



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94103-1398

NOV - 2 2010

Regulatory Division

SUBJECT: File Number 286620N

H.B.M.W.D. NOV - 8 2010

Ms. Carol Rische  
Humboldt Bay Municipal Water District  
P.O. Box 95  
Eureka, California 95502

Dear Ms. Rische:

Enclosed is your signed copy of a Department of the Army permit (Enclosure 1) to discharge approximately 25,000 cubic yards of fill annually over a ten-year period at the Humboldt Bay Municipal Water District's Essex surface water diversion and Ranney Well Collector facilities. The facilities are located on the Mad River near Blue Lake in Humboldt County, California.

Please complete the appropriate parts of "Project Status" form (Enclosure 2), and return it to this office as your work progresses. You are responsible for ensuring that the contractor or workers executing the activity authorized herein are knowledgeable of the terms and conditions of this authorization.

Should you have any questions regarding this matter, please call Carol Heidsiek of our Regulatory Branch at 707-443-0855. Please address all correspondence to the Regulatory Branch and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available through the Forms and Contacts Block on our website: [www.spn.usace.army.mil/regulatory/](http://www.spn.usace.army.mil/regulatory/).

Sincerely,

*Carol M. Heidsiek*

*bc*

Torrey A. DiCiro  
Lieutenant Colonel, U.S. Army  
Commanding

Enclosures

Copies Furnished (w/encl 1 only):

US FWS, Arcata, CA

US NMFS, Arcata, CA

CA CC, Eureka, CA

CA DFG, Redding, CA

CA RWQCB, Santa Rosa, CA

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Carol Rische  
Humboldt Bay Municipal Water District

PERMIT NO.: 286620N

ISSUING OFFICE: San Francisco District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The discharge of approximately 25,000 cubic yards (CY) of fill annually over a ten-year period at the Humboldt Bay Municipal Water District's Essex surface water diversion and Ranney Well Collector facilities including: 1) the placement of 1,050 CY of gravel fill to construct a berm 500 lineal feet in length, 6 feet high, and approximately 50 feet wide across the river to the north bank; 2) maintain adequate flow to direct diversion facility through excavation of 275-2,225 CY of fill; 3) construct and maintain temporary access roads, platforms, gravel berms, and ramps to water collectors numbered 1, 2, 4, and 5 by excavating up to 10,950 CY; and 4) maintain and repair existing rock jetties/dikes/revetments/rip-rap by refilling/rebuilding with 7,000-10,000 CY of fill. This work shall be performed in accordance with the drawings labeled: "HBMWD ESSEX PROJECT," sheets 1-16, dated February 5, 2004.

Project Location: Humboldt Bay Municipal Water District's water supply and diversion operations on the Mad River between the Railroad Bridge near Blue Lake to the Highway 299 Bridge, in the Essex area of Humboldt County, California

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2020. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

RECEIVED  
OCT 11 2010  
LIBRARY

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions. Please note that your certificate expires October 15, 2012. You must obtain a new certification in order for your Corps permit to remain valid until December 31, 2020.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. You understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Special Conditions:

1. This Corps permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit or a Biological Opinion (BO) under ESA Section 7 with "incidental take" provisions with which you must comply). The NOAA Fisheries BO dated August 20, 2010, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take authorized by the BO, whose terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take and it would also constitute non-compliance with this Corps permit. NOAA Fisheries is the appropriate authority to determine compliance with the terms and conditions of its BO and with the ESA.
2. The permittee shall construct the gravel berm by obtaining gravel near Station No. 6 from the dry portion of the adjacent point bar (obtain gravel outside of the wetted channel) and by constructing the berm so that gravel fill placed within the wetted channel would be limited to the shortest possible distance necessary to tie in with the existing rock weir.
3. The permittee, after constructing the temporary berm, shall prepare the gravel bar where gravel fill was obtained in such a manner so that no depressions on the gravel bar remain (this would prevent inadvertent trapping of fish during times of river water level fluctuation) and the permittee shall slope the gravel bar so that it drains towards the wetted channel.
4. The permittee shall, prior to placing fill for the temporary berm near Station No. 6, visually inspect the wetted channel portion of the fill area to ensure no fish would be harmed during the fill activity. If fish are present in the wetted channel area, the permittee shall coordinate with NOAA Fisheries in implementing the rescue and relocation of fish to suitable habitat not affected by construction. The inspection for fish in the channel and the rescue and relocation operation shall be conducted in accordance with the protocols of NOAA Fisheries and the California Department of Fish and Game (CDF&G). If fish mortality occurs during construction activity in the vicinity of the berm, all construction activity shall cease and the CDF&G, NOAA Fisheries, and the Corps of Engineers shall be notified immediately. Work shall not resume until the aforementioned agencies recommend corrective action.

5. The permittee shall require the contractor to restrict the refueling, service, and repair of all earth-moving equipment and work vehicles to upland locations above Ordinary High Water and away from the riverbanks in order to prevent spillage of fuel, oil, hydraulic and other fluids from reaching the Mad River and its tributaries. All staging, parking, and service areas should be enclosed by some form of structure (fencing, K-rails, or other barriers) to separate these areas from the river.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:  
 Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Carol Risch 10/6/2010  
(PERMITTEE) (DATE)

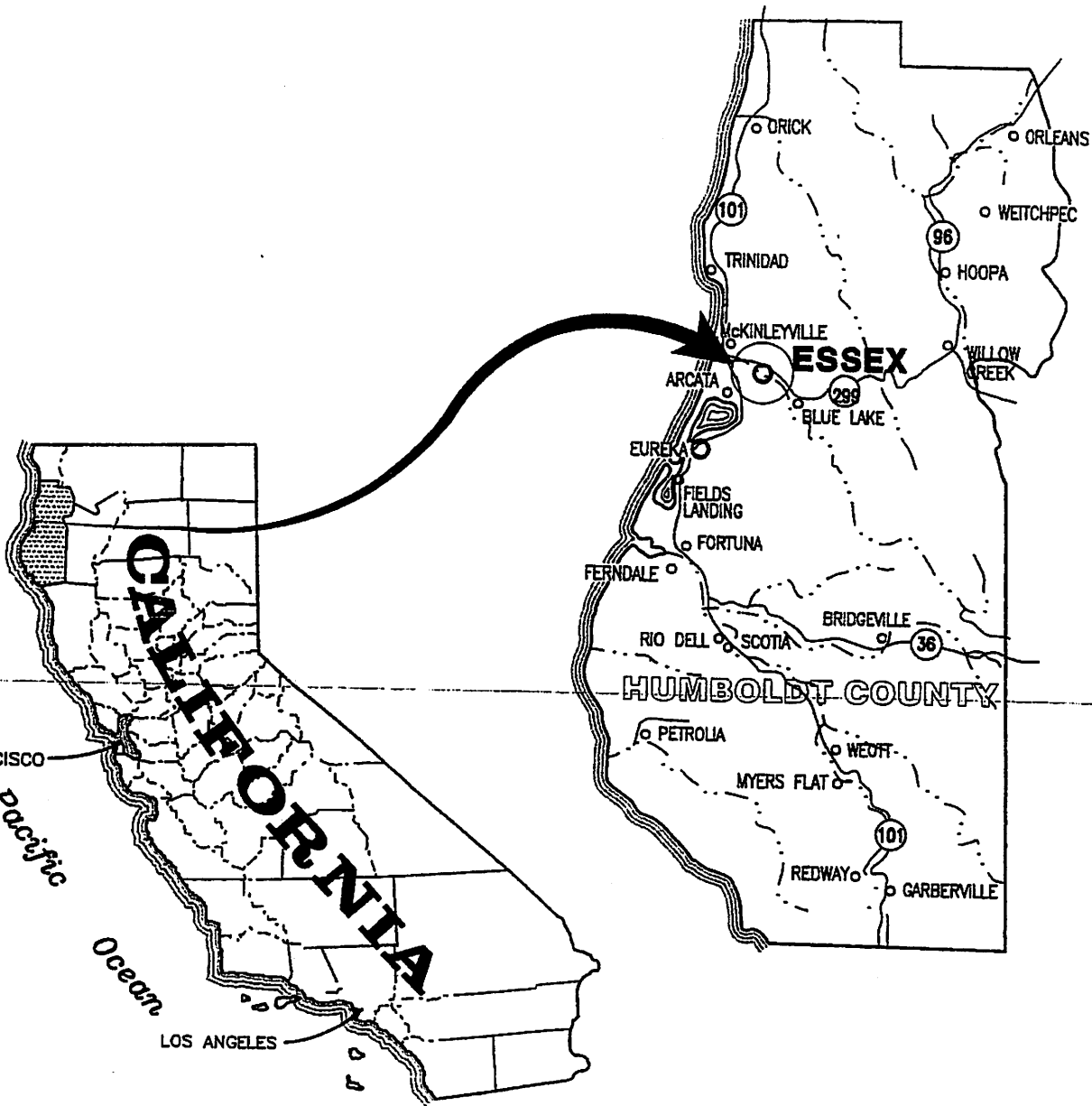
This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Jameson. H. ... 11/2/10  
(DATE)

