September 11, 2015

In the Matter of
Water Quality Certification

For

River Boulevard Stream Bank Restoration and Protection Project
WDID 1B15103WNSO

APPLICANT:	Kimberlee Menary, Star Lightner and Ben Riddell, and Leslie Mills Risbrough and Rick Risbrough
RECEIVING WATER:	Lower Russian River (114.11)
HYDROLOGIC UNIT:	Lower Russian River (114.11)
COUNTY:	Sonoma
FILE NAME:	River Boulevard Stream Bank Restoration and Protection Project; WDID 1B15103WNSO; ECM PIN CW-817199

BY THE EXECUTIVE OFFICER:

1. On August 3, 2015, Kimberlee Menary, Star Lightner and Ben Riddell, and Leslie Mills Risbrough and Rick Risbrough (applicants) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the North Coast Regional Water Quality Control Board (Regional Water Board) for activities associated with the River Boulevard Stream Bank Restoration and Protection Project (project). The application was deemed complete on August 17, 2015. The project is at 20440, 20450, and 20470 River Boulevard in Monte Rio.

2. The Regional Water Board provided public notice of the application pursuant to Title 23, California Code of Regulations, Section 3858 on August 19, 2015, and posted information describing the project on the Regional Water Board's website. No comments were received.

3. The purpose of the project is to restore ecological functions and bank stabilization measures along approximately 160 linear feet of bank along the north side of the Russian River, across three properties (Parcels 1-3). The river bank in this area has been altered significantly in the past. On the east side of the river, numerous docks, including the applicants', and stream bank protections, have been installed throughout the last sixty years. There are multiple floodwalls, intermittent rip-rap and broken concrete armoring protecting the residential properties through this stretch of the river. The rip-rap extends across multiple parcels upstream and downstream of the project area. The summer water elevation (SWE) is approximately three feet above the ordinary high water mark (OHWM) elevation.

On all three parcels, the proposed project design incorporates a combination of repair of the existing rip-rap erosion protection mat below the SWE, with installation of live willow coir lifts (Coir Lifts) above the SWE. The first three live coir lifts will be faced with two foot diameter rip-rap, and sandwiched between layers of horizontal willow branches. These willow branches are expected to grow and shade the bank repair area, reinforce the repair with their roots, and provide softening/roughening of the bank that is designed to absorb river flow energy, rather than deflect it. The two foot diameter rip-rap adds the support necessary to sustain the natural river gravels in the top coir lifts until the willow roots can grow. Otherwise, the lifts would slump on installation and could easily fail through a type of liquefaction during the rise and drop of the river during winter storm event. The natural angle of repose for sandy gravels is twenty-seven degrees or fifty-one percent. The project site conditions require the coir lift to be installed at sixty-seven percent, therefore, the need for additional containment will be required in the first three rows until the willow root complex is established. On a previous project, the recruitment of sediment caused by the projecting willow whips, created calm waters at the boundary interface, and covered the exposed rip-rap after the first year.

All three parcels have existing historic summer docks, which will be protected and maintained during the project work. The docks were constructed of steel pipe, which was hand driven into the river bed, with wood beams, girders, and decking. The wood components will be removed, leaving only the steel pipe, during the placement of the rip-rap below the SWE. On completion of the project, the wood components of the existing docks will be reinstalled.

4. Permanent impacts to waters of the United States and state would be approximately 160 linear feet.

5. The project is expected to commence in the summer of 2015 and is expected to last 25 days.

6. The project incorporates restoration and bioengineering to mitigate for permanent impacts. The project will employ best management practices to prevent or reduce any discharges during and after construction.

7. The applicants have applied for Clean Water Act Section 404 authorization from the United States Army Corps of Engineers. The applicants have also applied for a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife.

8. The North Coast Regional Water Board, as lead California Environmental Quality Act (CEQA) agency, has determined that the project qualifies for a Categorical Exemption, 15304-Minor Alterations to Land, and files a Notice of Exemption with the State Clearinghouse concurrent with issuance of the 401 Water Quality Certification, pursuant to CEQA guidelines.

9. 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 certification, the Regional Water Board may revise the provisions of the 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 Certification are designed to reduce removal of riparian vegetation and reduce sediment discharges from bank erosion. Accordingly, this Certification is consistent with, and implements, BMPs that would attenuate sediment and temperature adverse impacts.

