

---

## North Coast Regional Water Quality Control Board

May 25, 2016

**In the Matter of**  
**Water Quality Certification**  
**for the**  
**USCG Station Humboldt Bay Dredging Project**

APPLICANT: United States Coast Guard  
RECEIVING WATER: Humboldt Bay  
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit, No. 110.00  
COUNTY: Humboldt  
FILES: USCG Station Humboldt Bay Dredging, ECM PIN CW-822329,  
WDID No. 1B16184WNHU

---

### FINDINGS BY THE EXECUTIVE OFFICER:

1. On February 26, 2016, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the United States Coast Guard Civil Engineering Unit (Applicant) requesting Federal Clean Water Act (CWA) section 401 Water Quality Certification (certification) for the USCG Station Humboldt Bay Dredging Project (Project).
2. **Public Notice:** Information describing the Project was noticed for public comment on the Regional Water Board's website on April 13, 2016. The California Department of Fish and Wildlife contacted the Regional Water Board to ensure that dredging would be limited to days between August 1 and October 15, and that a clamshell dredge would be used. The Applicant's Project design satisfies these conditions and this certification is conditioned upon these two factors.
3. **Receiving Waters:** The proposed Project will cause disturbances to Humboldt Bay at approximate latitude 40.767, longitude -124.217.

4. **Project Description:** The purpose of the Project is to restore and maintain construction depth at the Applicant's Coast Guard station boat basin, located on the inland side of the north spit in Samoa, Humboldt Bay. The boat basin has not been dredged since 1999. The Applicant proposes to use a clamshell dredge to remove approximately 1,730 cubic yards, but no more than 2,000 cubic yards of sediment from an approximately 0.27 acre area. Approximately 801 cubic yards of dredged material would be removed to reach the dredging depth of -8 mean lower low water (MLLW), and approximately 929 cubic yards of material would be removed to reach the allowable two feet overdepth dredging elevation of -10 MLLW. Dredge material will be disposed of at the Humboldt Open Ocean Disposal Site (HOODS). Sediment analysis has been reviewed by the United States Environmental Protection Agency and approved for disposal at HOODS.
5. **Construction Timing:** Dredging will be completed within one week between August 1st and September 30th, 2016.
6. **Project Impacts:** The proposed Project would result in approximately 0.27 acres of temporary impacts to Humboldt Bay as a result of dredging up to 2,000 cubic yards of sediment.
7. **Avoidance and Minimization:** There are two small patches of eelgrass on the margins of the Project area. Silt curtains would be installed around the patches to protect them from the sediment mobilized during dredging activities.
8. **Mitigation for Project Impacts:** Because Project implementation would result in no permanent impacts to jurisdictional waters and eelgrass will be avoided, compensatory mitigation is not required.
9. **Other Agency Actions:** The Applicant has applied to the United States Army Corps of Engineers for an Individual Permit, pursuant to CWA, section 404, and section 10 of the Rivers and Harbors Act of 1899.

The United States Environmental Protection Agency issued Ocean Disposal Special Conditions for 2016 US Coast Guard Use of the Humboldt Open Ocean Disposal Site on March 3, 2016.

The National Marine Fisheries Service (NMFS) issued a letter of concurrence on April 21, 2016, evaluating potential impacts to Southern Oregon/Northern California Coast coho salmon Evolutionarily Significant Units (ESU), California Coastal Chinook salmon ESU, Northern California steelhead Distinct Population Segments (DPS), and North American green sturgeon DPS. NMFS determined that the Project may affect, but is not likely to adversely affect these species and their critical habitats based on the timing and duration of the Project and the amount of potential and occupied habitat affected.

10. **CEQA Compliance:** The North Coast Regional Water Quality Control Board, as lead California Environmental Quality Act (CEQA) agency, has determined that the Project qualifies for a Categorical Exemption, 15304 (g), *Minor Alterations to Land*, and will file a Notice of Exemption with the State Clearinghouse concurrent with issuance of this certification, pursuant to CEQA guidelines.
  
11. **Antidegradation Policy:** 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 certification 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.
  