*cr* Torrey A. DiCiro  
Lieutenant Colonel, U.S. Army  
Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE) (DATE)



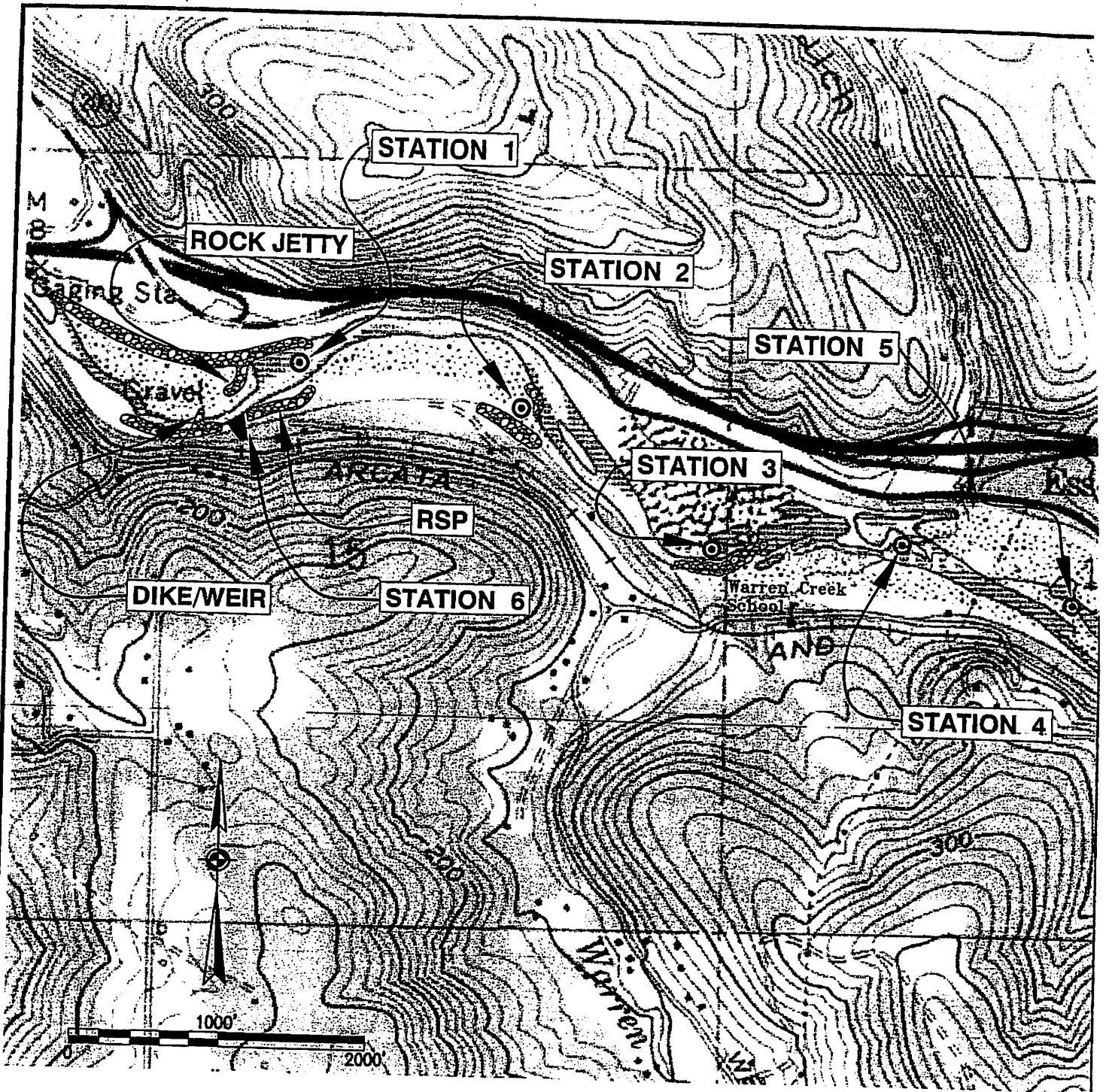
**PURPOSE:** Maintenance of Existing Public Water System  
**DATUM** NGVD

**LOCATION MAP**

**IN** Mad River  
**AT** Essex  
**COUNTY OF** Humboldt **STATE** CA  
**APPLICATION BY**  
 Humboldt Bay Municipal Water District



