
North Coast Regional Water Quality Control Board

June 6 2012

In the Matter of

Water Quality Certification

For

Johnson's Beach
Seasonal Beach Grooming
WDID No. 1B11090WNSO

APPLICANT: Mrs. Laura Wilson, Johnson's Beach
RECEIVING WATER: Russian River
HYDROLOGIC UNIT: Guerneville Hydrologic Sub Area No. 114.11
Russian River Hydrologic Area 114.00
COUNTY: Sonoma
FILE NAME: Johnson's Beach
Seasonal Beach Grooming

BY THE EXECUTIVE OFFICER:

1. On March 8, 2012, the Mrs. Laura Wilson of Johnson's Beach (Applicant) filed an application for 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 Johnson's Beach Seasonal Beach Grooming (Project). The Project involves activities associated with seasonal beach grooming prior to opening of a summer beach and resort. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 15, 2012, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. Project is located on the Russian River, 16241 First Street, Guerneville, latitude 38.499935°N, longitude 122.997683°W, in Sonoma County. The project will cause temporary impacts to a maximum of 1.39 acres/420 linear feet, of river bed and

bank of the Russian River, Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00.

3. The project involves the seasonal grooming of beach area along with parking lot maintenance annually from May 1st to June 15th prior to the installation of the summer Flashboard Dam by the Russian River Recreation & Park District after June 15th. Followed by beach winterization from October 1st and October 15th after the removal of the summer Dam before October 1st. The following describes the work that is expected to occur between these dates throughout the duration of the permit term. All grooming and maintenance work is performed by a 5 yard rubber tire front loader, dump truck, and water truck. No track equipment or excavators are used in the process. There shall be no work within the wetted portion of the river. Additionally, a small wheeled trailer is placed on the beach, near the parking area as a concession stand and is removed at the end of the summer beach season.
4. The Project involves the following:

SPRING WORK (May 1 to June 15)

Site Mapping and Gravel Bar Baseline Elevations:

Annually prior to any Beach grooming activity the beach area will be surveyed to establish a baseline topographic map of the gravel bar. This mapping will be used to re-establish the gravel bar height and width in the area of the wading pool excavation. The wading pool shall be restored to this elevation at the end of the summer season.

Beach Grooming:

Beach grooming involves the minor excavation of children's wading pool approximately 65' x 65' x 1.5' deep (318 cubic yards). Approximately 0.42 acres of beach would be disturbed and all of the excavated gravel will be temporarily placed near the toe of the bank between the parking area and the beach area. The gravel will be placed over two layers of filter fabric and will vary in depth from 1ft to 2ft in depth. Gravel from the beach will not be placed on the parking area. Approximately 0.42 acres of area and 318 cubic yard of cut and fill will occur within Ordinary High Water Mark of the river as determined by the Army Corps of Engineers during a field visit. Approximately 5 cubic yards of 12" diameter rip rap will be placed to stabilize an erosion gully between the parking area and the beach.

Parking Area Maintenance:

The parking area is located approximately 20 linear feet from Ordinary High Water Mark, and is a fairly level bench which is separated from the beach by an embankment approximately 5-6ft in height. Approximately 0.97 acres of the

parking area will be disturbed in order to prepare for the summer use. No gravel from the beach, or otherwise, shall be used in parking lot maintenance.

Parking Area Silt Removal and Export:

Occasionally the parking area traps fine sediment and debris deposited by the river when it reaches higher flows. This is due mainly to the flat nature of the parking area and it being outside the main channel where velocities are generally low and allow for the dropout of fines and debris. According to the Applicant it is only after the river reaches the 22ft level and above as measured at the Guerneville Bridge just upstream of the parking area, does the removal of fine silt and debris need to occur. It is necessary to remove accumulated silt and debris in order for the parking area to be used and the beach to operate. The Applicant will implement the following monitoring and reporting program for the removal of silt and debris which will include the following:

- 1) Written notification of the need to remove silt and debris from the parking area prior to the commencement of work. (Work shall not occur prior to May 1st or after June 15th in any given year)
- 2) Monitoring and documentation of the silt and debris being exported, including estimated quantities and area of disturbance.
- 3) Written certification that only fine silt and debris is removed and no aggregate or sand has been exported.
- 4) Final total of quantity exported, and disposal location. Fine silt and debris shall be disposed of properly in a location that is not a threat to water quality.

