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## North Coast Regional Water Quality Control Board

December 19, 2019

### In the Matter of Water Quality Certification for the Sonoma County Regional Parks Department - Healdsburg Veterans Memorial Beach

APPLICANT: Sonoma County Regional Parks Department  
RECEIVING WATER: Russian River  
HYDROLOGIC UNIT: Middle Russian River Hydrologic Area 114.20  
COUNTY: Sonoma  
FILE NAME: Sonoma County Regional Parks Healdsburg Veterans  
Memorial Beach  
ECM PIN CW-229928; WDID 1B03062WNSO

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#### Findings By The Executive Officer:

1. On November 4, 2019, Sonoma County Regional Parks Department (Applicant) 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 annual beach installation and removal at Healdsburg Veterans Memorial Beach (Project). The Project is located along the left/east riverbank of the Russian River on the southeast side of the City of Healdsburg, at river mile 31.5-31.6, between the Healdsburg War Memorial Dam and Fish Ladder and the Healdsburg Avenue Bridge. The Project area is at latitude 38.60347 and longitude -122.85963.
2. **Public Notice:** The Regional Water Board provided public notice of the application pursuant to Title 23, California Code of Regulations, Section 3858 on November 21, 2019, and posted information describing the Project on the Regional Water Board's website. No comments were received.
3. **Receiving Waters:** The Project will cause temporary disturbances to the Russian River in the Middle Russian River Hydrologic Area 114.20.
4. **Project Description:** The Project consists of activities associated with preparation, maintenance, and removal of the annual summer beach at the Healdsburg Veterans

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VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

Memorial Beach facility. The Applicant prepares the beach area for public use during the Memorial Day weekend by pushing stockpiled sand onto the exposed riverbank to create a continuous grade line on the beach area and one main buoy line is installed within the river. No machinery enters the flowing river channel during these beach preparation activities. These activities typically occur between May 15 and May 22.

After Memorial Day weekend, bulldozers create an approximately eight- to ten-inch high berm of natural river aggregate approximately six feet shoreward of the flowing portion of the river channel. The purpose of the berm is to protect water quality in the flowing portion of the river from the beach grading activities and to define the annual beach area. Imported Russian River beach sand is placed upon the graded beach area and groomed. Dump trucks are used to transport any purchased Russian River beach sand to the area. Equipment access is provided by an existing service road. Appurtenant features of the annual beach preparation include installation of additional buoys and safety lines in the river, and placement of lifeguard stands on the beach. The swimming area is created after June 26 as the flashboards are added to create the dam. Machinery used for annual beach preparation activities include: dump trucks to import sand; a bulldozer and/or track loader to create the berm and grade the sand; an excavator or backhoe to set the buoy line poles; and an extended reach forklift to place the lifeguard stands. No machinery will be used in the flowing channel during beach preparation activities.

After the Labor Day weekend, typically between September 3 and September 20, the beach is closed for public use and the lifeguard stands, swimming safety lines, buoys and poles are removed. The water level in the swimming area is gradually decreased as the flashboards in the dam are removed. Bulldozers are used to push the imported beach sand to the top of the riverbank for storage above the Ordinary High Water Mark. No machinery will be used in the flowing portion of the river during beach removal/demobilization activities. The berm created with native river aggregate is allowed to wash back into to the river as flows increase during the winter.

5. **Construction Timing:** Annual construction activities for beach installation will typically start one week prior to Memorial Day Weekend and annual activities related to beach demobilization/removal will end two weeks after Labor Day Weekend. No Project activities will take place within jurisdictional waters during the wet weather season of October 15 through May 15.
6. **Project Impacts:** The Project will result in 0.28 acre and 350 linear feet of temporary impacts to the river channel/bank at the same location each year.
7. **Mitigation for Project Impacts:** Compensatory mitigation is not required for the Project. Annual installation and removal of the beach area will not result in permanent impacts to waters of the United States. No beach installation or removal

activities are conducted in flowing water. Beach sand material is removed to the stockpile area before winter flows inundate the beach area. As proposed, the Project is considered self-mitigating.

