



California Regional Water Quality Control Board
North Coast Region
Beverly Wasson, Chairperson



**Arnold
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Agency Secretary

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September 12, 2005

Ms. Roberta Pollard
Monte Rio Recreation & Park District
P.O. Box 877
Monte Rio, CA 95462

Dear Ms. Pollard:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Monte Rio Recreation and Park District, Annual Beach Grading, Monte Rio Public Beach, Monte Rio, Sonoma County

File: Monte Rio Public Beach – Monte Rio, Sonoma County, WDID No. 1B05075WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). On June 3, 2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the Monte Rio Recreation & Park District requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Monte Rio Public Beach – Annual Beach Grading, Monte Rio, Sonoma County. The proposed project will not cause any disturbance to waters of the state associated with the beach grading activities, Russian River Hydrologic Unit No.114.00.

Project Description: The proposed project is located at the Monte Rio Public Beach, Monte Rio, Sonoma County, California. The purpose of the project is to annually grade areas of the beach prior to the summer recreation season. The grading consists of filling depressions and smoothing out hummocks caused by winter rains and associated high river flows. The work also intends to provide a small flat graded area for a small snack stand. No grading work will take place within the wetted perimeter of the Russian River.

The project will result in the no discharge of fill into jurisdictional waters of the state and U.S. On May 19, 2005, the U.S. Army Corps of Engineers (ACOE) verified a jurisdictional map for the site. This work requires an ACOE permit due to the fact that the beach grading occurs within a zone of waters of the United States subject to Section 10 Rivers and Harbors Act jurisdiction and

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Section 404 Clean Water Act jurisdiction riverward from the plane of ordinary high water.

Beach grading work will take place between May 15 and July 31, with start date depending on river level.

The total area of jurisdictional waters to be permanently filled is approximately 0.00 acre.

Receiving Water: Russian River Hydrologic Unit No.114.00.

Filled or
Excavated Area: Total Area Impacted: 0.5 acre
Area Temporarily Impacted: 0.5 acre
Area Permanently Impacted: 0.00 acre

Federal Permit: The Army Corps of Engineers issued a Clean Water Act (CWA) Section 404 Nationwide Permit 11 (*Temporary Recreational Structures*) and 18 for *Minor Discharges* for the project on May 2, 2005 (File No. 295500N).

State and Local Approvals: The California Department of Fish and Game issued a letter to the Monte Rio Recreation and Park District on February 9, 2005, stating that no 1603 Streambed Alteration Agreement would be required for the proposed project.

Compensatory Mitigation: No compensatory mitigation for this project will be required.

Noncompensatory Mitigation: No non-compensatory mitigation measures are required for this project.

CEQA Compliance: The North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption – Class 4(d) – Section 15304, pursuant to the guidelines of the CEQA.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 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 23 CCR 3855(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 any non-denial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, and to answer any public inquiries that may arise regarding the project.
- 2) 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 permit, 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. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 3) BMPs for sediment and turbidity control shall be implemented and in place prior to, during, and after

construction, as needed, in order to ensure that no silt or sediment enters surface waters.

- 10) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.
- 5) If, at any time, a discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.
- 6) This Order is not transferable. 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.
- 7) 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, 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.
- 8) The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.

Water Quality
Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized annual Monte Rio beach grading (WDID No. 1B05075WNSO) will comply with the applicable provisions of Sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent

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Standards”) of the Clean Water Act [33 USC Subsection 1341 (a)(1)] , and with other applicable requirements of State law. 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 (Enclosed).

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant’s project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on August 10, 2010. 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.

Please notify Paul Keiran of our staff at (707) 576-2753 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

PRK:clh/091205_PRK_MonteRioAnnualBeachwork401Cert

Enclosure: 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

cc: Mr. Oscar Balaguer, SWRCB, 401 Program Manager, Water Quality Certification Unit