



**California Regional Water Quality Control Board  
North Coast Region  
Bob Anderson, Chairman**



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold  
Schwarzenegger**  
Governor

July 10, 2008

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In the Matter of

**Water Quality Certification**

For the

**STAIRCASE AND TEMPORARY FLOATING DOCK  
WDID NO. 1B08021WNSO**

APPLICANT: Mr. Miles Jones  
RECEIVING WATER: Russian River  
HYDROLOGIC AREA: Guerneville Hydrologic Sub Unit No. 114.11  
COUNTY: Sonoma County  
FILE NAME: Staircase and Temporary Floating Dock

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BY THE EXECUTIVE OFFICER

1. On February 11, 2008, Mr. Miles Jones filed an application 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 Miles Jones Staircase and Temporary Floating Dock. The base fee of \$500 was received on February 11, 2008, and an additional \$1,008.60 was received on June 3, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858, on June 13, 2008, by posting information describing the project on the Regional Water Board's website. No comments were received.
2. The project is located at 14965 River Road in Guerneville, Sonoma County, California (APN 070-160-027). The latitude and longitude is 38° 30' 56.12"N and -122° 58' 55.39"W. The purpose of the project is to install a removable stairway and floating dock to provide access to the Russian River during temperate months. The stairs and dock attach to previously installed unpermitted fill, therefore part of the project will be considered after-the-fact,

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which is also considered within the proposed compensatory mitigation. The project will not include any additional fill within waters of the state.

3. Compensatory mitigation for the project will be on-site and shall include planting of willow sprigs, on no greater than two foot centers, for the entire length of the property in all plantable areas from water level to at least top of bank. Additional mitigation includes removal of all *Arundo donax* on the property and planting of native riparian shade trees. Selection of tree species will be by matching the same variety of species on and nearby the property. Trees shall be planted in all areas of *Arundo donax* removal and in locations where shade will be beneficial to reduction of areal temperatures.
4. The project includes:
  - (1) installation of two sections of removable staircase measuring three by fifteen feet each;
  - (2) installation of floating dock;
  - (3) permanent removal of invasive *Arundo donax*;
  - (4) planting of willow sprigs (red or yellow willow), at a spacing of no more than two feet on center, for the entire river front of the property from low water level to at least top of bank;
  - (5) planting of native riparian trees at or above top of bank within areas of *Arundo donax* removal, and in other areas where shade and lower temperatures would be beneficial, with planting done as soon as possible after removal of *Arundo donax*, and during the time of year that would be best for survival, with irrigation as necessary;
  - (6) monitoring for a minimum of 5 years, with a minimum of 85% survival of all planted vegetation, with a report submitted by December 31 of each year; and,
  - (7) removal of stairs and dock before first wet season storm, no later than October 15.
5. The project will cause permanent impacts to 0.002 acres and 100 linear feet of streambank within the Russian River.
6. The California Department of Fish and Game, acting as the lead for the California Environmental Quality Act (CEQA), has determined that this project is Categorical Exempt under section 15301 (existing facilities) of the California Code of Regulations and filed a Notice of Exemption on January 8, 2008. Based on a review of the project information submitted to date, Regional Water Board staff determined that this project is categorically exempt from CEQA review (Class 1, Section 15301 – Existing Facilities).
7. At a minimum, the following construction Best Management Practices (BMPs) will be incorporated into the project, as appropriate, in order to reduce and control soil erosion: work in and around waterways will be conducted during the dry

season; silt fencing or fiber rolls will be installed to prevent sediment loss from immediate work area; and will be revegetated with native grasses and mulched.

8. The applicant received a California Department of Fish and Game Streambed Alteration Agreement, file number 1600-2007-0449-3, on December 17, 2007.
9. Applicant has consulted with the United States Army Corps of Engineers, who determined that a Clean Water Act Section 404 permit will not be issued for the project.
10. Applicant has applied for a Sonoma County Permit & Resource Management Department Use Permit.

Receiving Water: Russian River, Guerneville Hydrologic Sub Unit No 114.11

Latitude/Longitude 38° 30' 56.12"N -122° 58' 55.39"W

Fill or Excavated Area: Permanent Impacts: 0.002 acres and 100 linear feet of impacts to waters of the state

Expiration: October 15, 2009

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE MILES JONES STAIRCASE AND TEMPORARY FLOATING DOCK (WDID NO. 1B08021WNSO), 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 Applicant complies with the following terms and conditions:

1. This Order 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 Order 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 Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the Applicant.
4. 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 certification (Enclosed).
5. The Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, there is no watershed-specific implementation plan for this TMDL. If TMDL implementation plans are adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plan.
6. 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.
7. 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.
8. Any change to the operation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
9. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Order.
10. 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. Applicant shall be responsible for work conducted by its contractor or subcontractors.
11. 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.

12. 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.
13. If construction dewatering is found to be necessary, the applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage prior to discharge to surface waters.
14. 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.
15. All conditions required by this Order shall be included in the Plans and Specifications prepared by applicant for the Contractor. In addition, applicant shall require compliance with all conditions included in this Order in the bid contract for this project.
16. All mitigation activities shall be completed as proposed in the application.
17. 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 Regional 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 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
18. 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.

19. 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.

20. The authorization of this Order for any dredge and fill activities expires on October 15, 2009. 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.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

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Catherine Kuhlman  
Executive Officer

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Original sent to: Mr. Miles Jones, 32 Corte Miguel, San Rafael, CA 94903

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

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

**California Environmental Protection Agency**