
North Coast Regional Water Quality Control Board

May 9, 2013

In the Matter of

Water Quality Certification

for

**Crescent City Harbor District – Citizen’s Dock Fender Pile Repair
WDID No. 1A13027WNDN**

APPLICANT: Crescent City Harbor District
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 Harbor District – Citizen’s Dock Fender Pile
Repair

BY THE EXECUTIVE OFFICER:

1. On February 14, 2013, 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 repairing the Citizen’s Dock and three fish docks in the Crescent City Harbor to ensure their continued safe use for off-loading and transfer of fish and shellfish, and for other commercial and sport use. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 12, 2013, 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 March 11, 2011, a tsunami generated by the Tohoku Earthquake in Japan reached the Crescent City Harbor and a series of tsunami-generated surges caused major damage to the inner boat basin, the outer harbor, and to support facilities in the harbor. Rapid fluctuations in water levels and wave action created excessive forces

that damaged the existing Citizen's Dock and fish dock structures. Repairs to Citizen's Dock will consist of replacing missing and damaged fender piles and their associated timber chocks, walers, and ladders.

3. The Citizen's Dock is a timber structure built in the 1950s that is used for offloading and transfer of fish and crab. This Y-shaped dock consists of a 260-foot long and 34-foot wide timber approach trestle connected to two timber wharfs. The approach trestle provides access to both wharfs and serves as the fuel facility for the commercial fleet. There are several fish buying stations on the 210-foot long by 62-foot wide south wharf. The 260-foot long by 40-foot wide west wharf has a fish buying station and a commercial ice plant that serves the fishing fleet. Three fish docks (Wild Planet Foods, Pacific Choice, Alber Seafood) that service the commercial/industrial activities associated with fish processing are also in need of repair. All three fish docks are approximately 25-feet wide by 120-feet long.
4. Citizen's Dock repairs will include replacement of chocks, ladders, and 13 fender piles. Repairs to the fish docks will include replacement of up to 18 fender piles and associated chocks and walers. Fender piles are non-structural piles located on the exterior perimeter of the docks. The fender piles cushion and protect the docks, and the outer rows of bearing piles, from damage caused by vessel impacts. Fender piles also protect the hulls of watercraft tied to the dock. Chocks are braces placed between fender piles that hold the piles in position and provide lateral stability. Fiber reinforced plastic (FRP) chocks will be used where existing chocks are being replaced. These repairs are necessary to protect and restore the structural integrity of the dock structures.
5. Existing broken or damaged wood piles will be removed by vibratory pile driving equipment positioned on a barge mounted crane. The entire pile shall be extracted when possible. Piles that cannot be completely extracted shall be cut off at least 3 feet below the ocean floor. A flat barge will be used for staging materials and to hold debris generated by the project. Some locations may allow direct placement of the removed pilings onto a flatbed trailer positioned on the dock. All removed piles will be hauled to a landfill. Removed timber chocks will be stored in a dumpster until ultimate disposal through the local solid waste transfer facility. Damaged steel ladders will be recycled.
6. FRP piles will be vibrated into the ocean floor using the same barge mounted equipment used for pile removal. Replacement piles are less than 1-foot diameter and have similar dimensions to existing piles. Best management practices, including floating debris barriers and absorbent booms, will be implemented to prevent release of construction materials and debris into surrounding waters.
7. The project will result in 28.5 square feet of permanent impacts to the ocean floor associated with installation of the 31 FRP piles. Since permanent impacts are associated with installation of new piles with similar dimensions to the piles they replace, the project is not expected to result in any overall increase in the area of permanent impact to the ocean. The pile removal activities will also result in

approximately 31 square feet of temporary impacts to waters of the United States. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes implementation of Best Management Practices for pile removal and containment of debris.

8. The Applicant has obtained authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 3 (File No. 2012-00019), 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.
9. Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Section 15301 – existing facilities).
10. 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.
11. 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: 31 square feet of ocean-floor
Area Permanently Impacted: 28.5 square feet of ocean-floor

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

Dredge Volume: None

Latitude/Longitude: 41.74521N/124.18452 W

Expiration: May 9, 2018

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Crescent City Harbor District – Citizen’s Dock Fender Pile Repair Project (WDID No. 1A13027WNDN), 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 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.
6. 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.

7. 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.
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 May 9, 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

Matthias St. John
Executive Officer

130509_cchd_ctznsdckfndrrprs_401Cert

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. Richard Young, Crescent City Harbor District, 101 Citizen's Dock Road, Crescent City, CA 95531

cc: Stover Engineering, 711 H 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