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**North Coast Regional Water Quality Control Board**

July 19, 2018

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**In the Matter of**

**Water Quality Certification**

**for the**

**Mateel Community Center, Inc.**  
**Reggae on the River Seasonal Bridge Installation, South Fork Eel River**  
**WDID 1B05083WNHU**

APPLICANT: Mateel Community Center, Inc.,  
Ms. Alisha Goodrich Coordinator Manager

RECEIVING WATER: South Fork Eel River Hydrologic Unit Code 180101060305

HYDROLOGIC UNIT: Benbow Hydrologic Subarea No. 111.32

COUNTY: Humboldt

FILE NAME: Mateel Community Center,  
Reggae on the River Seasonal Bridge Installation  
ECM PIN CW-650372  
WDID 1B05083WNHU

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**FINDINGS BY THE EXECUTIVE OFFICER:**

1. On June 22, 2018, the Mateel Community Center, Inc., Coordinator Manager, Ms. Alisha Goodrich (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 the annual installation and removal of a temporary bridge crossing the over the South Fork Eel River (Project). The application was deemed complete on July 3, 2018. The Project is located approximately 0.7 mile north of the

intersection of Cooks Valley Road and Highway 101, on property known as French's Camp near Piercy in Humboldt County.

2. **Public Notice:** The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 26, 2018, and posted information describing the project on the Regional Water Board's website. No comments were received.
3. **Receiving Waters:** The proposed Project would cause disturbances to South Fork Eel River, in the Benbow Hydrologic Subarea No. 111.32. The proposed Project would occur on the South Fork Eel River gravel bars and temporarily impact 43,000 square feet of streambed and 72 linear feet of the streambank annually. The proposed Project is not anticipated to result in any permanent impacts to the streambed or channel. Compensatory mitigation is not required. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control, and for operation of heavy equipment in a stream channel.
4. **Project Description:** The purpose of the temporary bridge crossing is to provide access to the east side of the river for parking, camping, and activities associated with the annual Reggae on the River concert event. The Project includes installation of two parallel and adjacent bridges at one location across the South Fork Eel River to provide access for vehicles and pedestrians. The proposed temporary bridge crossing consists of two steel-frame railroad flatcars installed side-by-side.

The flatcars are 9-feet 4-inches wide and they have a maximum span of 56-feet between the abutments. The flatcar frames will be decked with 12-inch wide by 4-inch thick pressure-treated lumber. One deck will be 13 feet wide and used as the emergency vehicle lane. The other deck will be 16 feet wide and will include a 10-foot-wide vehicle lane and a pedestrian lane that will be cantilevered off the side of the steel frame using the decking lumber. Lumber used on the bridges will be cut to length and drilled for fasteners prior to being brought to the site. Safety rails will be installed after the flatcars and decking are installed.

It is anticipated that the wetted channel will be less than 50-feet wide at the temporary crossing location at the time of bridge installation and removal. The rail car frames are placed on pre-cast interlocking concrete block abutments, with each end resting on native river-run gravel. The bridge will have a channel span of 50 feet. If either abutment is placed in the wetted channel, clean washed gravel will be placed as a foundation pad. The western abutment will be installed first. The excavator will cross the river to install the east abutment and to lift the flatcars into place on the abutments. The excavator will avoid and minimize wet river crossings by using the first installed bridge deck to complete the crossing installation and to return to the west side. The bridge will remain in place no later than September 15 annually. Work to place the bridge and approach roads, will require the movement of 450 cubic yards of native

gravel along 14,400 square feet of the banks of the Eel River. Following annual removal of the temporary bridges, native aggregate material that was used to form the abutments will be returned to the borrow areas and re-graded as necessary to restore the gravel bar area while leaving no depressions or berms that may potentially trap fish or cause impacts to surrounding habitats.