10. 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."

11. 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 68-16, which incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution 68-16 requires that existing high quality waters be maintained unless degradation is justified under specific provisions. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. This Certification is consistent with applicable federal and state antidegradation policies, as it does not authorize degradation of the waters but to arrest the sediment discharges and restore the riparian habitat.

12. This discharge is also regulated under State Water Board Order 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

Receiving Water:	Lower Russian River (114.11)
Total Linear Impacts:	160 linear feet
Dredge Volume:	none
Latitude/Longitude:	38.470039°N/123.005772°W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the River Boulevard Stream Bank Restoration and Protection Project (WDID 1B15103WNSO), 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 Certification 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. The Project mitigation shall include the following:

    a. Irrigation shall be incorporated for at least the first two years of monitoring; plantings must be self-sustaining for at least two years after irrigation is halted to meet success criteria.

    b. Monitoring shall be conducted for a period of at least five years or until success criteria have been met.

    c. Mitigation plantings shall achieve at least 85% survival and thriving to meet success criteria.

2. Annual project progress reports shall be submitted describing status of BMP implementation and compliance with all requirements of this certification prior to January 31, of each year following the issuance of this certification (even if no work has commenced), until the project has reached completion. The report must include the following information:
    a. The name and WDID number of the project;
    b. The names, qualifications, and affiliations of the persons contributing to the report;
    c. The status, progress, and anticipated schedule for completion of project construction activities including the installation and operational status of construction storm water best management practices for and the implementation and success of required mitigation;
    d. A description of project construction delays encountered or anticipated that may affect the schedule for construction completion;
    e. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
    f. A summary, including photos, demonstrating the success of the plantings for at least 5 years after being planted.

3. 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.

4. 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.

5. The validity of 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. A complete fee of $200 was received for this project on August 3, 2015.

6. Regional Water Board staff shall be notified in writing at least five working days 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.

7. No debris, soil, silt, sand, bar, slash, sawdust, 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 Certification, 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.

8. All activities and best management practices (BMPs) shall be implemented according to the submitted application and the conditions in this certification. 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.

9. In accordance with state and federal laws and regulations, the applicant is liable and responsible for the proper disposal for project-generated waste. When handling, transporting, and disposing of project-generated waste, the applicant and their contractors shall comply with all applicable state and federal laws and regulations. When disposing of project-generated waste offsite, the applicant and its contractors shall:

    a. Make appropriate arrangements to dispose of the material, including, but not limited to, property owner agreements, permits, licenses, and environmental clearances;

    b. Obtain satisfactory evidence that the work in 9.a has been completed; and

    c. Obtain a dated, signed manifest from the disposal site owner, or authorized representative, that identifies the type and quantity of disposed waste.

10. Only wildlife-friendly, 100 percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable. The applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.

11. Disturbance or removal of existing vegetation as detailed within the application shall not exceed the minimum necessary to complete the project.

12. 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.

13. 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 River. At no time shall the applicant or its contractors allow use of any vehicle or equipment that leaks any substance that may impact water quality.

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 Certification, 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 Certification, and the applicant may be subject to Regional Water Board enforcement actions.

15. The Regional Water Board may add to or modify the conditions of this Certification, 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.

16. The applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.

17. 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 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 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 pursuant to Section 13267 of the Porter-Cologne Water Quality Control Act.

18. The applicant shall provide a copy of this Certification and State Water Board Order 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.

19. 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 Certification by letter and shall email a copy of the letter to the Regional Water Board at the following email address: NorthCoast@waterboards.ca.gov.

To discharge dredged or fill material under this Certification, the successor-in-interest must email the Regional Water Board Executive Officer at NorthCoast@waterboards.ca.gov a request for transfer of the Certification. 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 Certification. 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).

20. 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).

21. The authorization of this certification for any dredge and fill activities expires on September 11, 2020. 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 until Regional Water Board staff deems the project complete.

If you have any questions or comments, please call Stephen Bargsten at (707) 576-2653 or Kaete King at (707) 576-2848.

