



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



**Matt Rodriguez**  
Secretary for  
Environmental Protection

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**Edmund G. Brown Jr.**  
Governor

August 23, 2011

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In the Matter of

**Water Quality Certification**

For

**Sonoma County Regional Parks  
Riverfront Park Trail Repair  
WDID No. 1B11064WNSO**

APPLICANT:	Mr. Mark Cleveland, Sonoma County Regional Parks
RECEIVING WATER:	Lake Benoist
HYDROLOGIC AREA:	Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00
COUNTY:	Sonoma County
FILE NAME:	Sonoma County Regional Parks Riverfront Park Trail Repair

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BY THE EXECUTIVE OFFICER:

1. On May 9, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Kathie Lowrey, of Prunuske Chatham, Inc., on behalf of the Sonoma County Regional Parks (Applicant), requesting Federal Clean Water Act, Section 401, Water Quality Certification (certification) and/or Waste Discharge Requirements (Dredge/Fill Projects) for activities associated with the Sonoma County Regional Parks Riverfront Park Trail Repair (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 24, 2011, and posted information describing the Project on the Regional Water Board's website. No comments were received. The Project will cause permanent impacts to approximately 0.12 acres, 5,593 square feet, of waters of the State including bed and bank within Lake Benoist.
2. The entrance to Riverfront Park is located at 7821 Eastside Road in the unincorporated area between Healdsburg and Windsor. The center of the project site is at latitude 38.51271° N and longitude 122.86983° W. Riverfront Park is comprised of Lakes Wilson and Benoist which are two of three reclaimed, terrace gravel mine pits purchased by Sonoma County as part of the Riverfront Park Project.

**California Environmental Protection Agency**

*Recycled Paper*

The Lakes occupy land adjacent to the eastern boundary of the Russian River within the 100 year Flood Plain. A hydrologic connection exists between the Lakes and the River.

3. The purpose of the project is to repair park amenities and to implement trail improvements to reduce erosion and future trail flooding. The project is included in the Governor's Office of Emergency Services Declaration and is being funded by the Federal Emergency Management Agency (FEMA) for damages sustained during 2005-06 winter storm events.
4. Multiple restoration and improvement activities are planned for the Riverfront Park Facility as proposed in the *Riverfront Regional Park Conceptual Master Plan for Phases 1 through 5*. When completed, the Riverfront Regional Park Master Plan will include group and single family picnic areas, fishing access, non-motorized boat portages, equestrian and vehicle parking, single and multi-use trails, and restroom facilities. This Order is limited to the application submitted to repair and improve two sections of a general use trail around the western edge of Lake Benoist known as; Restoration Site 3 and Restoration Site 4.
5. Restoration Site 3 and Site 4 are located on the extreme southwestern portion of Riverfront Park at the southern end of Lake Benoist. Both sites have been operating as wet-ford areas for foot, bicycle, and equestrian traffic; subsequently eroding and delivering sediment into Lake Benoist. Trail improvements will incorporate the installation of raised pathways surfaced with engineered fill compacted to 90-95%. Rock riprap slope protection will be placed on the up-slope and down-slope sides of the trails. In addition, drainage lenses will be incorporated under the trails to provide sufficient subsurface drainage capacity. Any disturbed area will be restored and protected using a combination of hydroseeding, mulch, and straw wattles
6. At Restoration Site 3, 735 linear feet of repairs and improvements will be completed, of which approximately 3,718 square feet, (0.08 acres), are within waters of the State. Due to the hydrologic connectivity between the Russian River and Lake Benoist, a drainage lens will be placed under a section of the trail to prevent flooding of, and minimize sediment deposition on, the trail.
7. At Restoration Site 4, 250 linear feet of repairs and improvements will be completed of which 1,875 square feet, (0.04 acres), are within waters of the State. The drainage lens that will be placed under a section of the trail will allow flow from an adjacent wetland/spring to pass unimpeded. Subdrains will be placed under the drainage lens to allow the flow from the wetland/spring to pass under the culvert. Undergrounding the flow has several water quality benefits: The water will remain cooler, reducing thermal impacts of the water running over the trail surface; and, the water will stay cleaner as it will not be flowing over the wet-ford area picking up

disturbed sediment, reducing sediment delivery to the remaining portion channel and Lake Benoist.

