



Linda S. Adams
Secretary for
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**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**

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Arnold
Schwarzenegger
Governor

May 10, 2010

In the Matter of
Water Quality Certification
for the
**Sonoma County Regional Parks
Healdsburg Veteran's Memorial Beach Operation Project
Sonoma County (WDID# 1B03062WNSO)**

APPLICANT: Sonoma County Regional Parks
RECEIVING WATER: Russian River
HYDROLOGIC AREA: Russian River, Guerneville Hydrologic Subarea No. 114.11,
Russian River Hydrologic Area 114.00
COUNTY: Sonoma County
FILE NAME: Sonoma County Regional Parks Healdsburg Veteran's
Memorial Beach

BY THE EXECUTIVE OFFICER:

1. On October 1, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Michelle Julene, of Sonoma County Regional Parks (applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Sonoma County Regional Parks Healdsburg Veteran's Memorial Beach Project, in Sonoma County. The total fee of \$1,411 was also received on October 1, 2009. The project will cause temporary impacts to approximately 0.28 acres, 350 linear feet, of bank of the Russian River, Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 14, 2010, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. Project is located along the Russian River, River Mile 31.5-31.6, upstream of the Healdsburg War Memorial Dam and Fish Ladder, and downstream of the Healdsburg Avenue Bridge, on the left/east bank, on the southeast side of the City of Healdsburg, latitude 38.603096° N, and longitude 123.85990° W, in Sonoma County.

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3. The purpose of the project is to continue the annual beach installation, which provides a safe public swimming and recreation area. This facility averages approximately 75,000 annual visitors. This beach is one of only two developed public beaches available to the general public in this reach of the Russian River.
4. Activities associated with the annual beach installation include:
 - Regional Parks prepares the beach for public use for the Memorial Day weekend, generally May 25 – June 3. Although the swimming area would not be ready at this time, beach goers would be able to wade in the Russian River while picnicking, barbecuing, and using the outdoor recreation area. Beach preparation for the Memorial Day weekend includes creation of a continuous grade line on the beach area and installation of one main buoy line in the Russian River. The continuous grade would be created by pushing the stockpiled beach sand onto the exposed riverbank. The continuous grade would be required for public safety, and would generally be a 5:1 slope depending on natural conditions of the exposed riverbank. These activities occur between May 15 and May 22. After the Memorial Day weekend, the beach would be closed to the public. Equipment and machinery used for beach preparation of the Memorial Day weekend includes two full-sized bulldozers to move the sand between the storage area and the beach area. No machinery or equipment enters the flowing river channel.
 - Annual beach preparation would begin after the Memorial Day weekend. Bulldozers would be used to create a berm of imported clean river gravel and cobble, the toe of which would be approximately 6 feet shoreward of the flowing channel. The berm would be approximately 8-10 inches high. The purposes of the berm would be to protect water quality in the river and to define the beach area. Imported or stored beach sand would be placed upon the graded beach area and groomed. Dump truck(s) would be used to transport the purchased sand to the beach area. Access would be provided by the existing Regional Parks Department service road. Appurtenant feature for the annual beach preparation would include the installation of additional buoys and safety lines installed in the Russian River, and the installation of radio lines for lifeguard communication and the placement of lifeguard stands on the beach itself. The swimming area would be created as the flashboards are added to the Dam, on or after June 26. The beach would be reopened for public use for the July 4 weekend and would remain open through the Labor Day weekend. The Regional Parks Department would maintain the beach throughout the summer season. Equipment and machinery used for the annual beach preparation would include dump truck(s) to transport purchased beach sand and two bulldozers to create the berm and to locate the purchased beach sand. No machinery or equipment would be used in the flowing channel of the river.

- After the Labor Day weekend, the beach would be closed for public use. The lifeguard stands, radio line, swimming safety line, and buoys would be removed for storage to the corporation yard. The water level in the seasonal recreational swimming area would be gradually decreased as the flashboards at the Dam are removed. Bulldozers would be used to move the beach sand for storage above the ordinary high water mark. This activity generally would occur between September 3 and September 10. No machinery or equipment would enter the flowing channel of the river. Imported river gravel and cobble used to create the berm would be allowed to wash back into the Russian River as the river flow increases during the winter season.
5. Non-compensatory mitigation and erosion control measures include relocating beach sand to an on-site storage location above the flow of the river, stabilization, seeding, and/or covering the sand stockpiles and beach area to minimize erosion, sediment input, and turbidity during the winter and spring months.
 6. Sonoma County Regional Parks Department, as lead California Environmental Quality Act (CEQA) agency, filed a Notice of Exemption, Statutory Exemption, Section 15261 (Ongoing Project) and Section 21169 ("Grandfather Clause"), on March 15, 2002, pursuant to CEQA guidelines. The Project is also Categorically Exempt pursuant to Section 15301, Existing Facilities.
 7. The Applicant has received a California Department of Fish and Game Lake and Streambed Alteration Agreement Extension, Notification Number: R3-2002-0079, issued on September 28, 2006, and expiring December 31, 2011.
 8. The Applicant has received a US Army Corps of Engineers Clean Water Act Section 404 Individual Permit, Permit No. 276060N, issued on June 12, 2009, and expiring on December 31, 2019. The Army Corps Permit authorizes up to 0.43 acres of dredge/fill area, which includes variables of beach width and seasonal morphology of the river.
 9. Because the project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.

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

Filled or Excavated Area: 0.28 acres, 350 linear feet, of temporary impacts

Latitude/Longitude: 38.603096° N / 123.85990° W

Expiration: May 10, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County Regional Parks Healdsburg Veteran's Memorial Beach Project (WDID No. 1B03062WNSO), 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 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 Order (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. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in the watershed. At present, there are no watershed specific total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and 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 plans.
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 Water Quality Control Plan for the North Coast Basin (Basin Plan).

7. The Applicant shall conduct the Project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
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. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
10. 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.
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 permit coverage from the Regional Water Board 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. 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.

16. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the Contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this Project.
17. All mitigation activities shall be completed as proposed in the application.
18. 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 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.
19. 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.
20. 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.

21. The authorization of this Order for any dredge and fill activities expires on May 10, 2015. 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.

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

Original to: Ms. Michelle Julene, Sonoma County Regional Parks,
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