03105506\dwg\05506f02.dwg date: 02/05/04 @ 11 am



### SITE LOCATION

**PURPOSE:** Maintenance of Existing Public Water System

**DATUM** MSL

**ADJACENT PROPERTY OWNERS** See Block 24

**IN** Mad River

**AT** Essex

**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**

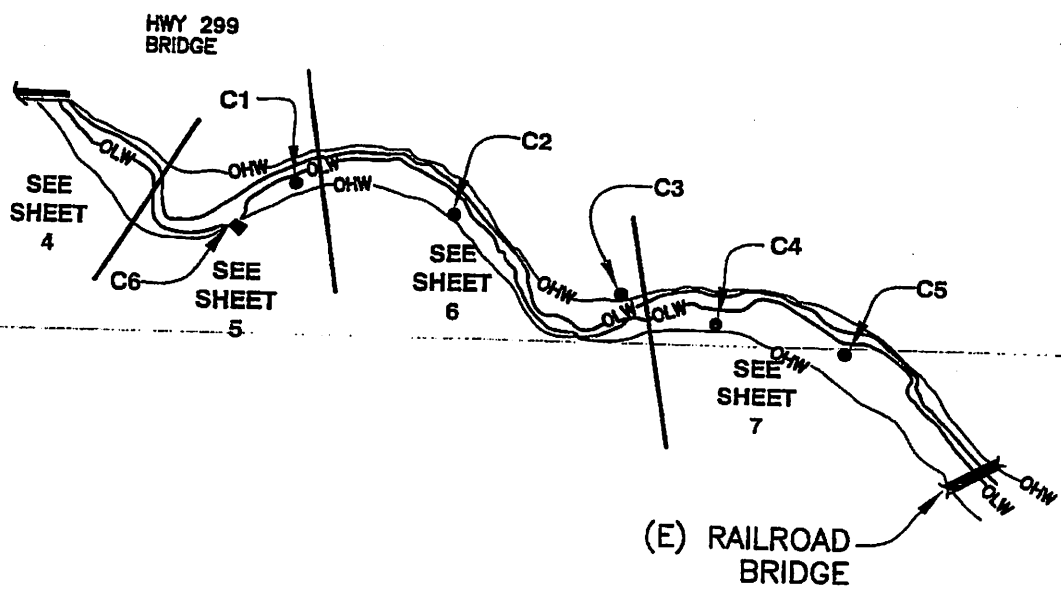
Humboldt Bay Municipal Water District

Sheet 2

WINZLER KELLY

date: 02/05/04 @ 11 am

\\00000000.dwg



C1 = COLLECTOR LOCATION

### PLAN VIEW OF PROJECT

**PURPOSE:** Maintenance of Existing public Water System

**DATUM** N/A

**ADJACENT PROPERTY OWNERS** See Block 24

**IN** Mad River

**AT** Essex

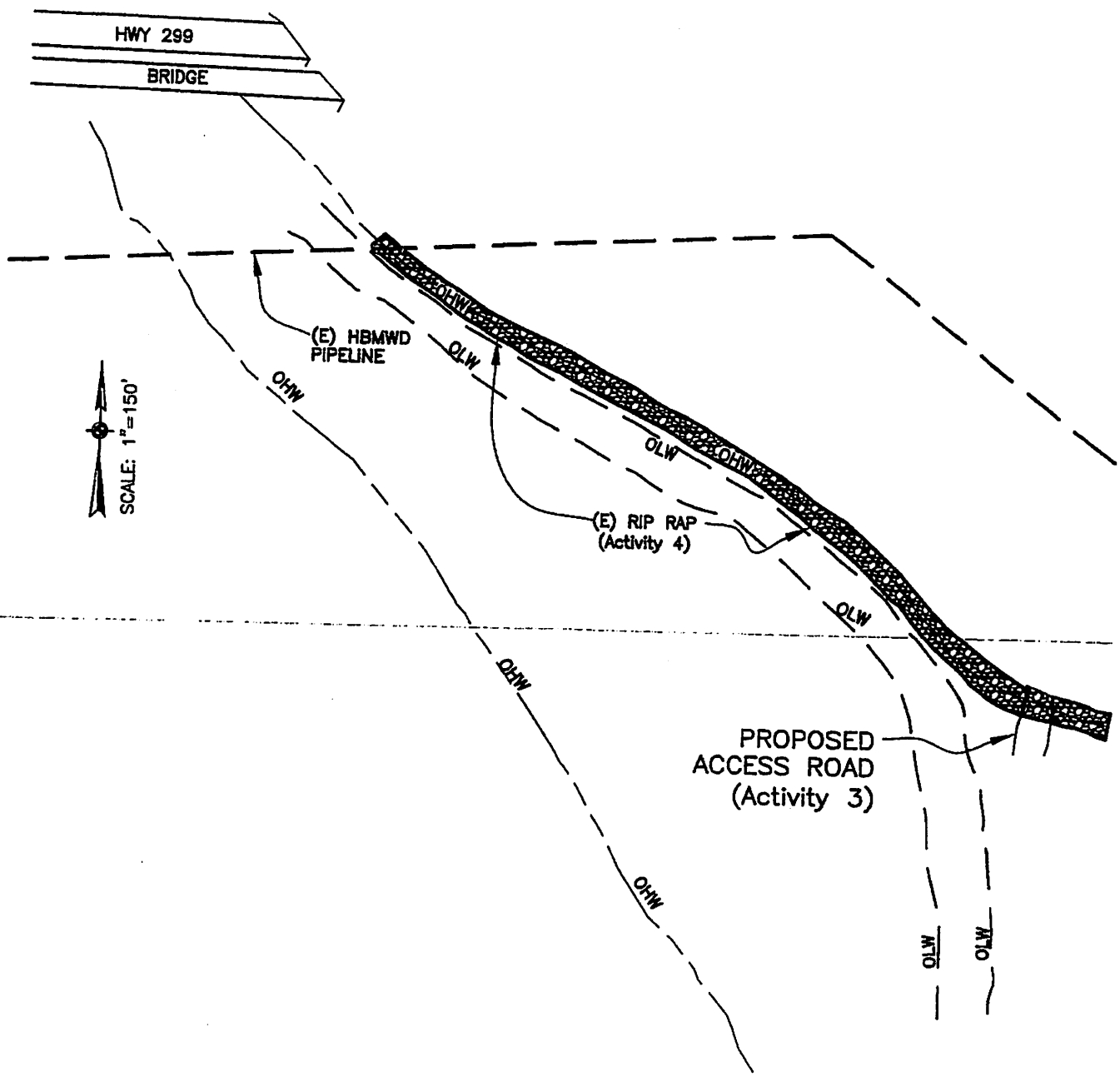
**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**  
Humboldt Bay Municipal Water District

Sheet 3

DATE: 04/03/04 @ 11 am

PROJECT: PROJECT 1.000



**PLAN VIEW DOWNSTREAM OF STATION No.6**

**PURPOSE:** Ramp to Provide Maintenance Access to Rip-Rap, Dike, Channel  
 Rip-Rap to Provide Permanent Bank Protection