8. Construction is expected to take approximately 21 days and is planned for the low-flow season, August 15 to October 15.
9. Compensatory mitigation will include the planting of native tree species (*Salix laevigata* (red willow), and *Salix lasiolepis* (arroyo willow) collected on site, into the rock riprap slope protection of the Restoration Site 3 drainage lens to add stability, reduce thermal impact, increase habitat and delivery of allocthonous material. Restoration Site 4 is heavily vegetated and would not benefit from additional planting. Planting of the native trees will be undertaken using submitted planting guidance documentation. Trees and shrubs removed during trail realignment will be replaced with native species, collected on site, at a ratio of 3:1, per *Sonoma County Regional Parks; Tree Removal & Replacement Plans & Details* (July 2011). The placement of drainage lenses and subdrains will allow overland flow to pass underground, reducing thermal impact and sediment delivery. Raising and resurfacing the eroding trail will reduce sediment delivery.
10. 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. All erosion control measures will be installed and in place by October 15, or during non-construction periods as necessary, and maintained thereafter by the contractor/Applicant. All disturbed soil will be revegetated with native species or seeded with native grasses. If vegetation cannot be reestablished before expected rainfall, mulching, erosion control fabric, or other sediment control measures will be implemented to prevent delivery of sediment to the drainages. 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.
11. In-channel work will be conducted during the dry season (June 15-October 31). The portions of the drainage channel that are not to be disturbed during site work will be protected by a 5-foot construction set back and fencing.
12. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement.
13. The applicant has applied to US Army Corps of Engineers for a Clean Water Act, Section 404 Permit.

14. 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 15269 [Emergency Projects]. 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 this 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: Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00

Filled or Excavated Area: Permanent impacts to approximately 0.12 acres, 5,593 square feet, of waters of the State including bed and bank within Lake Benoist.

Latitude/Longitude: 38.51271° N, 122.86983° W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County Regional Parks Riverfront Park Trail Repair Project (WDID No. 1B11064WNSO), 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. 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 and planting of more riparian zone shade vegetation at and near the project site. Accordingly, this Order is consistent with, and implements BMPs that would attenuate sediment and temperature 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. To ensure a successful revegetation/stabilization effort, plantings shall be monitored and maintained (including irrigation if necessary) for five years. All tree and shrub plantings shall have a minimum of 85% success of thriving growth by species at the end of five years with a minimum of two consecutive years (2 growing seasons) of monitoring after the removal of irrigation. Success criteria (of percent cover) may include the natural recruitment of native species, but shall not substitute for the plantings if overall vegetative success is poor. The Applicant is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice to achieve these goals. Replacement plants shall be monitored with the same survival success for an additional five years from the year of installation. A status report shall be submitted to the Regional Water Board by December 31st of the each year. Photos, descriptive narrative, and tabulations of plant counts, shall be submitted within the report.

8. Applicant shall contact Regional Water Board staff to schedule site visits when installing of portions of project within waters of the State, when trees/plants are being planted within these areas, and when annual monitoring is being conducted. Site visits at end of construction and after planting vegetation, to verify compliance with this Order are necessary.
9. If groundwater is encountered during construction, the applicant shall contact and obtain an appropriate permit from Regional Water Board such as, Order No. R1-2009-0045, Waste Discharge Requirements for Low Threat Discharges to Surface Waters on the North Coast Region, or obtain an amendment to this 401 Water Quality Certification.
10. If flowing water is present during the construction period, the applicant shall install a low impact coffer dam to bypass the water at site per the *Erosion and Water Diversion Plan* (08/10/2011), prepared by Green Valley Consulting Engineers. Any gravel used as fill material for coffer dam construction shall be clean and placed in durable bags. If any gravel spills it will be contained and removed to prevent delivery of turbidity/sediment to waters of the State. Cofferdam materials shall be removed after project installation, and area shall be restored as necessary to achieve pre-project conditions within the area impacted by the coffer dam structure.
11. 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.
12. 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.

13. 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.
14. 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. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.
15. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
16. 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.
17. 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.
18. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
19. 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.
20. 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.
21. 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.

22. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
23. 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.
24. 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.

25. 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).

26. The authorization of this certification for any dredge and fill activities expires on August 23, 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)

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