8. **Storm Water Control and Treatment:** Post-construction storm water treatment is not required for this Project. The Project will not replace or increase any impervious surface area.
9. **Total Maximum Daily Load (TMDL):** The Russian River is identified as impaired for sediment and temperature under Clean Water Act Section 303(d). At present, 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 authorized by this certification are designed to minimize sediment discharges from bank erosion and do not involve removal of any riparian vegetation providing shade to the river. Accordingly, this certification is consistent with, and implements, Best Management Practices (BMPs) that would attenuate sediment and temperature adverse impacts.
10. **Sediment TMDL Implementation Policy:** 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. **Other Agency Actions:** The United States Army Corps of Engineers individual permit (No. 276060N) issued pursuant to section 404 of the Clean Water Act expires on December 31, 2019. The Applicant has requested a five-year extension of this individual section 404 permit. Additionally, the Applicant has applied to the California Department of Fish and Wildlife for an extension of the annual Streambed Alteration Agreement (No. 1600-2002-0079-R3).
12. **CEQA Compliance:** Sonoma County Regional Parks Department, as the lead California Environmental Quality Act (CEQA) agency, filed a Notice of Exemption, Statutory Exemption Section 15261 (Ongoing Project) and Section 21169 ("Grandfather Clause") on March 15, 2002, pursuant to CEQA guidelines. The Project is also Categorical Exempt pursuant to Section 15301 (Existing Facilities).
13. **Antidegradation Policy:** 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 the discharge of increased concentrations of pollutants or increased volumes of treated wastewater and does not otherwise authorize degradation of the waters affected by this Project.

14. This discharge is also regulated under State Water Resources Control 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.

<b>Receiving Water:</b>	<b>Russian River</b>
<b>Filled and/or Excavated Areas Permanent Impacts:</b>	<b>None</b>
<b>Filled and/or Excavated Areas Temporary Impacts:</b>	<b>0.28 acre and 350 linear feet of stream channel/bank</b>
<b>Latitude/Longitude:</b>	<b>38.60347/-122.85963</b>
<b>Certification Expiration:</b>	<b>December 31, 2024</b>

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Healdsburg Veterans Memorial Beach Project (WDID 1B03062WNSO), 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.**

#### **Project-Specific Conditions Requiring Reports**

1. Regional Water Board staff shall be notified in writing at least **two working days** (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



December 19, 2019

regarding the Project. Notification shall be sent to the staff listed at the bottom of this Order and to [Northcoast@waterboards.ca.gov](mailto:Northcoast@waterboards.ca.gov).

### Standard Conditions

2. 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.
3. 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.
4. 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.
5. A fee of \$1,638 was received for the Project on November 4, 2019. No application fee is required for the Project pursuant to fee Category G Amended Orders (2). Administrative amendments in this category require no technical analysis and include time extensions for projects that do not result in a temporal loss of resource function. On May 10, 2010, the Regional Water Board issued water quality certification authorizing the same Project and associated activities at the same location for a period of five years. The May 2010 certification was amended on January 16, 2015 which provided an extension of the expiration date to December 31, 2019. This certification authorizes the same Project and associated activities as previously certified in 2010 and 2015. This certification is subject to annual billing per the fee schedule that is current at the time of annual billing. The annual fee is currently \$1,638. The annual fee is expected to increase every year. The fee calculator may be found at:  
[https://www.waterboards.ca.gov/resources/fees/water\\_quality/docs/dredgefillcalculator.xls](https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xls)

Annual fees will be automatically invoiced to the Applicant. **The Applicant must notify the Regional Water Board at Project and/or mitigation completion with a final report in order to request to terminate annual billing. Notification should be sent to the staff listed at the bottom of this Order and to [Northcoast@waterboards.ca.gov](mailto:Northcoast@waterboards.ca.gov).** Regional Water Board staff will verify conditions of the certification have been met and may request a site visit at that time to confirm status of Project and compliance with this certification.

6. Except as may be modified by any preceding conditions, all certification actions are contingent on:
  - i) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's Project description, and
  - ii) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
7. This certification does not authorize drafting of surface waters. Any drafting of surface waters shall be in compliance with state water rights law and diversion requirements overseen by the State Water Resources Control Board's Division of Water Rights.
8. 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.
9. 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. BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state.
10. The Applicant is prohibited from discharging waste to waters of the state, unless explicitly authorized by this certification. For example, no debris, soil, silt, sand, bark, 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.
11. The Applicant is liable and responsible for the proper disposal, reuse, and/or recycling of all Project-generated waste in compliance with applicable state and federal laws and regulations.
12. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
13. Work in flowing or standing surface waters, unless otherwise proposed in the Project description and approved by the Regional Water Board, is prohibited.

14. 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.
15. All Project activities shall be implemented as described in the submitted certification application package and the findings and conditions of this certification. Subsequent Project changes that could significantly impact water quality shall first be submitted to Regional Water Board staff for prior review, consideration, and written concurrence. 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.
16. Prior to implementing any change to the Project that may be a material change as defined in California Water Code section 13260(c) as a proposed change in character, location, or volume of the discharge, the Applicant shall obtain prior written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of the material change to the discharge, it will be considered a violation of this certification, and the Applicant may be subject to Regional Water Board enforcement action(s).
17. 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.
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 creek or wetlands. 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.
20. The Applicant shall not use leaking vehicles or equipment within state waters or riparian areas. Vehicles and equipment used within state waters shall be checked for leaks at the beginning of each workday.

