



California Regional Water Quality Control Board North Coast Region

Bob Anderson, Chairman

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



**Arnold
Schwarzenegger**
Governor

June 27, 2008

In the Matter of

Water Quality Certification

for the

BOHEMIAN CLUB RUSSIAN RIVER TEMPORARY SWIM DECK: WDID NO. 1B08095WNSO

APPLICANT CONTACT: James Daniel, PO Box 128, Monte Rio, CA 95462
RECEIVING WATER: Russian River
HYDROLOGIC AREA: Lower Russian River Hydrologic Area No. 114.10
COUNTY: Sonoma County
FILE NAME: Bohemian Club Temporary Swim Deck Project

BY THE EXECUTIVE OFFICER:

1. On June 2, 2008, Mr. James Daniel, on behalf of the Bohemian Club, (Applicant) filed an application and fee of \$500.00 for water quality 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 Bohemian Club Temporary Swim Deck Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 5, 2008, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The Project is located at 20601 Bohemian Avenue in Monte Rio, Sonoma County. The purpose of the Project is to install a temporary swim deck and changing area on the Russian River, which will be used for approximately three weeks. This Order will allow the Applicant to install the temporary swim deck annually for five years.
3. The Project will consist of installing a temporary swim deck. The deck will be built on the river bank, with a portioned cantilevered over the flowing water. There will be a floating deck connected to the cantilevered portion to provide direct access to the water. The deck will be constructed using pre-molded concrete deck piers, which

California Environmental Protection Agency

Recycled Paper

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. The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under title 23, California Code of Regulations, section 3833, unless otherwise stated in writing by the certifying agency.
4. 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 Basin Plan.
5. The Applicant shall construct the Project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
6. The Applicant shall submit annual reports after the Project has been completed including pictures of the site before construction, after construction, and after removal. The report shall also include specific dates for when construction and removal occurred. No less than two weeks prior to the expected construction date, the Applicant shall notify Stephen Bargsten at (707) 576-2653 or at sbargsten@waterboards.ca.gov of the expected construction date. The Applicant shall notify the Regional Water Board if the Project is altered from the description in the application.
7. Any change in the implementation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Order must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
8. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
9. The Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.

10. 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 best management practices (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.
11. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete 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.
12. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.
13. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water.
14. In the event of any violation or threatened violation of the conditions of this Order, 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 Order. In response to a suspected violation of any condition of this Order, the State Water Board may require the holder of any federal permit or license subject to this Order 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 Order, the State Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
15. 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 or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

16. 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. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
- a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation
 - c. address and phone number of contact person
 - d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
17. The authorization of this Order for any dredge and fill activities will expire on October 15, 2013. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
18. Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions.

Catherine E. Kuhlman
Executive Officer

062708_jos_BohemianGrove_401Cert.doc

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

Original sent to: Mr. James Daniel, PO Box 128, Monte Rio, CA 95462

Copies sent to: Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act
Section 401 Certification and Wetlands Unit Program

Ms. Samantha Olson and Ms. Kim Niemeyer, SWRCB, Office of the
Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory
Functions, 1455 Market Street, San Francisco, CA 94103-1398

Mr. Dan Wilson, Department of Fish and Game, P.O. Box 47,
Yountville, CA 94599

California Environmental Protection Agency