**DATUM** N/A

**ADJACENT PROPERTY OWNERS** See Block 24

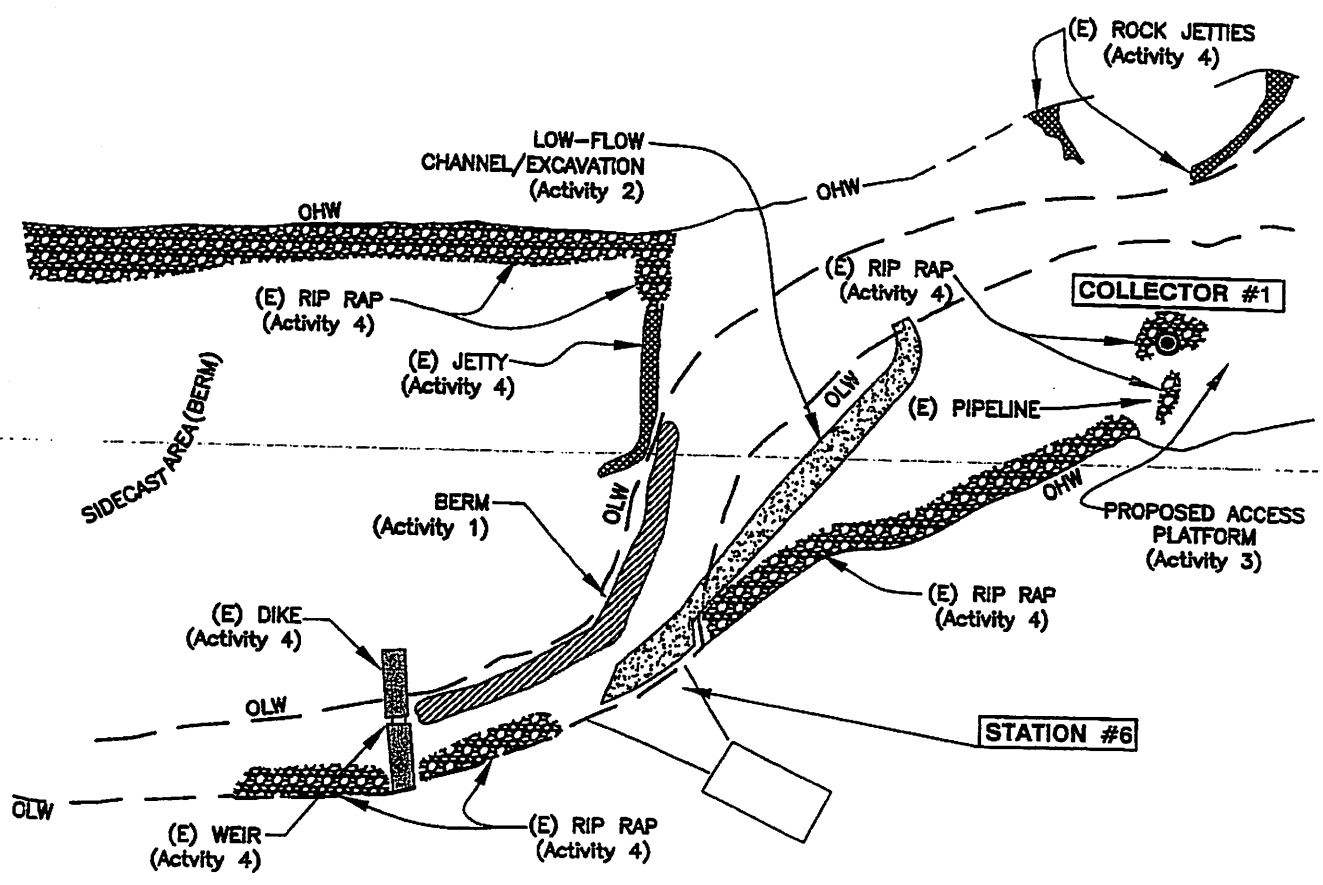
**IN** Mad River

**AT** Essex

**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**  
 Humboldt Bay Municipal Water District

date: 02/05/04 @ 11 am  
www\33333333.dwg



### PLAN VIEW OF STATIONS No.1 & No.6

**PURPOSE:** Maintain Proper Flow and Water Surface Elevation at Station #6

**DATUM** N/A

**ADJACENT PROPERTY OWNERS** See Block 24

**IN** Mad River

**AT** Essex

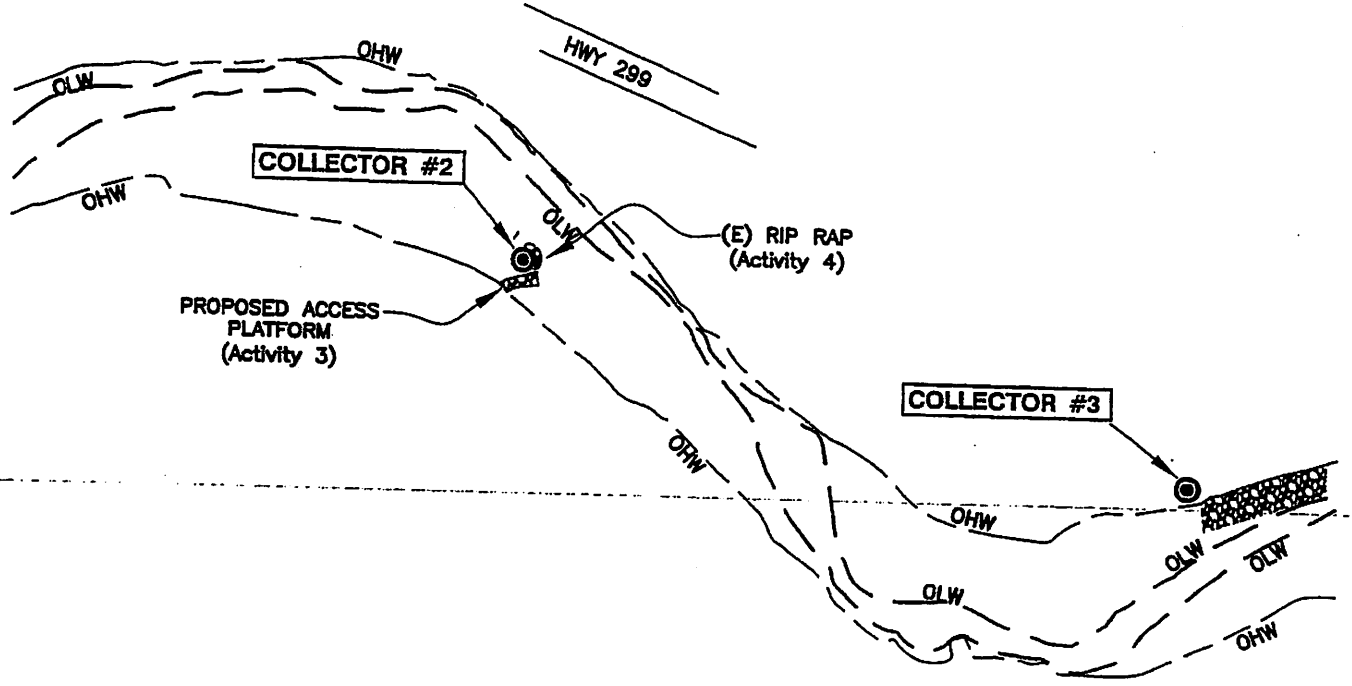
**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**  
Humboldt Bay Municipal Water District

Sheet 5

date: 02/05/04 @ 11 am

\\wy\jwwj\dwg



### PLAN VIEW OF STATIONS No.2 & No.3

**PURPOSE:** Public Water Supply

**DATUM** N/A

**ADJACENT PROPERTY OWNERS** See Block 24

**IN** Mad River

**AT** Essex

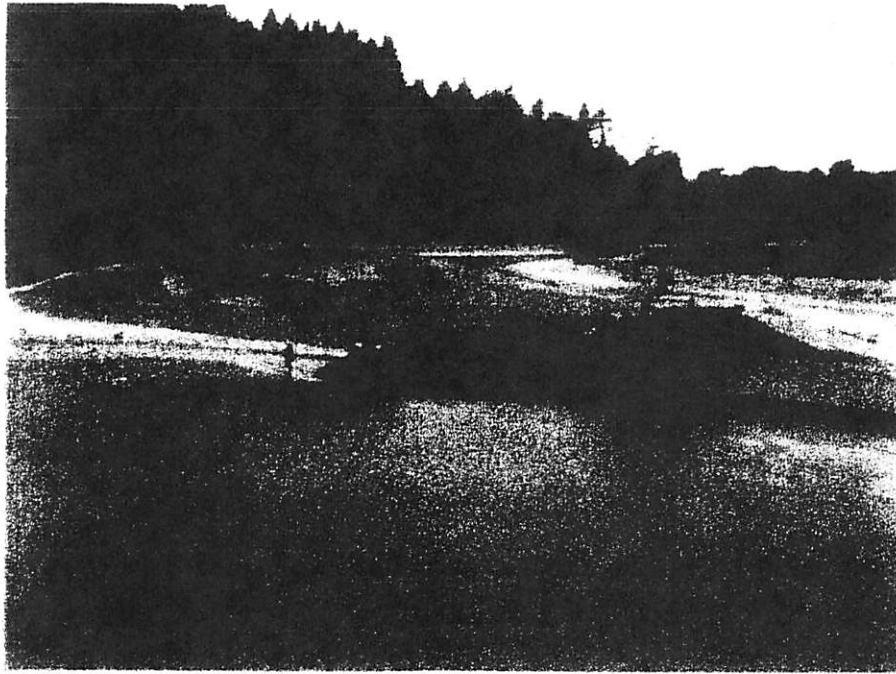
**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**  
Humboldt Bay Municipal Water District

Sheet 6

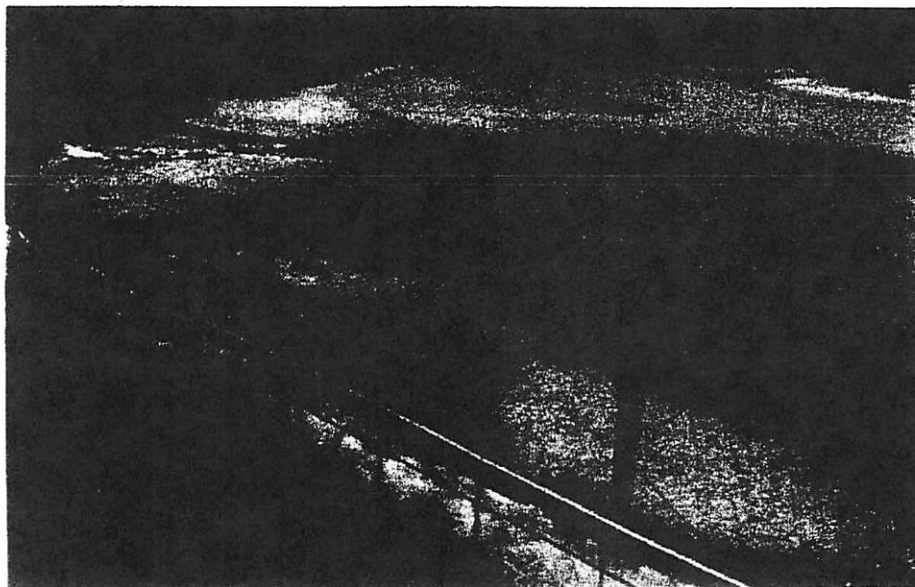






Above: Berm During Construction (with federally-licensed biologist in the river protecting fish)

Below: Completed Berm connecting to existing rock weir (as viewed from Station 6)

