



**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

October 6, 2008

In the Matter of

**Notice of Coverage, Waiver of Waste Discharge Requirements for
Minor Dredging and Fill Activities**

for the

**Guerneville Streambank Stabilization Project
Tom Harrison,
15575 Riverside Drive, Guerneville
WDID NO. 1B07163WNSO**

APPLICANT: Tom Harrison
RECEIVING WATER: Russian River
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00
Guerneville Hydrologic Sub Unit 114.11
COUNTY: Sonoma County
FILE NAME: Guerneville Stream Bank Stabilization

BY THE EXECUTIVE OFFICER:

1. This Notice of Coverage provides notice that certain activities are covered by the Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution 2007-0098. On October 15, 2007, Mr. Jason Hocheder of Always Engineering, on behalf of Mr. Tom Harrison, (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) and/or Waste Discharge Requirements for dredge/fill activities, with the Regional Water Board for activities associated with the Guerneville Stream Bank Stabilization project (Project) in Sonoma County. A fee in the amount of \$500 was received on the same day, and the remainder of the fee of \$86 was received on October 3, 2008.
2. The Information describing the proposed project was noticed for public comment on the Regional Water Board's website on October 3, 2008. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has

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been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification." Due to the nature of emergency associated with this project, this Waiver will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period.

3. The latitude and longitude of the Project is 38° 30' 25.76"N and 122°59' 17.68" W. The project includes the Assessors Parcels Number (APN) 070-120-042.
4. As described in the application, the Project is comprised of stabilization of the riverbank by installation of native vegetation and "Reno Mattress" gabion stabilization to match the existing grade below the existing home and above the Ordinary High Water Elevation (OHWE) of the river. The Reno Mattress will be approximately 40 feet wide along the river bank and be approximately 36 feet up the bank, with a total area of approximately 0.02 acres. The mattress will have two feet deep and wide top and bottom edges, with the center section being one foot thick. The Reno Mattress will contain a mixture of crushed 6 inch diameter rock, and topsoil, and be surrounded by wire mesh. A stabilizing geotextile will be applied to the native soil directly under the Reno Mattress. The Reno Mattress will also contain bundles of willow cuttings on an average spacing of two feet on center. The surrounding area of disturbed soil will be seeded with native grasses as detailed in the California Department of Fish and Game Streambed Alteration Agreement. The entire area will be irrigated as necessary to ensure growth of the willows and native grasses. Stormwater erosion control best management practices (BMPs) will be employed, including use of silt fencing, erosion control fabric and seeding with native grasses.
5. Compensatory mitigation for the project includes revegetation of the disturbed areas with native plants and trees and removal of invasive plant species. It is anticipated that the dense willow plantings will increase deposition of sediments within the area of the project and cover the Reno Mattress within a reasonable time period.
6. Willow plantings shall have a minimum survival rate of 85% by the end of the fifth year after planting. Native grass areas shall have a minimum coverage area of 90% by the end of the fifth year. Non-native plants shall not exceed 5% of relative cover.
7. An annual monitoring report on the status of the mitigation shall be submitted to the Regional Water Board by December 31 of each year of the five year monitoring period, or until minimum survival or coverage rates have been achieved. Reports shall include survival, percent cover of planted native grasses, and height of

- planted trees. Number of replacement plants and overall condition of the Project shall also be reported. Photographs from established photo stations shall be included.
8. Permits and agreements issued from other agencies are included in the application package for the Project and shall be complied with.
 9. California Department of Fish and Game issued a Streambed Alteration Agreement (No. 1600-2007-0495-03) on October 3, 2008.
 10. Army Corps of Engineers Clean Water Act Section 404 Permit is not required, as stated in their letter dated June 17, 2008, File No. 2008-0220N.
 11. At a minimum, the following construction Best Management Practices (BMPs) will be incorporated into the final project plans in order to reduce and control soil erosion: work in and around waterways will be conducted during the dry season (May 15th to October 31st); installation of construction barrier fencing to preclude equipment entry into sensitive areas; installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area; topsoil salvage and reapplication; and seeding and mulching. Additionally, all required BMPs shall be on-site and ready for timely deployment before start of the wet season. If construction needs to continue past October 31st, Applicant may contact Regional Water Board Staff and extend the work period on a day by day basis, contingent on appropriate expected weather conditions.
 12. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, the Applicant shall immediately cease work on the project and notify the Regional Water Board.
 13. The Regional Water Board may add to or modify the conditions of this Notice of Coverage, 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.
 14. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Notice of Coverage must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
 15. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has adopted Categorical Waivers for Resolution 2007-0098, on December 6, 2007, pursuant to CEQA.
 16. The County of Sonoma, as the lead California Environmental Quality Act (CEQA) agency, has determined that this Project qualifies for a Statutory Exemption,

