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**North Coast Regional Water Quality Control Board**

November 4, 2015

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**In the Matter of**  
**Water Quality Certification**

**for**

**BCRAA Jack McNamara Field (CEC) Terminal Replacement Project**  
**WDID No. 1A12196WNDN**

APPLICANT: Border Coast Regional Airport Authority  
RECEIVING WATER: Wetlands  
HYDROLOGIC UNIT: Smith River Hydrologic Unit No. 103.11  
COUNTY: Del Norte  
FILE: BCRAA – Jack McNamara Field (CEC), Terminal Replacement Project, ECM PIN CW-789111

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BY THE EXECUTIVE OFFICER:

1. On January 2, 2013, the North Coast Regional Water Quality Control Board (Regional Water Board) received an incomplete application from the Border Coast Regional Airport Authority (BCRAA) (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities associated with the BCRAA Jack McNamara Field (CEC) Terminal Replacement Project (Project). Since June 1, 2015, the Applicant has submitted supplemental information in an effort to complete the application, update the Project description, and provide California Environmental Quality Act supplemental documentation. Information describing the Project was noticed for public comment on the Regional Water Board's website on October 9, 2015. We received no comments.
2. The proposed Project would cause disturbances to waters of the United States associated with wetlands within the Smith River Hydrologic Unit No. 103.11. The

Project is located at 150 Dale Rupert Road, Crescent City, Del Norte County, at latitude 41.7781°N, and longitude 124.2303°W. Project implementation would result in approximately 0.029 acres of permanent impacts to jurisdictional wetlands.

3. The primary purpose of the Project is to replace the BCRAA Jack McNamara Field Terminal, associated infrastructure, and implement offsite wetlands mitigation. Phase 1 of the Project would consist of improvements to Dale Rupert Road, construction of a parking lot, and installation of sewer and water lines. Phase 2 would include construction of the passenger terminal building and aircraft apron.
4. Phase 1 of the Project is planned to begin in 2016, and be completed in 2017, and Phase 2 would begin in 2017, and be completed in 2018.
5. Compensatory mitigation is required for the proposed impacts to waters of the United States. The Project application includes a revised mitigation and monitoring plan that proposes 0.06 acres of off-site wetland establishment to offset permanent impacts to wetlands. Establishment of emergent wetlands at the mitigation site within waters of the US is covered under this water quality certification. Best Management Practices for sediment and erosion control are proposed to avoid and minimize temporary impacts during and after construction at the Project as well as mitigation sites.
6. The Applicant has submitted a *Final Stormwater Facilities Plan* for review, describing best management practices to prevent and reduce discharges during and after construction. The plan was approved for implementation by Regional Water Board Storm Water Unit staff on October 15, 2015.
7. The Applicant has applied for authorization from the United States Army Corps of Engineers for a Clean Water Act, section 404 permit. The Applicant has applied to the California Coastal Commission to obtain a Coastal Development Permit. The Applicant has obtained a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife (No. 1600-2012-0334-R1).
8. On April 2, 2009, Boarder Coast Airport Authority, as lead California Environmental Quality Act (CEQA) agency, certified a final Environmental Impact Report (EIR) and filed with the State Clearinghouse (SCH No. 2006112120), pursuant to CEQA guidelines. In May 2009, BCRAA adopted the first addendum to the EIR. In April 2011, BCRAA adopted a second addendum to the EIR. In June 2015, BCRAA issued a third addendum to the EIR describing modifications to the proposed Project.
9. The Smith River is designated as a California Wild and Scenic River under the California Wild and Scenic Rivers Act (CWSRA) (CA Public Resources Code Section 5093.5 et seq.). The Middle Fork Smith River at the Project location is designated as Recreational under the CWSRA. This certification does not certify any activities that

would affect either the free-flowing character or recreational values of the Middle Fork Smith River.

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.
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. (Weblink attached below).

Receiving Water: Wetlands,  
Smith River Hydrologic Unit, No. 103.13

Filled or Excavated Area: Permanent impact to waters of the US:  
0.029 acres wetlands

Latitude/Longitude: 41.7781°N / 124.2303°W

Expiration: November 4, 2020

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the BCRAA Jack McNamara Field (CEC) Terminal Replacement Project (WDID No. 1A12196WNDN), 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. A fee of \$944 was received on Dec 3, 2012 and \$2,365 was received for this project on December 22, 2014. This certification will be subject to annual billing during the construction phase ("Annual Active Discharge Fee") and during the monitoring phase of the project ("Annual Post Discharge Monitoring Fee"), per the current fee schedule, which can be found on our website:  
[http://www.swrcb.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification.shtml](http://www.swrcb.ca.gov/northcoast/water_issues/programs/water_quality_certification.shtml) These fees will be automatically invoiced to the applicant.

The applicant must notify the Regional Water Board of the end of the construction phase of the project in order to request the Regional Water Board to terminate annual construction period billing and to receive a "Notice of Completion of Discharges Letter". If the project is subject to annual monitoring fees, the applicant must also notify the Regional Water Board at the end of the monitoring period in order to request to terminate annual monitoring period billing and receive a "Notice of Project Complete Letter". Completion reports may be necessary to be submitted by applicant at the end of each of these phases. Regional Water Board staff may request site visits at the end of each phase of the project to confirm status of project and compliance with this Order

5. Compensatory mitigation shall be implemented in accordance with the *Border Coast Airport Authority, Del Norte County Regional Airport, Jack McNamara Field (CEC) Terminal Replacement Project, Crescent City, California, Mitigation and Monitoring Plan* submitted on July 22, 2015, and any approved supplemental plan. Project mitigation includes creation of approximately 0.06 acres of emergent wetlands, at the Pacific Shores Subdivision, 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.

Results of annual monitoring of the mitigation areas will be reported to the Regional Water Board annually for at least five years or until success criteria are met. Reports shall be submitted annually by December 31, after mitigation construction activities are complete. Reports shall summarize data collected, annual performance, any remedial action necessary and whether final success criteria are met.

Reports shall be submitted electronically to the Regional Water Board at [northcoast@waterboards.ca.gov](mailto:northcoast@waterboards.ca.gov)

6. The Regional Water Board shall be notified at least five working days (working days are Monday – Friday) prior to the commencement of bridge installation or removal.
7. Only wildlife-friendly, 100 percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable. The applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
8. 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.
9. 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.
10. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
11. 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.

12. 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. 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.
14. 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.
15. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
16. 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.
17. 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.
18. 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.

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 email a copy of the letter to the following email address: [NorthCoast@waterboards.ca.gov](mailto: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](mailto: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).

20. The authorization of this certification for any dredge and fill activities expires on November 4, 2020. 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.

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Matthias St. John  
Executive Officer

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](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Original to: Mr. Matthew Leitner, Airport Director, Border Coast Regional Airport Authority, 150 Dale Rupert Road, Crescent City, CA 95531

cc: Holly Costa, US Army Corps of Engineers [holly.n.costa@usace.army.mil](mailto:holly.n.costa@usace.army.mil)

Carol Heidsiek, US Army Corps of Engineers  
[Carol.A.Heidsiek@usace.army.mil](mailto:Carol.A.Heidsiek@usace.army.mil)

Misha Schwarz, GHD, [Misha.Schwarz@ghd.com](mailto:Misha.Schwarz@ghd.com)

Melissa Kraemer, CA Coastal Commission [Melissa.Kraemer@coastal.ca.gov](mailto:Melissa.Kraemer@coastal.ca.gov)

Susan Daugherty, Airport Program Manager, [sdaugherty@co.del-norte.ca.us](mailto:sdaugherty@co.del-norte.ca.us)