



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

**California Regional Water Quality Control Board**  
**North Coast Region**  
**Geoffrey M. Hales, Chairman**

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**Edmund G. Brown Jr.**  
Governor

June 24, 2011

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In the Matter of  
Water Quality Certification  
For  
Monte Rio Recreation and Parks District  
Seasonal Public Beach Grooming Project  
WDID No. 1B05075WNSO

APPLICANT: Ms. Roberta Pollard, Monte Rio Recreation and Parks District  
RECEIVING WATER: Russian River  
HYDROLOGIC AREA: Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Unit No. 114.00.  
COUNTY: Sonoma County  
FILE NAME: Monte Rio Recreation and Parks District Seasonal Public Beach Grooming Project

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BY THE EXECUTIVE OFFICER:

1. On May 5, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Roberta Pollard, on behalf of Monte Rio Recreation and Park District (applicant), requesting Federal Clean Water Act, Section 401, water quality certification for proposed activities associated with the Monte Rio Recreation and Park District Seasonal Public Beach Grooming Project (Project). The Regional Water Board provided public notice of the application pursuant to Title 23, California Code of Regulations, Section 3858 on May 17, 2011, and posted information describing the Project on the Regional Water Board's website. No comments were received. The Project will cause temporary impacts to approximately 0.1 acres of waters of the United States and waters of the State associated with the Russian River.

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2. The Project is located at the Monte Rio Public Beach, 20400 Bohemian Highway, within the town of Monte Rio, latitude 38.466558°N, longitude 123.009683°W, on the Russian River, in Sonoma County.
3. The primary purpose of the Project is to prepare the beach for use by the public during the summer months.
4. The Project includes the following:
  - The installation of a four foot wide panelized boardwalk system from the lower parking area to the edge of the Russian River. The boardwalk will be set directly upon the natural bar utilizing the existing sloped beach gravel surface. The boardwalk panels will be leveled and stabilized using hand tools, where necessary. Work will be limited to the length and width of the boardwalk.
  - Filling of a seasonal drainage erosion gully caused by road runoff from a culvert that drains Highway 116. The area to be filled is approximately 200 feet long, four feet wide, and four feet deep. Beach material will be graded into the gully, and the total area of grading shall be done to cause the minimum disturbance, and shall not exceed a total of 0.1 acres (4,400 square feet). Material used for grading shall be from the immediate areas adjacent to the gully. No other aggregate shall be imported and deposited within waters of the State.
  - Smoothing of a parking area above the beach and the ordinary high water level. An earthen berm approximately three feet high, boulders, or other barrier, may be installed between the parking area and the beach to prevent vehicles from entering the beach. A non-toxic dust suppressant may be used on the parking area to abate dust creation.
  - A tent and various seating may be temporarily installed on the beach.
  - Boardwalk and other materials will be removed from the beach before the wet season.
5. Compensatory mitigation for the proposed Project is not necessary as it involves minor grading with temporary impacts.
6. Non-compensatory mitigation for this project includes the use of Best Management Practices (BMPs) for sediment and turbidity control to ensure that materials do not enter the waterway. All erosion control measures will be installed and in place by May 15, or during non-construction periods as necessary, and maintained thereafter by the contractor/Applicant. All equipment will be maintained in good working order and spill kits will be on hand during construction. Equipment shall not be staged, or fueled, near waters of the State. Additionally, all required BMPs

shall be on-site and ready for timely deployment before the start of construction activities.

7. This Order does not authorize mass grading of the beach, any removal of sediment or beach aggregate material from the beach, any work within the wetted portion of the Russian River, nor filling of scour holes around bridge piers.
8. Project activity is expected to last for one week at the most, and may commence on an annual basis no sooner than May 15, and may be later, depending on water level.
9. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement.
10. The Applicant has applied to the United States Army Corps of Engineers for a Section 404, Clean Water Act, Nationwide Permit.
11. The Project is exempt from CEQA under California Code of Regulations, Title 14, Section 15061, Subdivision (b). The project meets the exemption criteria under Title 14, California Code of Regulations, Section 15311 [Accessory Structures]. The Regional Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, Title 14, Section 15062 after issuance of the 401 Certification order.

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 within the Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Unit No. 114.00.

Filled or Excavated Area: Temporary impacts to 0.1 acres of seasonal drainage

Latitude/Longitude: 38.466558°N, 123.009683°W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Monte Rio Recreation and Park District Seasonal Public Beach Grooming Project (WDID No. 1B05075WNSO), 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:

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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. 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. Roads and bank erosion are identified as sources contributing to the sediment impairment. Removal of riparian vegetation is identified as a source contributing to temperature impairment. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment control. Accordingly, this Order is consistent with, and implements BMPs that would attenuate sediment adverse impacts.
5. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to “rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste.”
6. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law.

Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.

7. 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).
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. Any materials used that could be considered harmful to water quality shall be removed to an area outside of river flow before the wet season.
10. The following activities are not permitted under this certification:
  - Mass grading of the beach, any removal of sediment or beach aggregate material from the beach, nor any work within the wetted portion of the Russian River.
  - Filling of scour holes around bridge piers.
11. 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.

12. 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.
13. 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.
14. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
15. 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.
16. 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.
17. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
18. 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.
19. 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.
20. 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.

21. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
22. 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.
23. 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.

24. 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).

25. The authorization of this certification for any dredge and fill activities expires on June 24, 2016. 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 at (707) 576-2653.

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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)

Original to: Ms. Roberta Pollard, Monte Rio Recreation and Parks Department, P.O. Box 877, Monte Rio, CA 95462

Copy to: Mr. James Mazza, U.S. Army Corps of Engineers, Regulatory Division, 1455 Market Street, 16<sup>th</sup> Floor, San Francisco, CA 94103  
Ms. Amy Wingfield, County of Sonoma Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403

ECopies to: Mr. Richard Fitzgerald, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599

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