
North Coast Regional Water Quality Control Board

July 3, 2014

In the Matter of

Water Quality Certification

for

**Border Coast Regional Airport Authority – Jack McNamara Field, Runway Safety Area
Improvement Project
WDID No. 1A13028WNDN**

APPLICANT: Border Coast Regional Airport Authority
RECEIVING WATER: Wetlands
HYDROLOGIC UNIT: Smith River Plain Hydrologic Subarea No. 103.11
COUNTY: Del Norte
FILE: BCRAA – Jack McNamara Field, Runway Safety Area
Improvement Project, ECM PIN CW-792009

BY THE EXECUTIVE OFFICER:

1. On March 25, 2013, the Border Coast Regional Airport Authority (BCRAA) (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 BCRAA – Jack McNamara Field, Runway Safety Area Improvement Project (Project). Information describing the Project was noticed for public comment on the Regional Water Board’s website on June 11, 2014. We received no comments. The proposed Project will cause disturbances to waters of the United States associated with wetlands within the Smith River Plain Hydrologic Subarea No. 103.11. The Project is located at the Del Norte County Regional Airport, Jack McNamara Field in Crescent City, Del Norte County, latitude 41.782°N, and longitude 124.2375°W. The Project will result in permanent impacts to approximately 12.96 acres of wetlands,

waters of the US. The project will temporarily impact approximately 3.90 acres of wetlands, waters of the US.

2. The Purpose of the project is to upgrade the Runway Safety Areas (RSA) at Del Norte County Regional Airport, Jack McNamara Field in Crescent City for the purpose of enhancing the safety of airport operations in response to congressional mandate. A RSA is a defined surface surrounding the runway that enhances safety and reduces risk of damage to airplanes in the event of an excursion from the runway.

RSAs also provide accessibility for firefighting and rescue equipment responding to runway incidents. The purpose of the proposed Project is to enhance airport safety by bringing the existing RSAs into compliance with current Federal Aviation Administration airport design standards. Federal design standards state that RSAs shall: 1) be cleared and graded and have no potentially hazardous ruts, humps, depressions, or other surface variations; 2) be drained by grading or storm sewers to prevent water accumulation; 3) be capable, under dry conditions, of supporting snow removal equipment, aircraft rescue and firefighting equipment, and the occasional passage of aircraft without causing structural damage to the aircraft; 4) be free of objects, except for objects that need to be located in the RSA because of their function; and, 5) meet grade/slope requirements at the ends of runways. RSA improvements will not increase impervious surfaces at the site

The proposed RSA upgrades will be accomplished by filling and grading uneven terrain along the length and width of the runway 11/29 and the ends of 17/35 that exceeds allowable RSA gradients. The upgraded RSAs will provide a smooth transition with minimal change in elevation and surface variation between the existing paved runway surfaces and adjacent terrain comprised of compacted and mowed ground cover

3. Construction of the RSA upgrades will result in unavoidable direct impacts to adjacent wetlands and drainage channels. The RSA improvement Project will result in permanent impacts to approximately 12.96 acres of wetlands, waters of the US. The proposed Project will also result in temporary impacts to approximately 3.90 acres of wetlands, waters of the US. Best Management Practices for sediment and turbidity control, aquatic species and habit protection are proposed to avoid and minimize impacts.
4. The RSA construction for Runway 17/35 is proposed in the summer/fall of 2014, where the RSA construction for Runway 11/29 is proposed in early 2015. The wetland mitigation construction for the RSA project is planned to commence in August 2015 and end in December 2016.

5. Compensatory mitigation is required for the permanent wetland impacts. GHD Inc., on behalf of the Applicant, submitted a detailed final conceptual plan to mitigate both permanent and temporary impacts to Waters of the U.S. and State, *Del Norte County Regional Airport, Jack McNamara Field (CEC) Runway Safety Area (RSA) Improvement Project, Crescent City, Mitigation and Monitoring Plan* on June 4, 2014. Final design plans and any subsequent plan changes will be submitted for review and approval of the Regional Water Board. The proposed compensatory mitigation package includes wetland reestablishment of approximately 9.9 acres and 64.4 acres of preservation at the Pacific Shores Subdivision (PSS), an unfinished planned community development project located approximately five miles north of the Del Norte County Regional Airport, Jack McNamara Field that consists of an interconnected network of paved roadways. Wetland reestablishment will generally be accomplished by removing the existing asphalt paved roadways within PSS and revegetation of those areas with appropriate wetland species. Habitat for Oregon silverspot butterfly will also be enhanced at PSS by removing invasive plants and reseeding areas with native host plants and nectar plants utilized by the butterfly. Proposed mitigation also includes wetland establishment of approximately 16.2 acres, 0.3 acres of reestablishment and 8.3 acres of preservation at the Bay Meadows property located south of Lake Earl, described in the mitigation plan. Approximately 3.9 acres of temporarily impacted wetlands are proposed to be restored to pre-project condition. The Project proposes to implement Best Management Practices (BMPs) for storm water treatment, erosion control, and use of heavy equipment in wetlands and drainage channels.
6. The Applicant has applied for authorization from the United States Army Corps of Engineers (USACE) to perform the project under Individual Permit, pursuant to Clean Water Act, section 404. The Applicant has also applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Wildlife and a Coastal Development Permit from the California Coastal Commission.
7. On December 1, 2011, the Border Coast Regional Airport Authority (BCRAA) certified a Final Environmental Impact Report (EIR) (SCH No. 2009071019) for the project in order to comply with CEQA. A supplemental EIR (SCH No. 2009071019) was certified by the BCRAA on May 8, 2014. The Regional Water Board has considered the environmental document.
8. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to “rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste.”