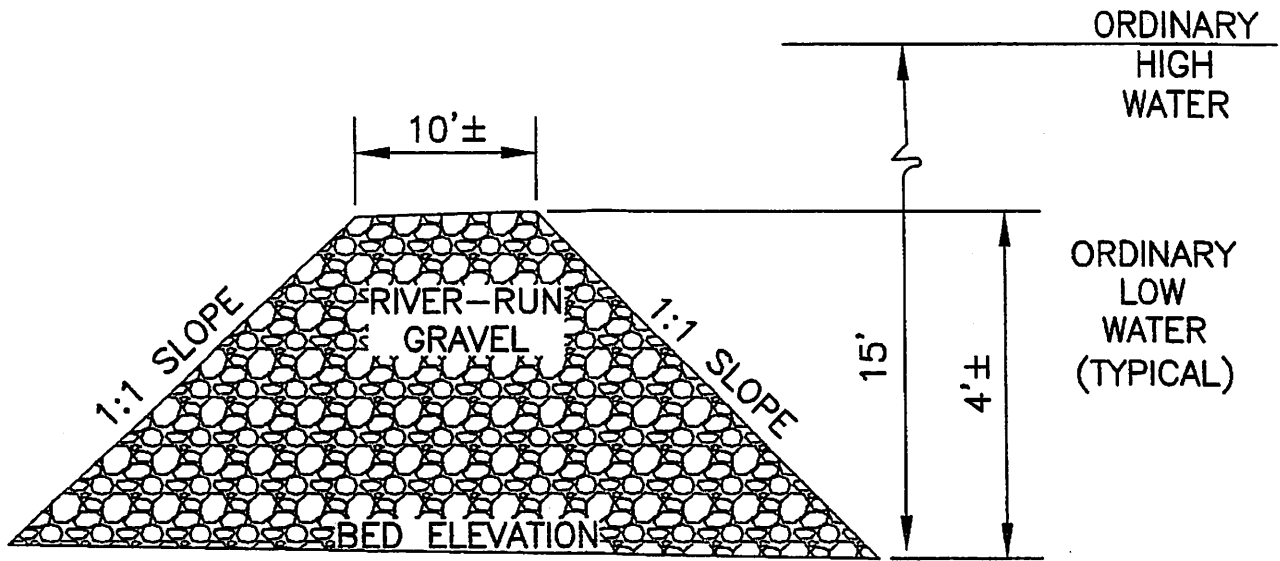


Purpose: Maintain Proper Flows to Surface Diversion Station 6

Application By: Humboldt Bay Municipal Water District

Sheet 9





**TYPICAL CROSS SECTION OF BERM**  
N.T.S.

**TYPICAL LOW-FLOW BERM (Activity 1)**

**PURPOSE:** Maintain Proper Flow to Surface Diversion at Station #6

**DATUM** MSL

**ADJACENT PROPERTY OWNERS** See Block 24

**IN** Mad River

**AT** Essex

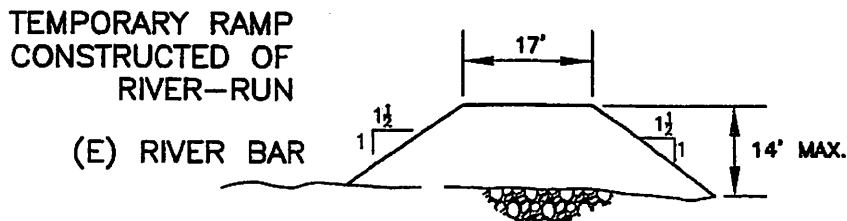
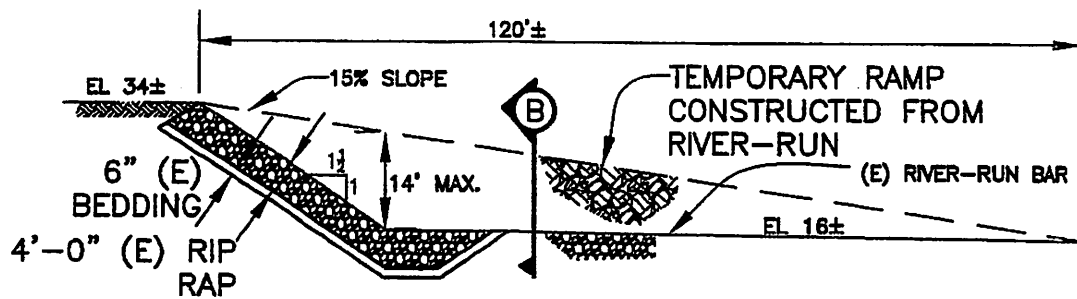
**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**

Humboldt Bay Municipal Water District

Sheet 10

date: 02/05/04 @ 11 am  
03105506\dwg\05506t12.dwg



## TYPICAL SECTION ACCESS ROAD (Activity 3)

**PURPOSE:** Provide Vehicle Access to River Bed

**DATUM** NGVD

**ADJACENT PROPERTY OWNERS** See Block 24

**IN** Mad River

**AT** Essex

**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**

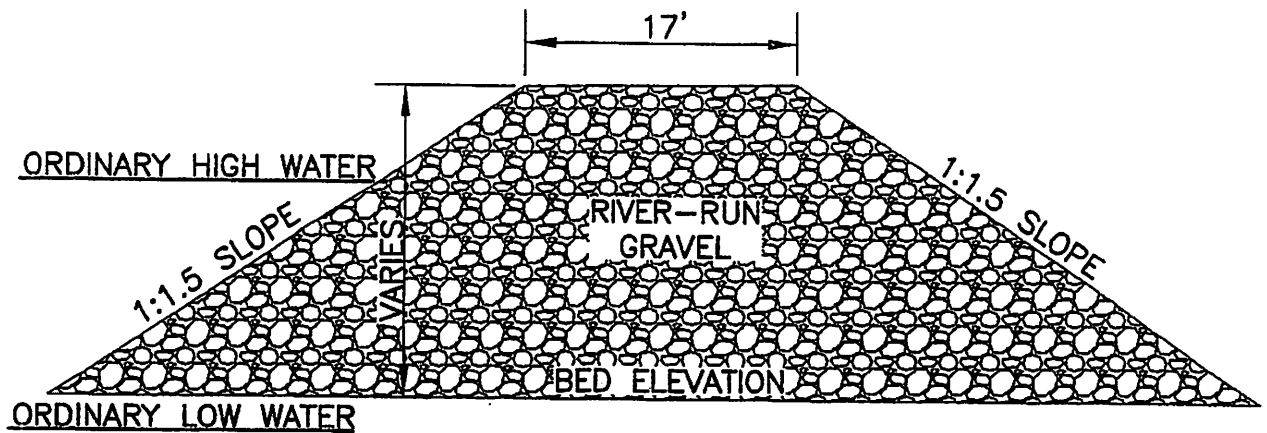
Humboldt Bay Municipal Water District

Sheet 11



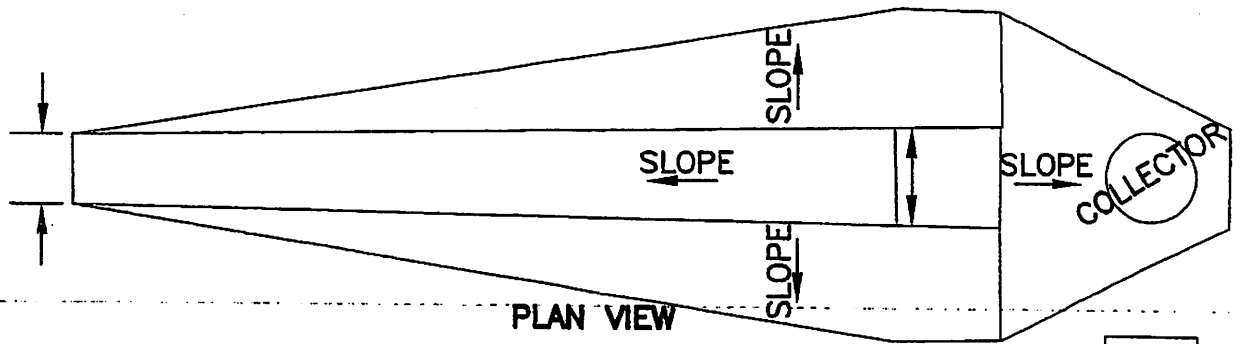
WINZLER & KELLY

DATE: 04/03/04 11:00 AM

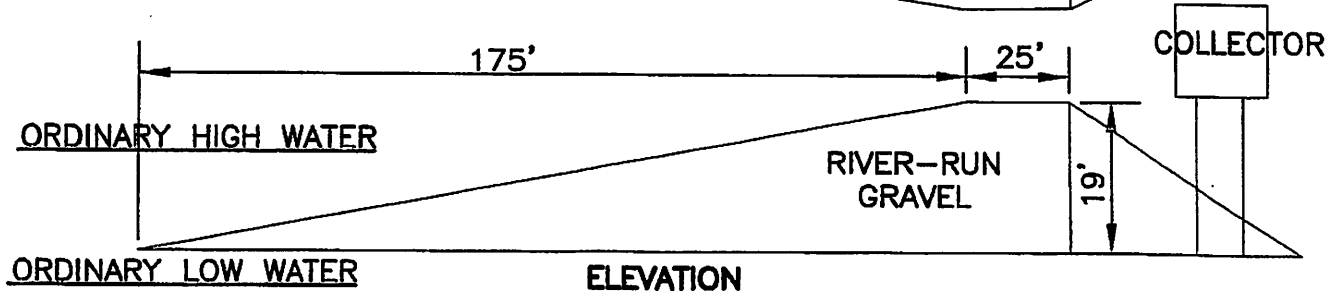


**TYPICAL CROSS-SECTION OF ACCESS RAMP**

SCALE: 1"=10'



**PLAN VIEW**



**ELEVATION**

**NOTE:**

SCALE: 1"=40'

RAMPS ARE CONSTRUCTED BY PUSHING RIVER-RUN GRAVEL FROM THE SURROUNDING RIVER BED. CONSTRUCTION OCCURS IN THE DAY, AT LOW-FLOW CONDITIONS OUTSIDE THE LOW-FLOW CHANNEL. NO EQUIPMENT IS STORED ON RIVER BED.