Section 15269 (c), "Specific actions necessary to prevent or mitigate an emergency." In a letter dated September 17, 2008, issued by Mr. Steve Padovan, Project Planner, of the County of Sonoma Permit and Resource Management Department, it is stated, "The purpose of the project is to stabilize the bank of the Russian River to prevent further erosion this coming winter which could result in the existing dwelling being damaged or destroyed.

Receiving Water: Russian River
Guerneville Hydrologic Sub Area 114.11
Russian River Hydrologic Area No. 114.00

Filled or Excavated Area: Area permanently impacted: 0.02 Acres

Latitude/Longitude: 38°30' 25.76"N and 122°59' 1 7.68" W

Expiration: October 31, 2009

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE GUERNEVILLE STREAMBANK STABLIZATION PROJECT (FACILITY NO. 1B07163WNSO), as described in the Application, is hereby covered under the Waiver, provided that Project complies with the following terms and conditions:

1. Some or all of the Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment, temperature, mercury, low dissolved oxygen, pathogens, pH, nitrogen, phosphorus, and specific conductance. Total Maximum Daily Load (TMDL) analyses have not been completed for the Russian River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures and sediment. If a TMDL implementation plan is adopted prior to the expiration date of this Notice of Coverage, the Regional Water Board may revise the provisions of this Notice of Coverage to address actions identified in such action plans.
2. Since the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.
3. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Notice of Coverage.
4. The Applicant shall construct the Project in accordance with the conditions described in the application and the findings herein, and shall comply with all applicable water quality standards.

5. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Notice of Coverage.
6. The Applicant shall provide a copy of this Notice of Coverage 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.
7. In the event of any violation or threatened violation of the conditions of this Notice of Coverage, 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 Notice of Coverage. In response to a suspected violation of any condition of this Notice of Coverage, the State Water Board may require the holder of any federal permit or license subject to this Notice of Coverage 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 Notice of Coverage, the State Water Board may add to or modify the conditions of this Notice of Coverage as appropriate to ensure compliance.
8. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, Applicant shall immediately cease work on the project and notify the Regional Water Board.
9. The Regional Water Board may add to or modify the conditions of this Notice of Coverage, 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.
10. This Notice of Coverage 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 Notice of Coverage 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 Officer a written request for transfer of this Notice of Coverage to discharge dredged or fill material under this Notice of Coverage. The request must contain the following:
 - i. requesting entity's full legal name
 - ii. the state of incorporation, if a corporation
 - iii. address and phone number of contact person

- iv. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Notice of Coverage.
11. 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.
12. The authorization of this Notice of Coverage for any dredge and fill activities expires on October 15, 2009. Conditions and monitoring requirements outlined in this Notice of Coverage are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
13. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Notice of Coverage must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
14. The construction activity meets the eligibility criteria for the Waiver and, if constructed as described in the Application and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. A monitoring and reporting program is required as described in the application. Therefore, I have determined that the Project is covered by the Waiver.
15. The following is a partial listing highlighting selected standard provisions from Resolution R1-2007-0098:
 - a. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."
 - b. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."
 - c. "The Project shall not create a pollution contamination, or a nuisance, as defined by California Water Code Section 13050."
 - d. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution R1-2007-0098."
 - e. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."
16. The following from Resolution R1-2007-0098 apply specifically to dredge and fill activities.

“The Applicant shall comply with the following additional conditions:

- a. Discharges shall be non-toxic, short term, discharges to land.
- b. The Project shall not result in a net loss of wetlands or beneficial uses.
- c. This Notice of Coverage is valid only if operations are not being covered by General Waste Discharge Requirements.”

17. Please be aware that a failure to implement the Project according to the project description and other information submitted in the Application, or violation of any of the terms contained in the Waiver and this Notice of Coverage, may result in the revocation of coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.

18. Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions.

Catherine Kuhlman
Executive Officer

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Enclosure: Waiver Policy (Res. 2007-0098)

Original sent to: Mr. Tom Harrison, 2440 Greenwich Street, San Francisco, CA 94123

Copies sent to: Mr. Jason Hocheder, P.O. Box 2299, Sebastopol, CA 95473

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

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