5. **Construction Timing:** This season, the temporary bridge crossing is expected to be installed July 19, 2018, and removed no later than September 15. In future years, the bridge is expected to be installed mid-June and removed no later than September 15.
6. **Project Impacts:**
  - a) Temporary impacts to waters of the U.S. would include approximately 43,000 square feet of graded streambed (gravel bars) and 72 linear feet of streambank annually.
  - b) *An Addendum to the Environmental Impact Report Modification to the Conditional Use Permit to Allow the Festival for Another Five Years (2018 – 2022) SCH No. 2012082108 and Final Supplemental Environmental Impact Report (SEIR) (SCH No. 2012082108)* were prepared for the Project in order to comply with CEQA. The environmental documents identify that the Project will have potentially significant effects on the environment within Regional Water Board jurisdiction including: 1) substantial adverse effect on riparian habitat or other sensitive natural community; 2) substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means; 3) violation of water quality standard or waste discharge requirements; and, 4) could otherwise substantially degrade water quality.
  - c) The state listed Foothill Yellow-Legged Frog (*Rana boylii*) is suspected of being present in the Project area.
  - d) Chemical dust suppressants such as Dust-Off will be applied to roads, above top of bank and not within waters of the state.
7. **Mitigation for Project Impacts:**
  - a) The proposed streambed and streambank grading is not anticipated to result in permanent impacts and compensatory mitigation is not required. Noncompensatory mitigation includes the use of BMPs for sediment and turbidity control, and for operation of heavy equipment in the channel. Additionally, following annual removal of the temporary bridges, native aggregate material that was used to form the temporary bridge abutments will be returned to the borrow areas and re-graded as necessary to restore the gravel bar area while leaving no depressions or berms that may potentially trap fish or cause impacts to surrounding habitats.

- b) *An Addendum to the Environmental Impact Report Modification to the Conditional Use Permit to Allow the Festival for Another Five Years (2018 – 2022) SCH No. 2012082108 and Final Supplemental Environmental Impact Report (SEIR) (SCH No. 2012082108)* were prepared for the project in order to comply with CEQA. The Regional Water Board has considered the environmental documents. The proposed mitigation measures are expected to mitigate the identified potential impacts to less-than-significant levels. Construction methods, BMPs, and applicable mitigation measures that are necessary to reduce or eliminate significant impacts on the environment are incorporated as enforceable conditions of this Order.

The *2018 River Water-Monitoring Program* will be the same as in previous years. Water quality samples will be collected from the upstream and downstream property lines before and after the event as well as each day the concert event is occurring. During the event, water quality samples will be collected from the upstream and downstream property lines in the morning and afternoon by a qualified professional. Water-quality constituents will include bacteria, turbidity, and temperature. All water samples will be transported to an accredited laboratory for testing under a chain-of-custody and analyzed in accordance with EPA Standards. Tabulated results will be submitted to the North Coast Regional Water Quality Control Board.

- c) The Applicant has applied for an Incidental Take Permit for the state listed Foothill Yellow-Legged Frog (*Rana boylei*). A California Department of Fish and Wildlife biologist will be on-site to disperse fish, amphibians, and other aquatic species in the crossing area. A biologist will be on-site during the annual removal of the temporary bridges to disperse fish, amphibians, and other aquatic species in the crossing area.
- d) No chemical dust suppressants including Dust-Off will be applied to roads or graded areas located on the gravel bars including approaches to the gravel bars, or within waters of the state. Clear water applied by water trucks is acceptable for dust control, and shall not be discharged to the wetted channel or to the bridge.
8. **Total Maximum Daily Load (TMDL) :** The South Fork Eel River Total Maximum Daily Loads (TMDL) for sediment and temperature were established in 1999 by the United States Environmental Protection Agency in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the South Fork Eel River are exceeded due to excessive sediment and temperature. Roads and bank erosion are identified as sources contributing to the sediment impairment. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. The primary adverse impacts associated with excessive temperature and sediment in the South Fork Eel River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Project activities do not involve removal of any riparian vegetation

providing shade to the river and implementation of BMPs for sediment and turbidity control is required. Accordingly, this Order is consistent with, and implements portions of the South Fork Eel River TMDL.

The South Fork Eel River from the middle of Section 29, T23N, R16W (approximately one-half mile upstream of Rattlesnake Creek confluence) to the confluence with the Eel River is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the river's free-flowing condition; anadromous and resident fisheries; and outstanding geologic, wildlife, flora and fauna, historic and cultural, visual, recreational, and water quality values. Recreational segments are generally developed, with parallel roads, bridges, and structures. All activities normally associated with public lands are permitted subject to the protection of free-flowing conditions and outstanding values. Implementation of the project would not affect the free-flowing condition of the South Fork Eel River and would not affect the extraordinary values for which the segment was listed.

9. **Sediment TMDL Implementation Policy:** 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".

