach and placing the materials back onto the existing revetment

structure. Additional one-ton to two-ton rock riprap will be trucked to the site to fill in gaps. Heavy equipment will drive along the adjacent beach to recover the displaced materials and reconstruct the revetment. All fill materials associated with the revetment repairs will be placed above the mean high tide line.

4. The revetment repair project will result in 900 linear feet of permanent impacts to waters of the United States. All permanent impacts are associated with repairing and restoring the original footprint of the existing shoreline revetment. The project will not result in new permanent impacts to waters of the United States. The project will result in temporary impacts to 900 linear feet and 9,000 square feet of shoreline adjacent to the revetment. Compensatory mitigation is not required for the project and temporary impacts to the beach are expected to be restored by subsequent high tide events. Noncompensatory mitigation includes implementation of Best Management Practices for use of heavy equipment on the beach.
5. The Applicant has obtained authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 3 (Maintenance), pursuant to Clean Water Act, section 404. The California Coastal Commission determined that the project is exempt from the Coastal Act's requirement for securing a coastal development permit. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required. The project is expected to begin in June 2013 and may take up to four months to complete.
6. Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Section 15301 – existing facilities).
7. 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.
8. 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.
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Receiving Water: Crescent City Harbor/Pacific Ocean in the Smith River Plain
Hydrologic Subarea No. 103.11

Filled or Excavated Area: Area Temporarily Impacted: 9,000 square feet of shoreline
Area Permanently Impacted: 9,000 square feet of existing
shoreline revetment

Total Linear Impacts: Length Temporarily Impacted: 900 linear feet of shoreline
Length Permanently Impacted: 900 linear feet of existing
shoreline revetment

Dredge Volume: None

Latitude/Longitude: Western End: 41.74932N/124.19412 W
Eastern End: 41.74994N/124.19163 W

Expiration: March 25, 2018

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Crescent City – Waterfront Revetment Repair (WDID No. 1A13003WNDN), 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 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. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.

4. Regional Water Board staff 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 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.
6. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification. 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.
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.
8. 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.
9. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
10. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. 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.
11. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the shoreline. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
12. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. 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. 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 action(s).

13. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
14. The Applicant shall comply with all applicable water quality standards as detailed in the Basin Plan.
15. 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.
16. 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 for the violation or threatened violation 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 certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State 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.
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 March 25, 2018. Conditions and monitoring requirements outlined in this Order 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.

Original Signed By Fred Blatt For

Matthias St. John
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 to: Mr. Eric Taylor, City of Crescent City, 377 J Street, Crescent City, CA 95531

Electronic

Copy to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,
Box 14, Eureka, CA 95501
U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398