Fred Blatt
for
Digitally signed by Fred Blatt
Date: 2015.09.11 11:03:27 -07'00'
Water Boards

Matthias St. John
Executive Officer

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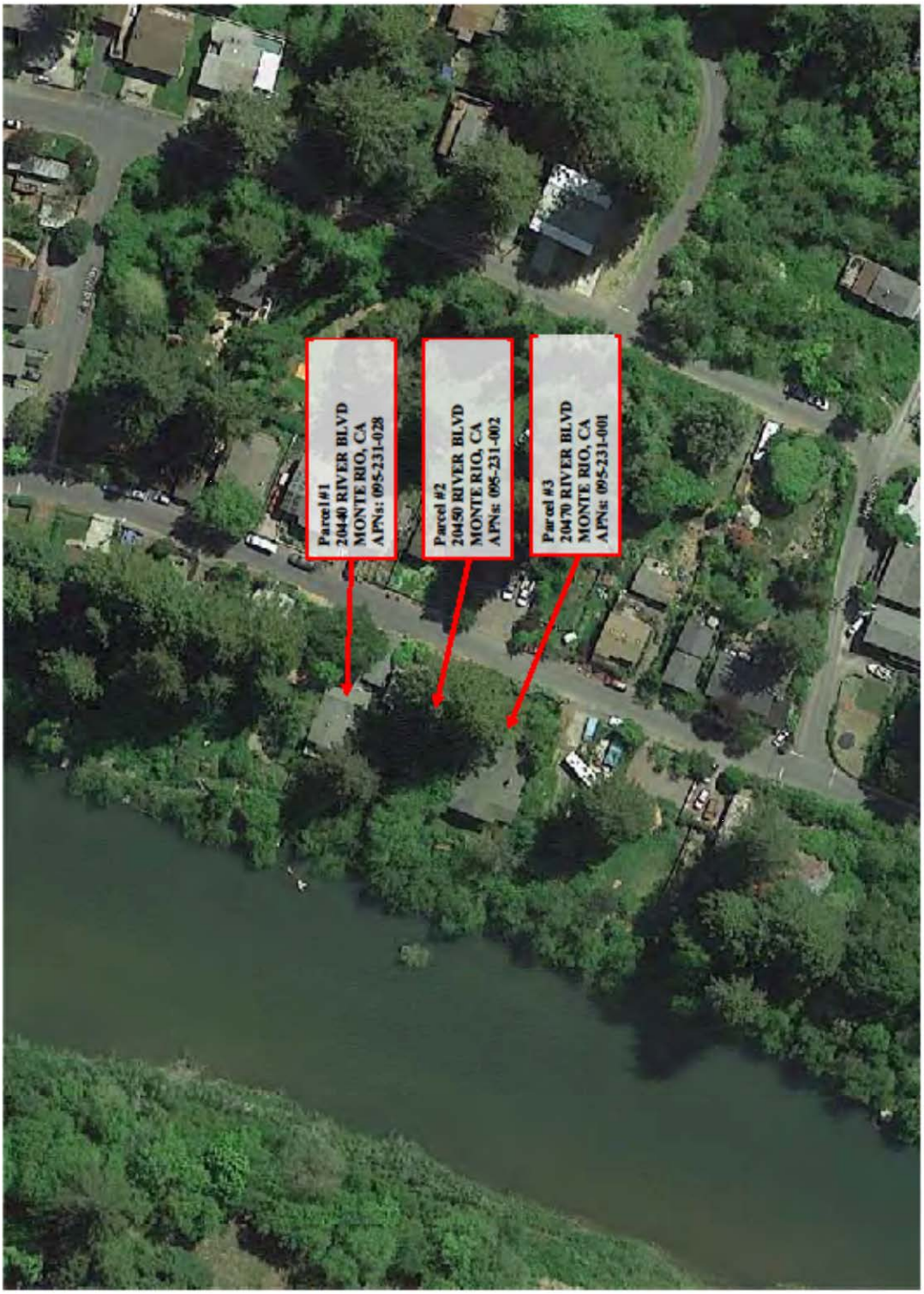
Holly Costa, ACOE, holly.n.costa@usace.army.mil
Tim Dodson, CDFW, Timothy.Dodson@wildlife.ca.gov


Parcel #1
20440 RIVER BLVD
MONTE RIO, CA
APNs: 095-231-028
Parcel #2
20450 RIVER BLVD
MONTE RIO, CA
APNs: 095-231-002
Parcel #3
20470 RIVER BLVD
MONTE RIO, CA
APNs: 095-231-001

25