



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

June 14, 2010

In the Matter of
Water Quality Certification
For the
Cloverdale Regional Park Phase 3 and
FEMA Storm Damage Repair Project

APPLICANT: Sonoma County Regional Parks
RECEIVING WATER: West fork of the Russian River
HYDROLOGIC UNIT: Geyserville Hydrologic Sub Area No. 114.25, Russian River
Hydrologic Unit No. 114.00
COUNTY: Sonoma
FILE NAME: Cloverdale Regional Park Phase 3 and FEMA Storm
Damage Repair Project
WDID No. 1B10005WNSO

BY THE EXECUTIVE OFFICER:

1. On January 10, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Michelle Julene, 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 associated with repairing storm damage from the 2005-2006 storms along the Russian River, and implementation of Phase 3 development of Cloverdale River Park including recreation and access improvements, restoration of natural riparian habitat, and stabilization of the river banks using bioengineering techniques, along approximately 1,200 feet of river side channel and riparian habitat (Project). The Project will cause permanent impacts to approximately 1.65 acres, 1,200 linear feet, of bed and bank of a side channel to the Russian River, Geyserville Hydrologic Subarea No. 114.25, Russian River Hydrologic Area 114.00. Total fees in the amount of \$8,442 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 1, 2010, and posted information describing the Project on the Regional Water Board's website. Comments were received from one person, were adequately addressed by the Applicant, and are archived within the application file.

California Environmental Protection Agency

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2. Project is located along the west fork of the Russian River, just upstream and adjacent with its confluence with Big Sulphur Creek, between Crocker Road and McCray Road, on the northeast side of the City of Cloverdale, latitude 38.822959°N, and longitude 123.01008 °W, in Sonoma County.
3. The Project includes restoration of 1,200 feet of side channel and riparian and oak woodland habitat. Restoration activities (including bank stabilization and the planting of native riparian species) will enhance the project area to serve as riparian habitat and protect water quality from future impacts of bank erosion.

Specific components of the project include:

- Construction of an ADA-accessible river access ramp and boat portage.
 - Construction of a small compacted gravel parking area for three vehicles.
 - Development of eight picnic sites with tables and barbecues that can be removed during high water. Two of the sites will be paved to provide ADA access.
 - Construction of 190 feet of paths.
 - Installation of two interpretive panels providing information on the riparian and riverine ecosystem, and general information about the Russian River and water safety tips will be provided for environmental education.
 - Removal of portions of an existing eroded levee that isolates the Russian River from its floodplain.
 - Restoration of 1,200 feet of eroded riverbank slopes through importation of clean fill, regarding, seeding and planting.
 - Placement of bioengineering (live siltation baffles and willow planted rock structures -- 6 total), to protect the restored bank, collect sediment, and reform sand bars at the toe of the restored riverbank.
 - Stabilization of the bank and control of erosion through use of coir/coconut fiber erosion blankets, willow mattresses, willow sprigging and cottonwood poles.
 - Planting over 300 native tree and shrubs to improve habitat diversity, provide ground cover and food for insects, and shade to cool water temperatures.
 - Hydroseeding to stabilize approximately 90,000 square feet of disturbed areas.
4. Compensatory mitigation for the Project is not necessary as the nature of the project should enhance water quality by increasing shading and riparian habitat, and decreasing delivery of sediment to the river by stabilization of the eroding bank.
 5. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment

production and prevent the movement of loose soil off-site. Ground disturbance will be limited to the minimum necessary and all disturbed ground will be treated with native grass seed, or native grass plugs, or other erosion control measures. Hydro-mulching shall not be used within the creek top-of-bank, or in areas where it may wash into the creek. Silt fences, silt curtains and straw bales will be used to avoid delivery of sediment into sensitive areas during construction. All erosion control measures will be installed and in place by October 15 and maintained thereafter by the contractor/Applicant. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities. Project shall also comply with provisions within the submitted "Stormwater Pollution Prevention Plan (SWPPP) & Spill Control and Counter Measures Plan (SCCP) for Cloverdale River Park Phase 3 Improvements" prepared by Questa Engineering, July 6, 2009.

6. The project is scheduled to be undertaken during June - October, with work in the stream/riparian corridor between June 15 and October 31. Other regulatory agencies may have more restrictive work periods. Revegetation work is not confined to this time period.
7. Sonoma County Regional Parks Department, as lead California Environmental Quality Act (CEQA) agency, has filed an Initial Study/Mitigated Negative Declaration with the State Clearinghouse, SCH No. 2009032025, on May 5, 2009, pursuant to CEQA guidelines.
8. The California Department of Fish and Game has issued a Streambed Alteration Agreement, Notification Number 1600-2010-0001-R3, on May 19, 2010, for this project.
9. The US Army Corps of Engineers has issued Section 404, Clean Water Act, NWP 27 - Aquatic Habitat Restoration, Establishment, and Enhancement Activities; and, NWP 36 – Boat Ramps, on March 3, 2010.
10. 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: West fork of the Russian River in the Geyserville Hydrologic Sub Area No. 114.25, Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: Area permanently impacted: 1.65 acres/1,200 linear feet of river bed and bank

Latitude/Longitude: 38.822959°N, and 123.01008 °W

Expiration: June 14, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Cloverdale Regional Park Phase 3 and FEMA Storm Damage Repair Project, (WDID No. 1B10005WNSO), 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 Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, 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. If dewatering in the construction area is necessary, water shall not be discharged back to the river. Dewatering water shall be pumped to a storage tank, or other conveyance, and be disposed of properly. Dewatering water shall not be discharged to waters of the State.

7. Poured concrete shall be isolated from the wetted channel for at least 30 days after it is poured. Sealants may be used and water shall be excluded until sealants are dry and until no detrimental impacts to water quality shall occur to the creek due to water contact with sealed surfaces. Water contacting the concrete within the 30 day period after the concrete after it is poured shall not be discharged back to the creek and must be pumped to a storage tank or other conveyance and disposed of properly.
8. Applicant shall prioritize use of wildlife-friendly 100% biodegradable erosion control products/BMPs wherever feasible. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall not use or allow the use of soil stabilization products that contain synthetic materials within waters of the United States or waters of the State at any time. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.
9. 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.
10. 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.
11. 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.
12. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.

13. 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.
14. 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.
15. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
16. 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.
17. 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.
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 and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
19. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
20. 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.

21. 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).

22. The authorization of this certification for any dredge and fill activities expires on June 14, 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,

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

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