**TYPICAL ACCESS RAMP (Activity 3)**

**PURPOSE:** Provide Access to Maintain Collectors

**DATUM** NGVD

**ADJACENT PROPERTY OWNERS** See Block 24

**IN** Mad River

**AT** Essex

**COUNTY OF** Humboldt **STATE** CA

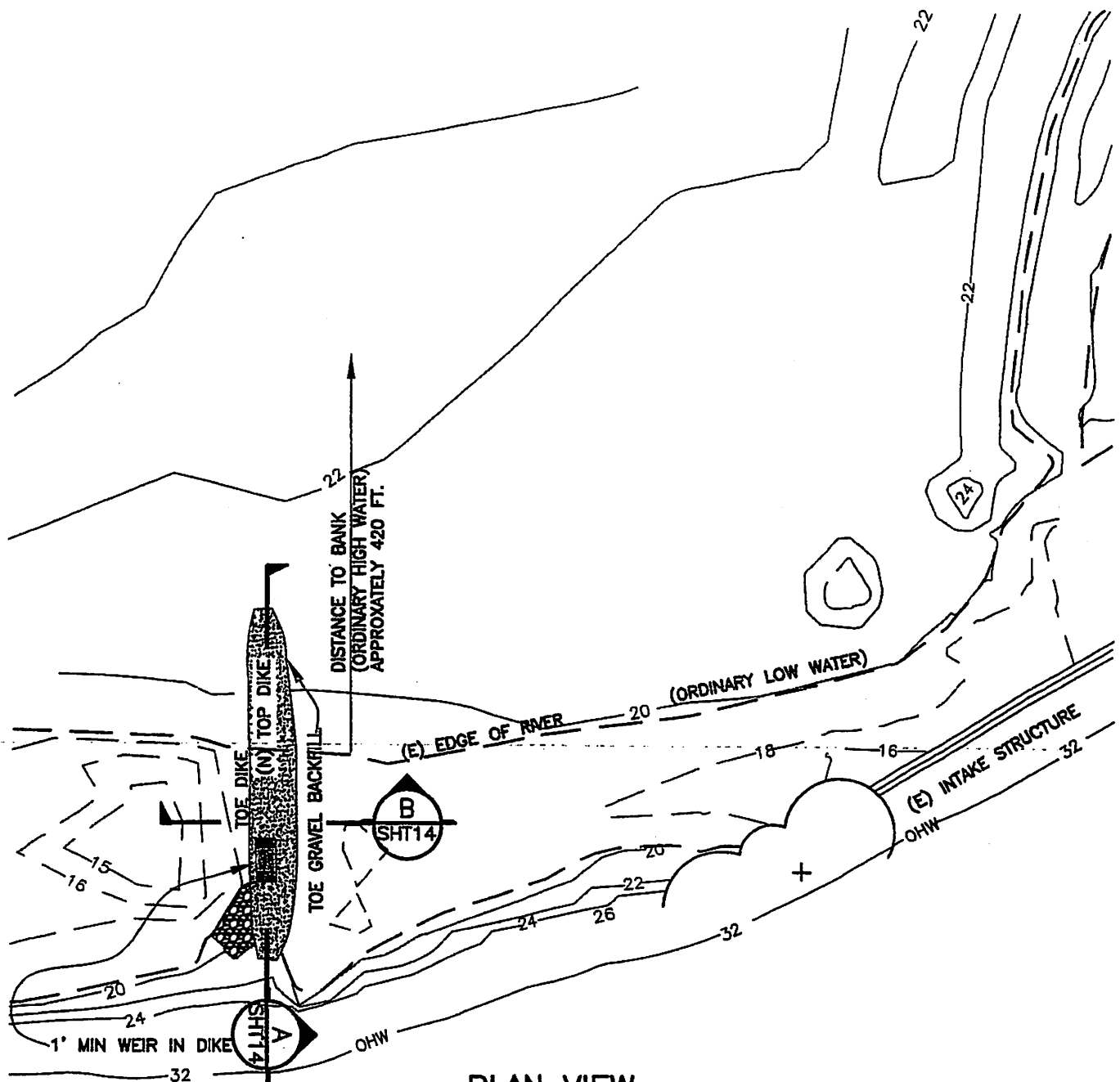
**APPLICATION BY**

Humboldt Bay Municipal Water District

Sheet 12



**WINZLER & KELLY**



**PLAN VIEW**  
SCALE: 1"=±40'

**LOW FLOW CHANNEL DIKE WITH WEIR - PLAN VIEW**  
**(Activity 4)**

**PURPOSE:** Maintain Proper Flow to Surface Diversion at Station #6

**DATUM** NGVD

**ADJACENT PROPERTY OWNERS** See Block 24

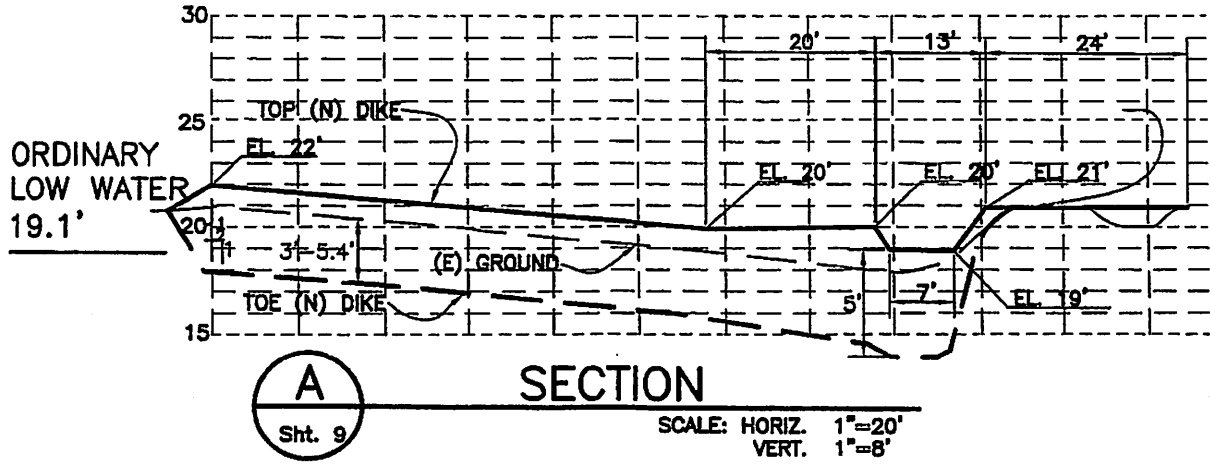
**IN** Mad River

**AT** Essex

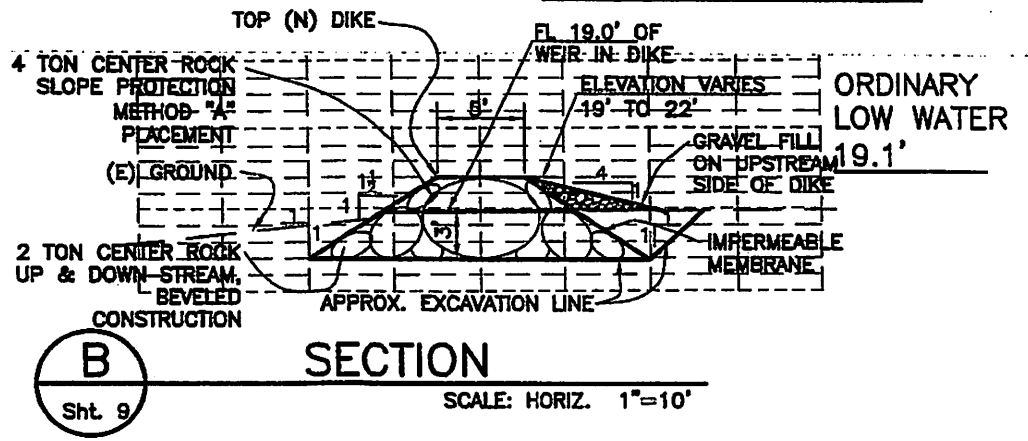
**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**  
Humboldt Bay Municipal Water District

ORDINARY  
HIGH WATER  
32.3'



ORDINARY  
HIGH WATER  
32.3'