21. 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.
22. 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.
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 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.
24. The successor-in-interest shall email the Regional Water Board Executive Officer at: NorthCoast@waterboards.ca.gov to request authorization to discharge dredged or fill material under this certification. The request must contain the following:
  - i) Effective date of ownership change;
  - ii) Requesting entity's full legal name;
  - iii) The state of incorporation, if a corporation;
  - iv) The address and phone number of contact person; and
  - v) A description of any changes to the Project or confirmation that the successor-in-interest intends to implement the Project as described in this certification.
25. The authorization of this certification for any dredge and fill activities expires on **December 31, 2024**. 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.



December 19, 2019

**Condition 1 is a requirement for information and reports.** Any requirement for a report made as a condition to this certification is a formal requirement pursuant to California Water Code section 13267, and failure or refusal to provide, or falsification of such required report is subject to civil liability as described in California Water Code, section 13268.

If you have any questions or comments, please contact Dean Prat of my staff at (707) 576-2801 or via e-mail at Dean.Prat@waterboards.ca.gov.



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Warmerdam

Date: 2019.12.19 09:44:50 -08'00'

Water Boards

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Matthias St. John  
Executive Officer

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Original to: David Robinson, Sonoma County Regional Parks Department, 2300  
County Center Drive, Suite 120A, Santa Rosa, CA 95403,  
david.robinson@sonoma-county.com

cc: State Water Resources Control Board,  
Stateboard401@waterboards.ca.gov  
Sarah Firestone, Sarah.M.Firestone@usace.army.mil  
Karen Weiss, Karen.Weiss@wildlife.ca.gov



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board North Coast Region

**Geoffrey M. Hales, Chairman**

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Arnold  
Schwarzenegger  
Governor

May 10, 2010

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In the Matter of  
**Water Quality Certification**  
for the  
**Sonoma County Regional Parks**  
**Healdsburg Veteran's Memorial Beach Operation Project**  
**Sonoma County (WDID# 1B03062WNSO)**

APPLICANT: Sonoma County Regional Parks  
RECEIVING WATER: Russian River  
HYDROLOGIC AREA: Russian River, Guerneville Hydrologic Subarea No. 114.11,  
Russian River Hydrologic Area 114.00  
COUNTY: Sonoma County  
FILE NAME: Sonoma County Regional Parks Healdsburg Veteran's  
Memorial Beach

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BY THE EXECUTIVE OFFICER:

1. On October 1, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Michelle Julene, of Sonoma County Regional Parks (applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Sonoma County Regional Parks Healdsburg Veteran's Memorial Beach Project, in Sonoma County. The total fee of \$1,411 was also received on October 1, 2009. The project will cause temporary impacts to approximately 0.28 acres, 350 linear feet, of bank of the Russian River, Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 14, 2010, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. Project is located along the Russian River, River Mile 31.5-31.6, upstream of the Healdsburg War Memorial Dam and Fish Ladder, and downstream of the Healdsburg Avenue Bridge, on the left/east bank, on the southeast side of the City of Healdsburg, latitude 38.603096° N, and longitude 123.85990° W, in Sonoma County.

**California Environmental Protection Agency**

*Recycled Paper*

3. The purpose of the project is to continue the annual beach installation, which provides a safe public swimming and recreation area. This facility averages approximately 75,000 annual visitors. This beach is one of only two developed public beaches available to the general public in this reach of the Russian River.
4. Activities associated with the annual beach installation include:
  - Regional Parks prepares the beach for public use for the Memorial Day weekend, generally May 25 – June 3. Although the swimming area would not be ready at this time, beach goers would be able to wade in the Russian River while picnicking, barbecuing, and using the outdoor recreation area. Beach preparation for the Memorial Day weekend includes creation of a continuous grade line on the beach area and installation of one main buoy line in the Russian River. The continuous grade would be created by pushing the stockpiled beach sand onto the exposed riverbank. The continuous grade would be required for public safety, and would generally be a 5:1 slope depending on natural conditions of the exposed riverbank. These activities occur between May 15 and May 22. After the Memorial Day weekend, the beach would be closed to the public. Equipment and machinery used for beach preparation of the Memorial Day weekend includes two full-sized bulldozers to move the sand between the storage area and the beach area. No machinery or equipment enters the flowing river channel.
  - Annual beach preparation would begin after the Memorial Day weekend. Bulldozers would be used to create a berm of imported clean river gravel and cobble, the toe of which would be approximately 6 feet shoreward of the flowing channel. The berm would be approximately 8-10 inches high. The purposes of the berm would be to protect water quality in the river and to define the beach area. Imported or stored beach sand would be placed upon the graded beach area and groomed. Dump truck(s) would be used to transport the purchased sand to the beach area. Access would be provided by the existing Regional Parks Department service road. Appurtenant feature for the annual beach preparation would include the installation of additional buoys and safety lines installed in the Russian River, and the installation of radio lines for lifeguard communication and the placement of lifeguard stands on the beach itself. The swimming area would be created as the flashboards are added to the Dam, on or after June 26. The beach would be reopened for public use for the July 4 weekend and would remain open through the Labor Day weekend. The Regional Parks Department would maintain the beach throughout the summer season. Equipment and machinery used for the annual beach preparation would include dump truck(s) to transport purchased beach sand and two bulldozers to create the berm and to locate the purchased beach sand. No machinery or equipment would be used in the flowing channel of the river.