FALL WORK (October 1 to October 15)

Beach Restoration:

At the end of the summer season and only after the flash board dam is removed by the Recreation & Park District is the beach restored to its previous condition to the maximum extent it can be. The approximately 318 yards of gravel which was excavated from the wading pool will be returned to the wading pool. The pool will be groomed back to its original uniform contour, and spring baseline elevation. The gravel backfill of the wading pool shall be compacted and jetted using a water truck and hose in order to establish the original gravel bar compaction and armor formation. Applicant will employ appropriate Best Management Practices (BMPs) to prevent any discharge of sediment from the jetting process into the river and to control dust during the winterization process. An annual report will be prepared stating all work conforms to the permits and their respective conditions of approval, and shall be submitted by December 31 of that year.

5. Compensatory mitigation is inherent in the project as the beach grooming practices implemented under this Order will allow the natural gravel bar process to reinitiate. The past beach grooming activities have included grading the beach flat and removal of aggregate, thus inhibiting natural gravel bar forming processes.

6. The Applicant has applied for authorization from the US Army Corps of Engineers for a Clean Water Act Section 404 Permit. The Applicant has an existing Lake and Streambed Alteration Agreement from the California Department of Fish and Game, Agreement Number 1600-2009-0407-R3, dated December 2009.
7. The Regional Water Board, as lead California Environmental Quality Act (CEQA) agency, has filed a Notice of Exemption, 15304-Minor Alterations to Land, with the State Clearinghouse, pursuant to CEQA guidelines.
8. 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.
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

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| Receiving Water: | Guerneville Hydrologic Sub Area No. 114.11 Russian River Hydrologic Area 114.00 |
| Filled or Excavated Area: | Area Temporarily Impacted: 1.39 acres of stream channel and bank |
| Total Linear Impacts: | Length Temporarily Impacted: 420 linear feet of river channel and bank |
| Latitude/Longitude: | 38.499935°N, 122.997683°W |
| Expiration: | June 6, 2017 |

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Johnson's Beach Seasonal Beach Grooming Project (WDID No. 1B11090WNSO), 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:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.

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. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.
4. The Regional Water Board shall be notified annually and in writing at least five working days (working days are Monday – Friday) 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.
5. The Russian River is identified as impaired for sediment and temperature under Clean Water Act Section 303(d). 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 the requested Certification, the Regional Water Board may revise the provisions of that Certification to address actions identified in such action plans. Bank erosion is identified as a source contributing to the sediment impairment. Removal of riparian vegetation is identified as a source contributing to temperature impairment. Activities that will be authorized by this Order are designed to increase riparian vegetation and reduce sediment discharges from bank erosion. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment and turbidity control and planting of more riparian zone shade vegetation at and near the project site. Accordingly, this pending Order is consistent with, and implements, BMPs that would attenuate sediment and temperature adverse impacts.

Accordingly, this Order is consistent with, and implements BMPs that would attenuate sediment/siltation and nutrient adverse impacts. At present, there are no watershed-specific implementation plans for these TMDLs. If TMDL implementation plans are adopted for these watersheds 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. 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.”

7. 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.
8. 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 and cement containment, to ensure that materials do not enter the waterway. 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.
9. Applicant shall prioritize use of wildlife-friendly 100% biodegradable erosion control products/BMPs. 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.

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.
11. 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.
12. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
13. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. 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.
14. 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. 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 action(s).
15. 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.
16. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.

17. The Applicant shall implement the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.
18. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
19. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the shoreline. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
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. 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 for the violation or threatened violation 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 certification, the State 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 State 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.
22. 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.

23. 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).
24. The authorization of this certification for any dredge and fill activities expires on June 6, 2017. 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.

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

Matthias St. John
Executive Officer

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Weblink: 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 can be found at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Mrs. Laura Wilson, P.O. Box 386, Guerneville, CA 95446.

Copy to: Mr. Kevin Doble, Doble Thomas & Associates, Inc., 44B Mill Street, Healdsburg, CA 95448