



# California Regional Water Quality Control Board North Coast Region

**Geoffrey M. Hales, Acting Chairman**



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

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**Arnold Schwarzenegger**  
Governor

May 5, 2010

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In the Matter of  
Water Quality Certification  
For the  
Sonoma County Regional Parks,  
Spud Point Marina Fuel Dock Repairs Project

APPLICANT: Sonoma County Regional Parks  
RECEIVING WATER: Bodega Harbor  
HYDROLOGIC UNIT: Bodega Bay Hydrologic Subarea No. 115.22,  
Bodega Hydrologic Area 115.00  
COUNTY: Sonoma  
FILE NAME: Sonoma County Regional Parks,  
Spud Point Marina Fuel Dock Repairs Project  
WDID No. 1B08152WNSO

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BY THE EXECUTIVE OFFICER:

On October 23, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Pamela Higgins of Sonoma County Regional Parks (Applicant), for a water quality certification (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 related to the Sonoma County Regional Parks, Spud Point Marina Fuel Dock Repairs Project (Project), located in Sonoma County. The Project will cause temporary impacts to the area around the Fuel Dock, within Bodega Bay Hydrologic Subarea No. 115.22, Bodega Hydrologic Area 115.00. Total fees in the amount of \$500 have been received. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 23, 2010, and posted information describing the Project on the Regional Water Board's website. No comments were received.

1. Project is located on the fueling dock, Spud Point Marina, 1818 Westshore Road, northwest side of Bodega Harbor, Bodega Bay, latitude 38.330337°N, and longitude 123.058698°W, in Sonoma County.

**California Environmental Protection Agency**

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2. The purpose of the proposed project is to replace and repair damaged and outworn sections of the Spud Point Marina fuel dock facility. Much of the existing wood siding along the length of the fuel dock is old and rotting, and requires replacement to meet current standards of public health and safety. Some of the metal hardware is also damaged and requires replacement. Repair of the fuel dock will provide the opportunity for continued accessible, safe visitor use of the fuel dock and the marina facility. The Project includes the removal and replacement of all of the dock wood siding, and replacement of the through-rods that hold the dock together. The replacement wood will consist entirely of Douglas fir that has been ACZA (Ammoniacal-copper-zinc-arsenate) pressure treated, kiln dried, and pre-cut. All metal fittings used for repairs will be made of galvanized steel, and all project repair components will be pre-treated and pre-drilled prior to on-site replacement installation. There are no repair or replacement activities proposed for the six existing dock pilings. The Project will also replace pile guides and dock bumpers. Dock will remain open as feasible during repairs. A floating dock for access to the repair areas will be used. A containment ring will be extended from the repair area to prevent sawdust or particulates from entering the water.
3. Compensatory mitigation for this project is not necessary and proposed best management practices should assure protection of water quality.
4. Non-compensatory mitigation includes implementation of the use of Best Management Practices (BMPs) to be employed during construction to minimize release of any construction/project related contaminants or materials to Bodega Harbor. All BMP measures will be installed and in place before construction activities and maintained throughout the project.
5. The project is scheduled to be undertaken between June 15 and October 1, 2010, and should take approximately 14 days.
6. Sonoma County Regional Parks Department, as lead California Environmental Quality Act (CEQA) agency, issued a Notice of Exemption, 15301-Existing Facilities, on April 4, 2008, pursuant to CEQA guidelines.
7. The California Department of Fish and Game has determined that a Lake and Streambed Alteration Agreement is not necessary for the Project.
8. The US Army Corps of Engineers has issued a Section 404, Clean Water Act, NWP 3 - Maintenance Projects, October 1, 2008.
9. 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.

Receiving Water: Bodega Harbor, Bodega Bay Hydrologic Subarea No. 115.22, Bodega Hydrologic Area 115.00

Filled or Excavated Area: Area temporarily impacted: Area immediately around dock work area. There is no fill or excavation.

Latitude/Longitude: 38.330337° N, 123.058698° W

Expiration: May 5, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County Regional Parks, Spud Point Marina Fuel Dock Repairs Project (WDID No. 1B08152WNSO), 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 the Applicant complies with the following terms and conditions:

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. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, 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 Order (Enclosed).
5. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to

allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.

6. 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 Order, 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.
7. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground-clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
10. If, at any time, there is an unauthorized discharge to surface water (including wetlands, rivers or streams), 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.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
12. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
13. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.

14. 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 and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. In the event of any violation or threatened violation of the conditions of this certification, 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 constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification 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 certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
17. 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.

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, and the 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.

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

18. The authorization of this certification for any dredge and fill activities expires on May 5, 2015. 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.

If you have any questions or comments, please call Stephen Bargsten of our office at (707) 576-2653.

Sincerely,

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Catherine Kuhlman  
Executive Officer

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Web link: 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 may be found at: [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

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