10. **Other Agency Actions:** The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project pursuant to Clean Water Act, section 404 (pending).

The applicant has applied for an Incidental Take Permit with the California Department of Fish and Wildlife for the state listed Foothill Yellow-Legged Frog (*Rana boylei*) (pending).

The applicant has also applied for a Lake or Streambed Alteration Agreement with the California Department of Fish and Wildlife (pending).

Humboldt County Planning Commission issued a Conditional Use Permit CUP-12-017mm on June 21, 2018.

11. **CEQA Compliance:** An *Addendum to the Environmental Impact Report Modification to the Conditional Use Permit to Allow the Festival for Another Five Years (2018 – 2022)* SCH No. 2012082108 certified on June 21, 2018, by the County of Humboldt and *Final Supplemental Environmental Impact Report (SEIR)* (SCH No. 2012082108) certified on February 14, 2013, by the County of Humboldt were prepared for the project in order to comply with CEQA.

- 12. 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, which incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality waters be maintained unless degradation is justified based on specific provisions. 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.
13. 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.

Receiving Water:	South Fork Eel River	
Filled and/or Excavated Areas:	Temporary impacts to jurisdictional waters:	43,000 square feet annually or 0.987 acre
Total Linear Impacts:	Temporary impacts to jurisdictional waters:	72 linear feet of streambank annually
Latitude/Longitude:	40.00966, -123.78718	
Certification Expiration:	July 19, 2023	

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Mateel Community Center Inc., - Reggae on the River Seasonal Bridge Installation, South Fork Eel River (WDID No. 1B05083WNHU), 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.**

**Project Specific Conditions:**

1. Under the Porter-Cologne Water Quality Control Act, each regional water board shall establish water quality objectives to ensure the reasonable protection of beneficial uses and the prevention of nuisance, in consideration of various factors including past, present and probable future beneficial uses of water (Water Code, § 13241). The

annual installation and removal of a temporary bridge crossing the over the South Fork Eel River has the potential to cause discharges of waste into waters of the State and therefore must be regulated. These discharges are typically short-term (during the course of bridge installation and removal); but they sometimes exceed water quality objectives that are included in the Water Quality Control Plan for the North Coast Region (Basin Plan). (From the *Policy in Support of Restoration in the North Coast Region* Resolution No. R1-2015-0001 as adopted by the Regional Water Board on January 29, 2015).

2. Non-compensatory mitigation measures include the use of BMPs to be employed during bridge installation and removal to control sediment and turbidity production; implementing the *2018 River Water-Monitoring Program*; presence of trained biologists to disperse fish, amphibians, and other aquatic species in the crossing area; prohibition of chemical dust suppressants including Dust-Off will be applied to roads or graded areas located on the gravel bars including approaches to the gravel bars, or other waters of the state, (Clear water applied by water trucks is acceptable for dust control, and shall not be discharged to the wetted channel or to the bridge); and disturbed soil will have sediment control BMPs such as seed and straw applied before October 1 to prevent delivery of sediment to the South Fork Eel River.

#### **Project Specific Conditions Requiring Reports**

3. The Project involves activities associated with the annual installation and removal of a temporary bridge crossing the over the South Fork Eel River for the Reggae on the River concert event. Potential impacts including temporary impacts have been identified associated with the Project. The Project includes mitigation measures identified in the *Addendum to the Environmental Impact Report Modification to the Conditional Use Permit to Allow the Festival for Another Five Years (2018 – 2022)* SCH No. 2012082108 and *Final Supplemental Environmental Impact Report (SEIR)* (SCH No. 2012082108) were prepared for the Project in order to comply with CEQA and mitigation measures identified by Regional Water Board staff which are hereby incorporated as conditions under this water quality Certification. The approved Conditional Use Permit allows 10,500 attendees and the *2018 Operations Plan* describes the *2018 River Water-Monitoring Program*. The *River Water-Monitoring Program* will perform environmental sampling to monitor the water quality of the South Fork Eel River before, during, and after the concert event.
4. Results of *2018 River Water-Monitoring Program* shall be reported to the Regional Water Board annually by December 1<sup>st</sup>, through 2023. Reports shall summarize data collected and presented in tabulated format including any mitigation measures necessary to address identified water quality concerns. Water quality monitoring results from previous concert events shall be provided to our office. The reports shall be submitted to the following email address: [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov).

5. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of bridge installation and removal, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.

### **Standard Conditions**

6. 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.
7. 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.
8. 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. A complete fee of \$13,268 was received on July 18, 2018.
9. This Certification will be subject to annual billing during the time the Certification is active, per the current fee schedule, CCR 23 Section 2200, which can be found on our website:  
[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/). These fees will be automatically invoiced to the Applicant.
10. This Certification does not authorize drafting of surface waters. Any drafting of surface waters shall be in compliance with state water rights law and diversion requirements overseen by the State Water Resources Control Board's Division of Water Rights.
11. 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.
12. 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. BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state.

13. The Applicant is prohibited from discharging waste to waters of the state, unless explicitly authorized by this Certification. For example, no debris, soil, silt, sand, bark, slash, sawdust, 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.
14. The Applicant is liable and responsible for the proper disposal, reuse, and/or recycling of all Project-generated waste in compliance with applicable state and federal laws and regulations.
15. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Certification.
16. Work in flowing or standing surface waters, unless otherwise proposed in the Project description and approved by the Regional Water Board, is prohibited.
17. 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.
18. All Project activities shall be implemented as described in the submitted certification application package and the findings and conditions of this Certification. Subsequent Project changes that could significantly impact water quality shall first be submitted to Regional Water Board staff for prior review, consideration, and written concurrence. 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.
19. 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).

20. The Applicant shall provide a copy of this Certification and State Water Board Order 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.
21. Disturbance or removal of existing vegetation as detailed within the application shall not exceed the minimum necessary to complete the Project.
22. 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 gravel bars along the banks of the South Fork Eel River. At no time shall the Applicant or its contractors allow use of any vehicle or equipment that leaks any substance that may impact water quality.
23. The Applicant shall not use leaking vehicles or equipment within state waters or riparian areas. Vehicles and equipment used within state waters shall be checked for leaks at the beginning of each work day.
24. 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 Regional 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 Regional 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 pursuant to Section 13267 of the Porter-Cologne Water Quality Control Act.
25. 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 and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

26. 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 Regional Water Board at 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.

27. 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
- ii) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

28. The authorization of this Certification for any dredge and fill activities expires on July 19, 2023. 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.

**Conditions 3-4 are requirements for information and reports.** Any requirement for a report made as a condition to this certification is a formal requirement pursuant to California Water Code section 13267, and failure or refusal to provide, or falsification of such required report is subject to civil liability as described in California Water Code, section 13268.

If you have any questions or comments, please contact Scott Gergus of my staff at (707) 576-2685 or via e-mail at [Scott.Gergus@waterboards.ca.gov](mailto:Scott.Gergus@waterboards.ca.gov).

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Matthias St. John  
Executive Officer

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Original to: Mateel Community Center, LLC, Alisha Goodrich  
P.O. Box 1910, Redway, CA 95560 [alisha@mateel.org](mailto:alisha@mateel.org)

cc: Megan Gomes, [board@mateel.org](mailto:board@mateel.org)  
John Ford, Humboldt County Planning Department,  
[PlanningBuilding@co.humboldt.ca.us](mailto:PlanningBuilding@co.humboldt.ca.us)  
State Water Resources Control Board, [StateBoard401@waterboards.ca.gov](mailto:StateBoard401@waterboards.ca.gov)  
Jennifer Siu, EPA Region 9, [Siu.Jennifer@epa.gov](mailto:Siu.Jennifer@epa.gov)  
Cameron Purchio, U.S. Army Corps of Engineers,  
[Cameron.R.Purchio@usace.army.mil](mailto:Cameron.R.Purchio@usace.army.mil)  
Jen Olson, CDFW, [Jennifer.Olson@wildlife.ca.gov](mailto:Jennifer.Olson@wildlife.ca.gov)  
Aldaron Laird, [riverplanner@gmail.com](mailto:riverplanner@gmail.com)