12. 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. The Order may be accessed at this web address:  
[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)

Receiving Water:	Humboldt Bay	
Dredging Impacts:	Temporary impacts to waters of the U.S.:	0.27 acres, 2,000 cubic yards
Latitude/Longitude:	40.767, -124.217 <sup>1</sup>	
Certification Expiration:	May 25, 2021	

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the USCG Station Humboldt Bay Dredging Project (WDID No. 1B16184WNHU) 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:

---

<sup>1</sup> WGS84 datum

**All conditions of this certification apply to the Applicant (and 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.**

### **Project-Specific Conditions**

1. Dredging activities shall be conducted only between August 1 and October 15.
2. Dredge material shall be removed only by clamshell dredge.
3. The Applicant shall utilize turbidity curtains to protect eelgrass during dredging activities, as proposed in the certification application materials.

### **Standard Conditions**

4. 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.
5. 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.
6. 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. The total application fee is \$535. The Regional Water Board received \$1,201 from the Applicant on May 20, 2016. The Applicant is due a refund of \$666.
7. This certification will be subject to annual billing during the dredging phase ("Annual Active Discharge 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). The annual fee for this Project is \$268, which will be automatically invoiced to the Applicant.
8. The Applicant shall contact the Regional Water Board at the end of dredging activities to request termination of the Annual Active Discharge Fee and to receive a "Notice of Completion of Discharges Letter." The Applicant may be required to submit a completion report at the end of dredging activities. Regional Water Board staff may

request site visits at the end of each Project phase to confirm Project status and compliance with this certification.

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 certification, 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 be a material change as defined in California Water Code section 13260(c) as a proposed change in character, location, or volume of the discharge, the Applicant shall obtain prior written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of the material change to the discharge, it will be considered a violation of this certification, and the Applicant may be subject to Regional Water Board enforcement action(s).
13. All Project work shall be conducted as described in this certification 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 certification, and the Applicant may be subject to Regional Water Board enforcement actions.
14. The Applicant shall provide a copy of this certification 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. 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. 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 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 certification. 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 certification 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 certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
17. The Regional Water Board may add to or modify the conditions of this certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
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 certification by letter and shall email a copy of the letter to the following email address: [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov).

The successor-in-interest shall email the Regional Water Board Executive Officer at: [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) to request authorization to discharge dredged or fill material under this certification. The request must contain the following:

- i) Effective date of ownership change;
  - ii) Requesting entity's full legal name;
  - iii) The state of incorporation, if a corporation;
  - iv) The address and phone number of contact person; and
  - v) A description of any changes to the Project or confirmation that the successor-in-interest intends to implement the project as described in this certification.
19. Except as may be modified by any preceding conditions, all certification actions are contingent on:

- i) The discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's Project description and CEQA documentation, as approved herein; and
  - ii) Compliance with all applicable water quality requirements and water quality control plans including the requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan), and amendments thereto.
20. The authorization of this certification for any dredge and fill activities expires on May 25, 2021. 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 Brendan Thompson of my staff, at (707) 576-2699, or via e-mail at [Brendan.Thompson@waterboards.ca.gov](mailto:Brendan.Thompson@waterboards.ca.gov).

---

Matthias St. John  
Executive Officer

160525\_BJT\_dp\_USCG\_Dredging\_401

Original to: David Stalters, U.S. Coast Guard Civil Engineering Unit, 1301 Clay St., Suite 700N, Oakland, CA 94612  
[David.W.Stalters@uscg.mil](mailto:David.W.Stalters@uscg.mil)

cc: State Water Resources Control Board, [Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)  
Environmental Protection Agency, Region 9, [R9-WTR8-Mailbox@epa.gov](mailto:R9-WTR8-Mailbox@epa.gov)  
Dennis Mead, United States Coast Guard, [Dennis.J.Mead@uscg.mil](mailto:Dennis.J.Mead@uscg.mil)  
Mark D'Avignon, United States Army Corps of Engineers,  
[Mark.R.D'Avignon@usace.army.mil](mailto:Mark.R.D'Avignon@usace.army.mil)