9. 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.
10. 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. (Weblink attached below).

Receiving Water: Wetlands,
Smith River Plain Hydrologic Subarea No. 103.11

Filled or Excavated Area: Permanent impact to waters of the US:
12.96 acres of Wetlands
Temporary impact to waters of the US:
3.9 acres of wetlands

Channel and Shoreline: Permanent impact to waters of the US:
None
Temporary impact to waters of the US:
None

Fill Volume: 52,215 cubic yards

Dredge Volume: None

Latitude/Longitude: 41.782°N / 124.2375°W

Expiration: December 31, 2021

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the BCRAA – Jack McNamara Field, Runway Safety Area Improvement Project (WDID No. 1A13028WNDN), 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 of 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. Compensatory mitigation shall be implemented in accordance with the detailed final conceptual plan to mitigate both permanent and temporary impacts to Waters of the U.S. and State, *Del Norte County Regional Airport, Jack McNamara Field (CEC) Runway Safety Area (RSA) Improvement Project, Crescent City, Mitigation and Monitoring Plan* on June 4, 2014. Final design plans and any subsequent plan changes will be submitted for review and approval by the Regional Water Board prior to commencing mitigation. Compensatory mitigation shall include wetland reestablishment of approximately 9.9 acres and approximately 64.4 acres of preservation at the Pacific Shores Subdivision. Mitigation shall also include wetland establishment of approximately 16.2 acres, 0.3 acres of reestablishment and 8.3 acres of preservation at the Bay Meadows property described in the mitigation plan. Approximately 3.9 acres of temporarily impacted wetlands shall be restored to pre-project condition within one year as outlined in the plan.

Results of annual monitoring of the mitigation areas will be reported to the Regional Water Board annually for 5 years, on December 31st of each year. Reports shall summarize data collected, annual performance, any remedial action necessary and whether success criteria are met as outlined in the mitigation plan. Wetland delineation results documenting the final reestablishment and established mitigation

wetland acreage relative to permanent impacts will be submitted with the final report for review and approval of Regional Water Board Staff.

Delays in mitigation implementation schedule set forth by the mitigation plan may result in the requirement of additional mitigation to compensate for the temporal loss.

5. To comply with the objective of the State “No Net Loss Policy” (Executive Order W-59-93) to ensure the quantity, quality, and permanence of wetland acreage and values in California, and with the “Antidegradation” requirements of SWRCB Resolution No. 68-16, this 401 certification requires that compensatory mitigation areas for permanent impacts be subject to a deed restriction, conservation easement or other legal site protection instrument and long-term management plan that ensures preservation of the mitigation in perpetuity. The applicant shall submit such site protection instruments and management plans in writing (electronically) for review and approval of Regional Water Board Staff as a condition of final success criteria of the mitigation.
6. Applicant shall prioritize the use of wildlife-friendly 100% biodegradable erosion control products/BMPs whenever feasible. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the Project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.
7. BMPs shall be implemented as proposed in the application materials. 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. Severe and unseasonal rain events are becoming more frequent due to the effects of climate change. Therefore, BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state.
8. 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.

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. 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).
12. All Project work shall be conducted as described in this Order and in the application submitted by the Applicant, and shall comply with all applicable water quality standards as detailed in the Basin Plan. 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.
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. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
15. 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.
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. 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.
18. 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 email a copy of the letter to the following email address: NorthCoast@waterboards.ca.gov

To discharge dredged or fill material under this Order, the successor-in-interest must email the Regional Water Board Executive Officer at: NorthCoast@waterboards.ca.gov 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. 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 December 31, 2021. 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 Gil Falcone at (707) 576-2830 or Stephen Bargsten at (707) 576-2653.

Original signed by

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. James Bernard, Airport Director, Border Coast Regional Airport Authority, 150 Dale Rupert Road, Crescent City, CA 95531

cc: Mr. Misha Schwarz, Project Manager, GHD Inc., 718 3rd Street, Eureka, CA 95501

Laurie Monarres, US Army Corps of Engineers
Laurie.A.Monarres@usace.army.mil

Carol Heidsiek, US Army Corps of Engineers
Carol.A.Heidsiek@usace.army.mil