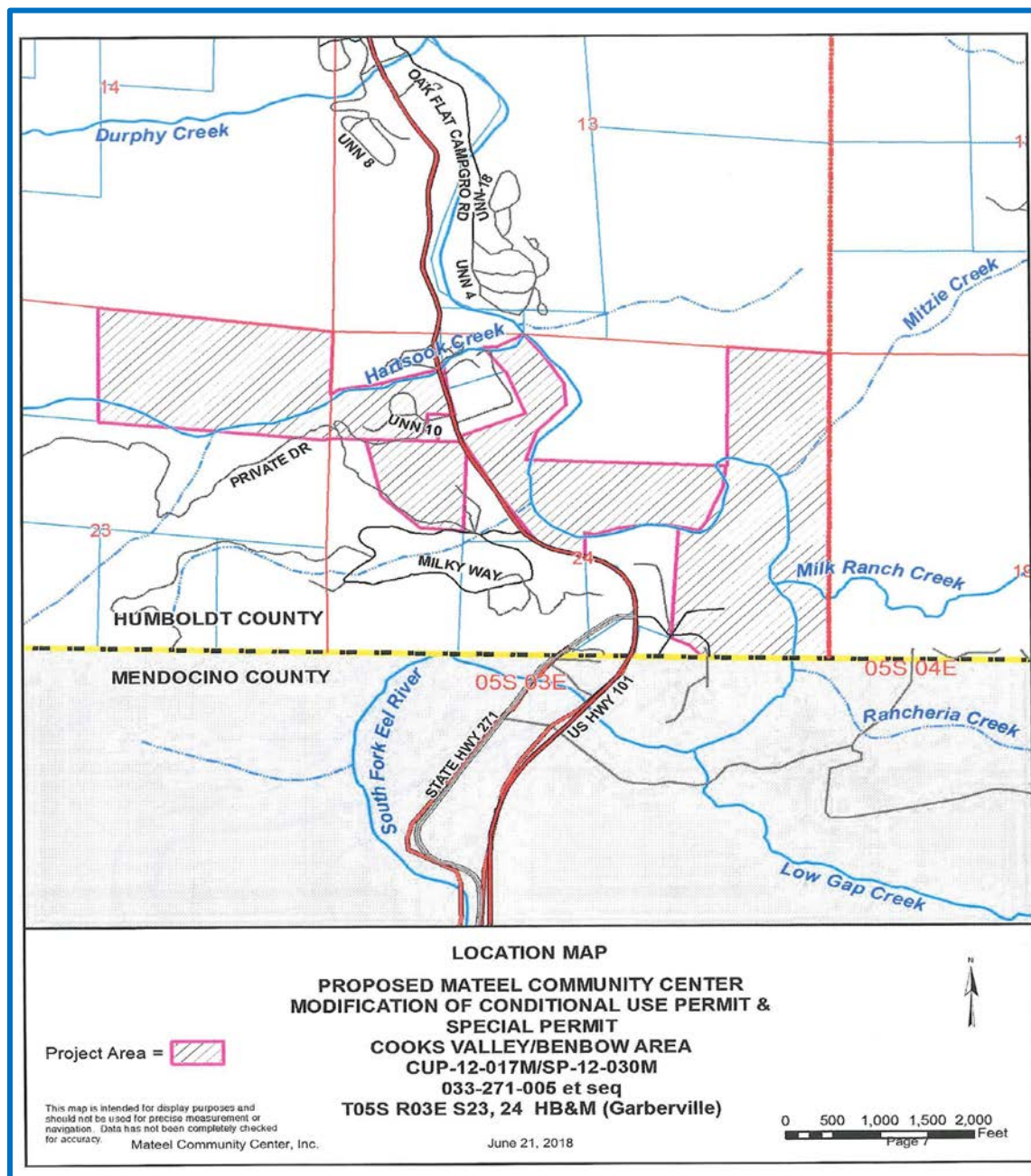
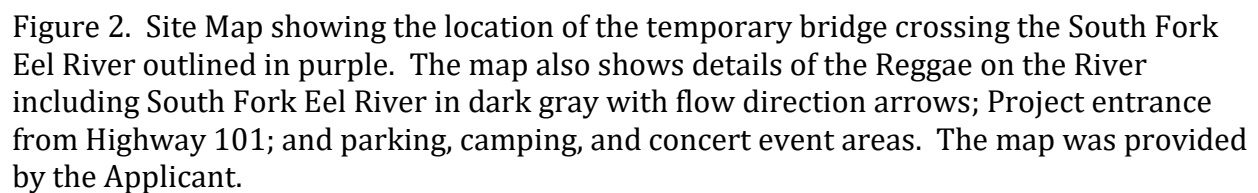
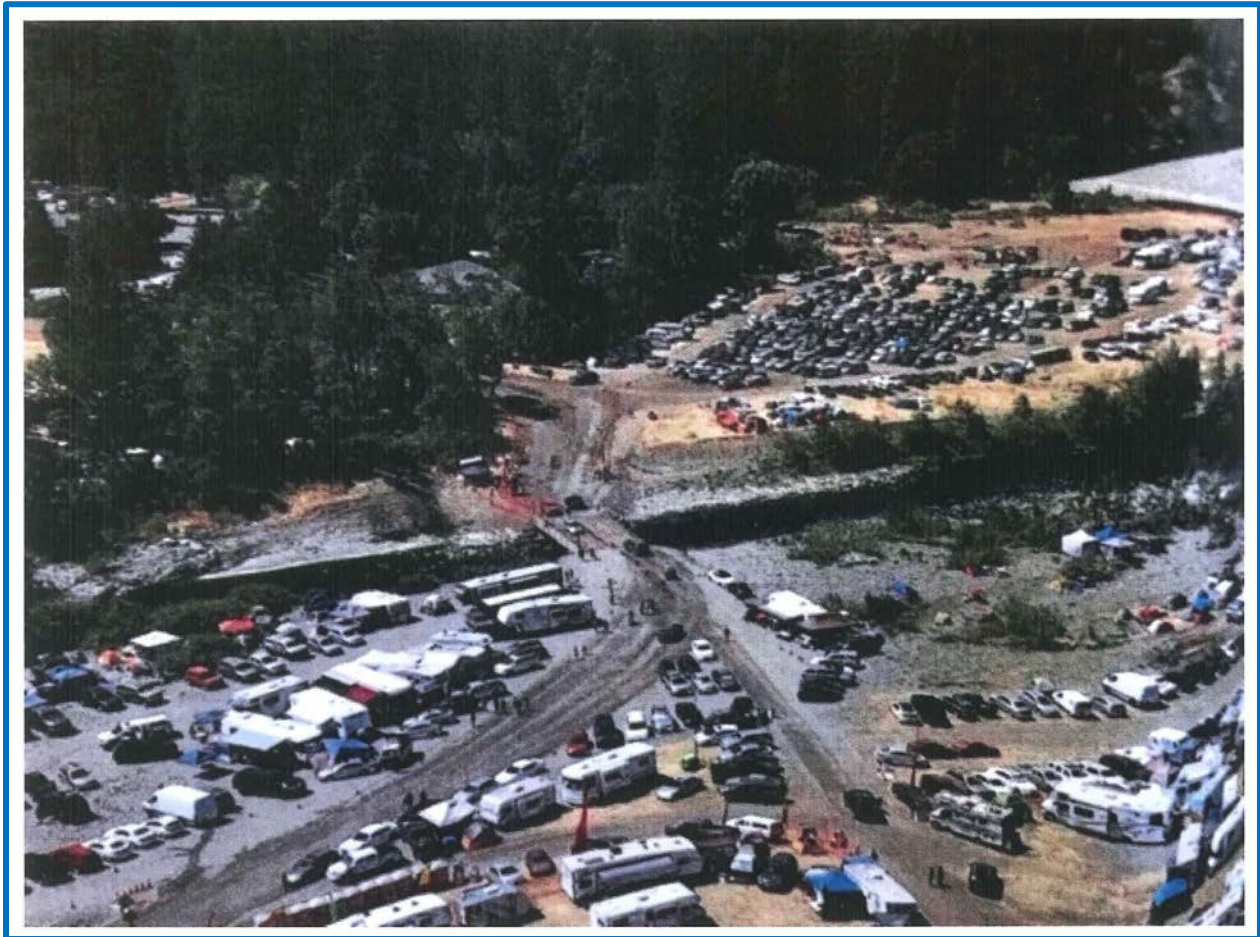


Figure 1. Location Map showing the location of the Reggae on the River concert event Project area outlined in pink. The concert event involves the installation of a temporary bridge over the South Fork Eel River on property known as French's Camp near Piercy in Humboldt County. The map was provided by the Applicant.







Photograph 1. This photograph is looking west, across the South Fork Eel River and shows the Reggae on the River parking lot on the gravel bars in the foreground and on and a parking lot on an upland area on the westside of the river. The temporary bridge crossing can be seen in the center of the photograph. This photograph was provided by the Applicant.