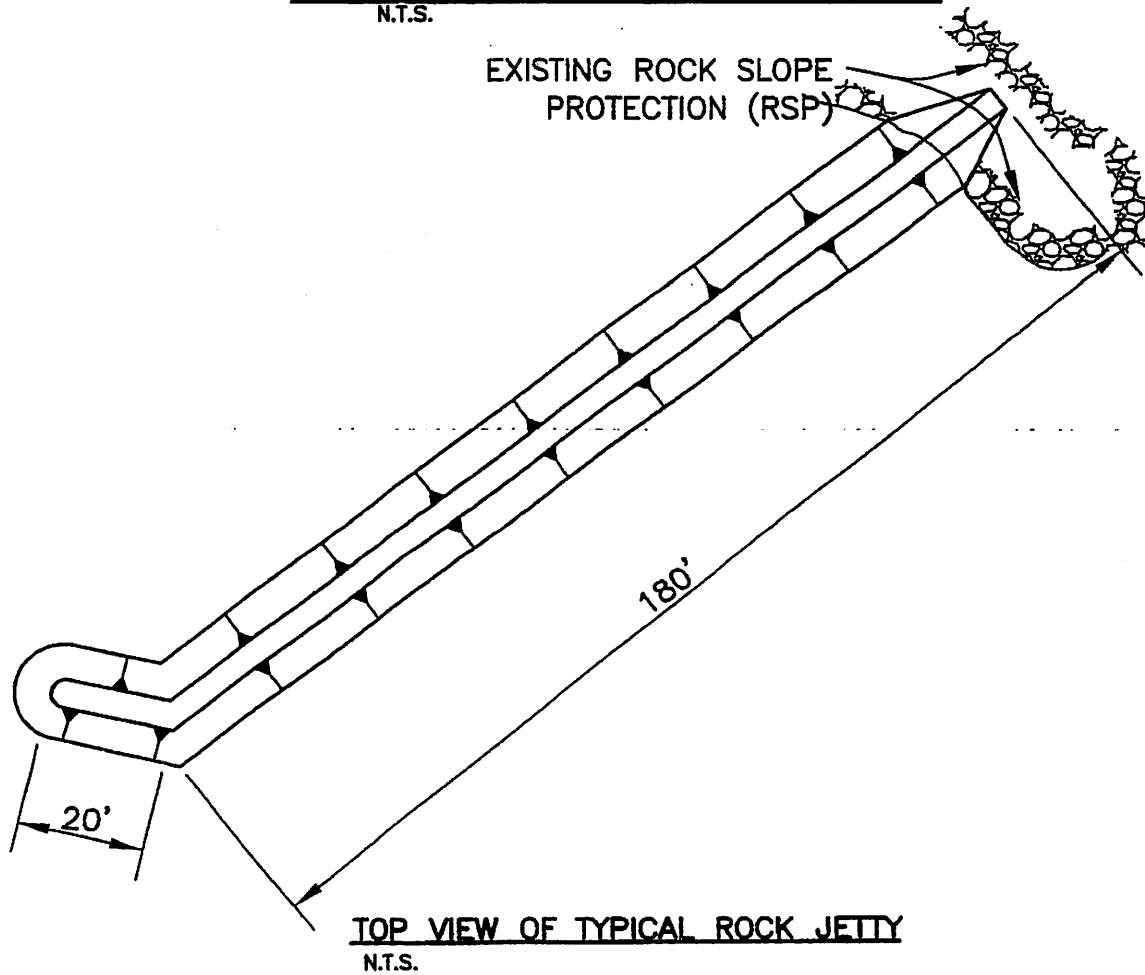
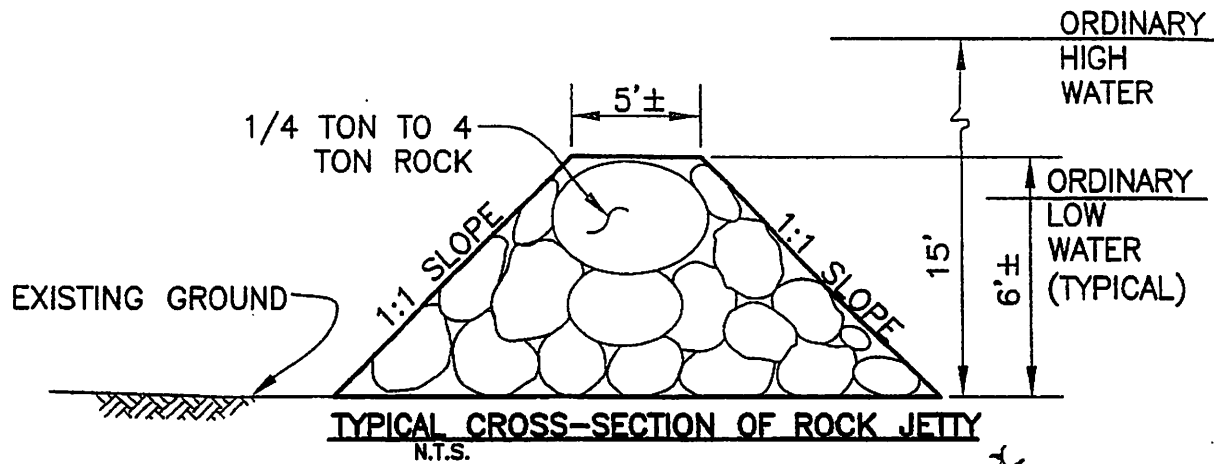
## LOW FLOW CHANNEL DIKE DIKE/WEIR (Activity 4)

**PURPOSE:** Maintain Proper Flows to Surface Diversion Station #6  
**DATUM** NGVD  
**ADJACENT PROPERTY OWNERS** See Block 24  
**IN** Mad River  
**AT** Essex  
**COUNTY OF** Humboldt **STATE** CA  
**APPLICATION BY**  
 Humboldt Bay Municipal Water District

U:\31030000\DWG\00000000\00000000.dwg 11 AM 03/03/04

date: 02/05/04 @ 11 am

03105506\dwg\05506t15.dwg



### TYPICAL ROCK JETTY (Activity 4)

**PURPOSE:** Maintain Proper Flows to Surface Diversion Station #6

**DATUM** MSL

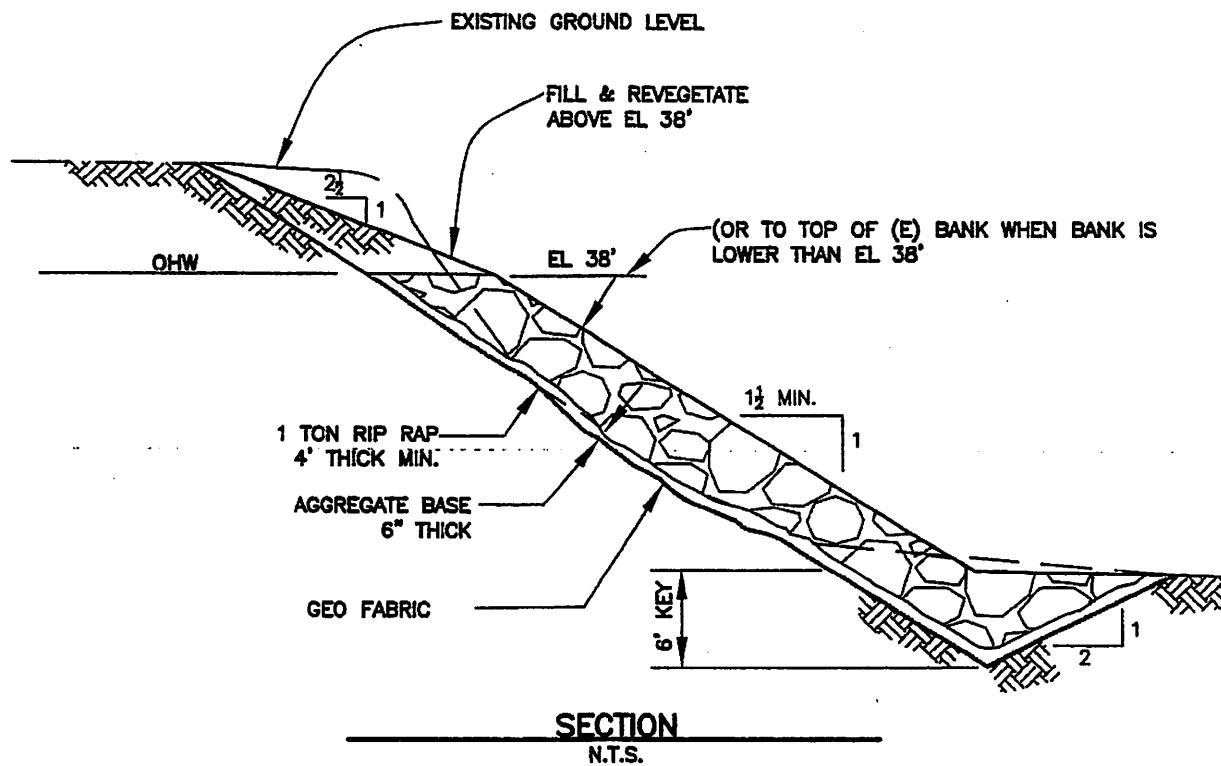
**ADJACENT PROPERTY OWNERS** See Block 24

**IN** Mad River

**AT** Essex

**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**  
Humboldt Bay Municipal Water District



## TYPICAL SECTION ROCK SLOPE PROTECTION (Activity 4)

**PURPOSE:** Repair Existing Bank Protection Where Necessary

**DATUM** NGVD

**ADJACENT PROPERTY OWNERS** See Block 24

**IN** Mad River

**AT** Essex

**COUNTY OF** Humboldt **STATE** CA

**APPLICATION BY**

Humboldt Bay Municipal Water District

Sheet 16



**California Regional Water Quality Control Board  
North Coast Region**

**Geoffrey M. Hales, Acting Chairman**



**Arnold  
Schwarzenegger  
Governor**

Linda S. Adams  
Secretary for  
Environmental Protection

www.waterboards.ca.gov/northcoast  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

January 7, 2010

In the Matter of

**Water Quality Certification**

for the

**HUMBOLDT BAY MUNICIPAL WATER DISTRICT – MAD RIVER OPERATIONS  
WDID No. 1B03079WNHU**

APPLICANT: Humboldt Bay Municipal Water District  
RECEIVING WATER: Mad River  
HYDROLOGIC UNIT: Blue Lake Hydrologic Area No. 109.10  
COUNTY: Humboldt  
FILE NAME: Humboldt Bay MWD – Mad River Operations

