



California Regional Water Quality Control Board North Coast Region

William R. Massey, Chairman



Linda S. Adams
Agency Secretary

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Arnold
Schwarzenegger
Governor

June 9, 2006

Mr. Richard Thomas
19603 Redwood Drive
Monte Rio, CA 95462

Dear Mr. Thomas:

Subject: Denial, without prejudice, of request for Federal Clean Water Act Section 401 Water Quality Certification for the Thomas Property Bank Stabilization Project, Monte Rio, Sonoma County

File: Thomas Property Bank Stabilization Project, 19603 Redwood Drive, Monte Rio, Sonoma County; WDID No. 1B05109WNSO

The North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Rob Huffman of Huffman Engineering, on behalf of Mr. Richard Thomas, requesting Water Quality Certification/Waste Discharge Requirements on July 27, 2005. The application for a Water Quality Certification/Waste Discharge Requirements for the Thomas Property Bank Stabilization Project (Thomas Property) at 19603 Redwood Drive (APN 094-250-048) in Monte Rio identified permanent disturbance to jurisdictional Waters of the United States along 121 linear feet of the Russian River bank.

The application submitted for the above referenced project did not contain the necessary application fee required for processing. Based on a proposed channel or shoreline disturbance of 121 lineal feet, the application fee for this project is \$1105.00. This includes the base fee of \$500.00. The Regional Water Board received a check in the amount of \$500.00 on July 27, 2005. Pursuant to Title 23, Section 2200, an additional \$605.00 in fees must be submitted in order to proceed with the application review.

On November 16, 2005, Regional Water Board staff (staff) met with project representatives on-site. At this time, staff addressed concerns associated with the project as proposed and discussed alternative analyses that would be required prior to issuance of Water Quality Certification; including a feasibility analysis of installing bioengineered erosion control features (i.e. willow matting) in place of the proposed 285 cubic yards of rock rip rap and gravel. Staff also discussed concerns about the proposed project in relation with two adjacent properties (APNs 094-250-009, -053) that are proposing to place rock rip rap along a combined total length of 286 feet and averaging 35 feet wide. Staff expressed concern over the potential cumulative effect on the hydrogeomorphology of the Russian River and adjacent downstream properties potentially becoming subjected to increased water velocities and riverbank erosion as a result of hard armoring the bank along the three parcels. Additional items discussed on-site for the Thomas Property included: 1) incorporating the ten year old willow stands at the toe of slope into the project design; 2) submittal of final California Environmental Quality Act (CEQA) documentation and lead agency information; 3) a narrative description on the feasibility of tying in the project with the neighboring parcels by sloping back the bank and re-vegetating the disturbed area with native riparian vegetation; and 4) hiring a qualified geomorphologist to

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assess the Thomas Property, suggest appropriate bioengineered erosion control strategies, and identify the overall cause for erosion of the riverbank.

On January 13, 2006, Mr. Andrew Jensen of the Regional Water Board left a voice message for Mr. Huffman regarding the current status of the riverbank and submittal of requested information. No response was received. On June 5, 2006, Ms. Michelle Jensen of the Regional Water Board spoke with Mr. Huffman about the current project analysis efforts. Mr. Huffman explained that analysis of the geomorphology of the Thomas Property has not been initiated.

To date, additional information requested on-site during the two site visits has not been received by Regional Water Board staff. Given that the documentation and information requested during both site visits and the remaining processing fee of \$605.00 have not yet been submitted to the Regional Water Board to date; staff at the Regional Water Board are issuing this denial without prejudice.

If the above requested items are submitted to this office within one year of the date of this denial, we will reactivate your application and take appropriate action. If one year passes without evidence of compliance, a new application, and associated fees for certification will be required. Installing rock rip rap and/or causing impacts to Waters of the United States on the project site may not proceed until Certification and disposition of Waste Discharge Requirements have been obtained, and appropriate mitigation measures have been implemented.

Please submit the following items to facilitate the complete review process of your application package and finalize a decision for Certification:

1. Additional \$605.00 in fees (pursuant to Title 23, Section 2200);
2. Final CEQA documentation and lead agency information;
3. A narrative description on the feasibility tying in the project with neighboring parcels by sloping back the bank and re-vegetating the disturbed area with native riparian vegetation; and
4. A technical analysis of the Thomas Property bank erosion performed by a qualified geomorphologist, identifying the cause for erosion and appropriate bioengineered erosion control strategies that would decrease the potential for further downstream erosion.

Furthermore, the following additional information will need to be submitted if you choose to reactivate or reapply for the Thomas Property Bank Stabilization Project:

1. A copy of the Section 7 determination letter issued by the National Marine Fisheries Service (NMFS) as indicated by the ACOE initiation letter dated August 16, 2004; and
2. A Mitigation and Monitoring Proposal with a detailed re-vegetation plan, planting schedule, plant palette, schematics identifying the approximate locations of plantings, irrigation methods, methods and frequencies for monitoring, and proposed success criteria.

The denial without prejudice does not reflect a judgment regarding the merits of the proposed project. If you have any questions, please contact our staff person most knowledgeable on this subject, Stephen Bargsten at (707) 576-2653.

Sincerely,

Catherine E. Kuhlman
Executive Officer

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cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Branch, 333 Market Street,
San Francisco, CA 94105

Mr. Oscar Balaguer, SWRCB, Regulatory Section, Division of Water Quality

Mr. Rob Huffman, 876 Gravenstein Highway South, Sebastopol, CA 95472

Mr. Bill Cox, California Department of Fish and Game, P.O. Box 47, Yountville, CA
94599

Mr. Patrick Rutten, National Marine Fisheries Service, 777 Sonoma Avenue, Room 325,
Santa Rosa, CA 95404

Mr. Reg Cullen, County of Sonoma PRMD, 2550 Ventura Avenue, Santa Rosa, CA
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