**BY THE EXECUTIVE OFFICER:**

1. On October 19, 2009, the Humboldt Bay Municipal Water 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 ongoing operation, maintenance, excavation, berm construction, and protection of existing water supply structures in a two-mile reach of the Mad River between the railroad bridge in Blue Lake and the Highway 299 Bridge near Essex. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on December 14, 2009, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The Applicant is the only water supplier in the greater Humboldt Bay area. The Applicant sells "raw" water to industrial users on the Samoa Peninsula and treated water to the cities of Arcata, Blue Lake, and Eureka, as well as the Fieldbrook, Humboldt, Manila, and McKinleyville Community Services Districts. Operation and maintenance activities include channel dredging, excavation, and the use of excavated materials to create a berm parallel to the low-flow channel between an existing rock jetty on the north bank and an existing rock weir downstream of Station 6. Excavation activities may be conducted between Stations 1 and Station 6, and in

**California Environmental Protection Agency**

Recycled Paper



Ms. Carol Rische  
WDID 1B03079WNHU

-2-

January 7, 2010

- front of Station 6, on an as needed basis when aggradation blocks the flow of water into the forebay.
3. Temporary access roads, platforms, gravel berms, and ramps may be constructed to allow the Applicant to work on pumps housed in collectors 1, 2, 4, and 5. Temporary access structures will be constructed out of the low-flow channel and during low-flow periods by moving river-run gravel material from the surrounding area using heavy equipment. Gravel berms 3- to 4-feet high, 20-feet wide, and 350-feet long are constructed adjacent to the collectors. The berms prevent the water elevation at Pump Station 6 from dropping too low for the water to flow into the pumps. A channel approximately 10-feet deep, 12-feet wide, and 300-feet long will also be excavated in the river gravel to connect Pump Station 6 with the low-flow river channel. The exact configuration of the berm and channel are based on the amount of aggraded gravel in front of the pump Station 6 and the location of the low-flow river channel.
  4. The project will result in temporary impacts to approximately 750 linear feet and 1.35 acre of stream channel. The proposed project will result in less than 0.01 acre of permanent impact to the stream channel. Compensatory mitigation is not required for the proposed project. Under Section 10 of the federal Endangered Species Act (ESA), the Applicant elected to pursue an Incidental Take Permit for its Mad River activities and has an approved Habitat Conservation Plan (HCP). The purpose of the HCP is to describe conservation, mitigation, and monitoring measures that the Applicant will undertake to minimize and mitigate adverse impacts to three ESA listed salmonid species: chinook salmon, coho salmon, and steelhead trout. Noncompensatory mitigation includes the use of Best Management Practices for sediment and turbidity control and for operation of heavy equipment in the stream channel. Disturbed areas on the gravel bar where fill materials are obtained shall also be graded in such a manner that no depressions remain on the gravel bar and the bar is sloped to drain towards the wetted channel. Project activities are generally conducted on an annual basis between June 1 and October 15.
  5. The Applicant has obtained authorization from the United States Army Corps of Engineers to perform the project under Individual Permit (File No. 286620N), pursuant to Clean Water Act, section 404. The Applicant has also obtained a Lake or Streambed Alteration Agreement from the California Department of Fish and Game (#00-0048).
  6. On January 27, 2000, the Applicant adopted a Mitigated Negative Declaration (MND, SCH# 1999122026) for the project, in order to comply with CEQA. The Applicant adopted an addendum to the MND on January 11, 2001. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.

**California Environmental Protection Agency**

Recycled Paper

Ms. Carol Rische  
WDID 1B03079WNHU

-3-

January 7, 2010

7. 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: Mad River in the Blue Lake Hydrologic Area No. 109.10

Filled or Excavated Area: Area Temporarily Impacted: 1.35 acre of stream channel  
Area Permanently Impacted: <0.1 acre of stream channel

Total Linear Impacts: Length Temporarily Impacted: 750 linear feet of stream channel  
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: Upstream : 40.90126 N/124.03051 W  
Downstream : 40.90785 N/124.05851 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt Bay Municipal Water District's Mad River Operations (WDID No. 1B03079WNHU), 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:

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. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified annually 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.

**California Environmental Protection Agency**

Ms. Carol Rische  
WDID 1B03079WNHU

-4-

January 7, 2010

5. 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.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the United States.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
9. 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.
10. Visual observations for increased turbidity shall be conducted whenever a project activity has the potential to increase turbidity in the Mad River. Field turbidity measurements shall be collected whenever a visible increase in turbidity is observed. Turbidity measurements shall be collected upstream (within 50 feet) of the source of turbidity (any project activities that cause a turbidity increase) and downstream (within 500 feet) of the source of turbidity. The monitoring frequency shall be a minimum of once every two hours during periods of increased turbidity or until turbidity levels are no longer increasing as a result of project activities. If turbidity levels are greater than 20 percent above background levels 500 feet downstream of the turbidity source, the distance to the downstream extent of the turbidity increase (greater than 20 percent above background) shall be determined and that distance shall be promptly reported to Regional Water Board staff.
11. A turbidity monitoring report shall be submitted to the Regional Water Board by January 1 each year. The annual report shall contain a written summary of all activities conducted during the year, all turbidity measurements that were collected in accordance with Additional Condition 10, a description of the BMPs that were used to control turbidity, photos showing project areas before implementation of annual activities, photos showing project areas following implementation of annual activities, and photos of BMPs that were used.
12. The suspended sediment load of the Mad River shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

**California Environmental Protection Agency**

*Recycled Paper*

Ms. Carol Rische  
WDID 1B03079WNHU

-5-

January 7, 2010

13. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. 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.
14. 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.
15. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. 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.
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. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
18. 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 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.
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 forward a copy of the letter to the Regional Water Board at the above address.

**California Environmental Protection Agency**

Recycled Paper

Ms. Carol Rische  
WDID 1B03079WNHU

-6-

January 7, 2010

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.

20. 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).
21. The authorization of this certification for any dredge and fill activities expires on January 7, 2015. 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 Dean Prat at (707) 576-2801.



Catherine Kuhlman  
Executive Officer

010710\_DLP\_HumBayMWD\_MadR\_401cert.doc

Original to: Ms. Carol Rische, Humboldt Bay Municipal Water District, P.O. Box 95,  
Eureka, CA 95502

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box  
14, Eureka, CA 95501  
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,  
1455 Market Street, San Francisco, CA 94103-1398

**California Environmental Protection Agency**

Recycled Paper

**PROJECT STATUS**

Please use the forms below to report the dates when you start and finish the work authorized by the enclosed permit. Also if you suspend work for an extended period of time, use the forms below to report the dates you suspended and resumed work. The second copy is provided for your records. If you find that you cannot complete the work within the time granted by the permit, please apply for a time extension at least one month before your permit expires. If you materially change the plan or scope of the work, it will be necessary for you to submit new drawings and a request for a modification of your permit.

(cut as needed)-----

Date: \_\_\_\_\_

**NOTICE OF COMPLETION OF WORK** under Department of the Permit No 286620N

**TO:** District Engineer, US Army Corps of Engineers, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No 286620N, this is to notify you that work was completed on \_\_\_\_\_.

Permittee: Ms. Carol Rische, Humboldt Bay Municipal Water District  
P.O. Box 95, Eureka, California 95502

(cut as needed)-----

Date: \_\_\_\_\_

**NOTICE OF RESUMPTION OF WORK** under Department of the Permit No 286620N .

**TO:** District Engineer, US Army Corps of Engineers, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No 286620N, this is to notify you that work was resumed on \_\_\_\_\_.

Permittee: Ms. Carol Rische, Humboldt Bay Municipal Water District  
P.O. Box 95, Eureka, California 95502

(cut as needed)-----

Date: \_\_\_\_\_

**NOTICE OF SUSPENSION OF WORK** under Department of the Permit No 286620N

**TO:** District Engineer, US Army Corps of Engineers, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No 286620N, this is to notify you that work was suspended on \_\_\_\_\_.

Permittee: Ms. Carol Rische, Humboldt Bay Municipal Water District  
P.O. Box 95, Eureka, California 95502

(cut as needed)-----

Date: \_\_\_\_\_

**NOTICE OF COMMENCEMENT OF WORK** under Department of the Permit No 286620N

**TO:** District Engineer, US Army Corps of Engineers, Regulatory Division, 1455 Market Street, 16th Floor, San Francisco, CA 94103-1398

In compliance with the conditions of Permit No 286620N, this is to notify you that work commenced on \_\_\_\_\_.

Permittee: Ms. Carol Rische, Humboldt Bay Municipal Water District  
P.O. Box 95, Eureka, California 95502

(cut as needed)-----

Date: \_\_\_\_\_