- After the Labor Day weekend, the beach would be closed for public use. The lifeguard stands, radio line, swimming safety line, and buoys would be removed for storage to the corporation yard. The water level in the seasonal recreational swimming area would be gradually decreased as the flashboards at the Dam are removed. Bulldozers would be used to move the beach sand for storage above the ordinary high water mark. This activity generally would occur between September 3 and September 10. No machinery or equipment would enter the flowing channel of the river. Imported river gravel and cobble used to create the berm would be allowed to wash back into the Russian River as the river flow increases during the winter season.
5. Non-compensatory mitigation and erosion control measures include relocating beach sand to an on-site storage location above the flow of the river, stabilization, seeding, and/or covering the sand stockpiles and beach area to minimize erosion, sediment input, and turbidity during the winter and spring months.
  6. Sonoma County Regional Parks Department, as lead California Environmental Quality Act (CEQA) agency, filed a Notice of Exemption, Statutory Exemption, Section 15261 (Ongoing Project) and Section 21169 ("Grandfather Clause"), on March 15, 2002, pursuant to CEQA guidelines. The Project is also Categorically Exempt pursuant to Section 15301, Existing Facilities.
  7. The Applicant has received a California Department of Fish and Game Lake and Streambed Alteration Agreement Extension, Notification Number: R3-2002-0079, issued on September 28, 2006, and expiring December 31, 2011.
  8. The Applicant has received a US Army Corps of Engineers Clean Water Act Section 404 Individual Permit, Permit No. 276060N, issued on June 12, 2009, and expiring on December 31, 2019. The Army Corps Permit authorizes up to 0.43 acres of dredge/fill area, which includes variables of beach width and seasonal morphology of the river.
  9. 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, Guerneville Hydrologic Subarea No. 114.11,  
Russian River Hydrologic Area 114.00

Filled or Excavated Area: 0.28 acres, 350 linear feet, of temporary impacts

Latitude/Longitude: 38.603096° N / 123.85990° W

Expiration: May 10, 2015



Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County Regional Parks Healdsburg Veteran's Memorial Beach Project (WDID No. 1B03062WNSO), 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 Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, 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 watershed is identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in the watershed. At present, there are no watershed specific 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. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited 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 Basin (Basin Plan).

7. The Applicant shall conduct the Project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
8. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
9. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
10. The Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
11. 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.
12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete 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.
13. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for permit coverage from the Regional Water Board and receive notification of coverage prior to discharge to surface waters.
14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.
15. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction

activities, or any other Project activities that could result in erosion or sediment discharges to surface water.

16. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the Contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this Project.
17. All mitigation activities shall be completed as proposed in the application.
18. 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 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 Order, the Regional 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 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
19. 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 or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
20. This Order is not transferable. 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. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
  - a. requesting entity's full legal name
  - b. the state of incorporation, if a corporation
  - c. address and phone number of contact person

- d. description of any changes to the Project or confirmation that the successor-in-interest intends to implement the Project as described in this Order.
21. The authorization of this Order for any dredge and fill activities expires on May 10, 2015. 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.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.



Catherine Kuhlman  
Executive Officer

100510\_SKB\_Sonoma\_Co\_Regional\_Parks\_Veterans\_Memorial\_Beach\_Operation\_401

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. Michelle Julene, Sonoma County Regional Parks,  
2300 County Center Drive, Suite 120A, Santa Rosa, CA 95403

Copies sent to: Mr. Adam McKannay, California Department of Fish and Game,  
P.O. Box 47, Yountville, CA 94599

Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act  
Section 401 Certification and Wetlands Unit Program

Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory  
Functions, 1455 Market Street, San Francisco, CA 94103-1398



**Notice of Exemption****Form D**

**To:** Office of Planning and Research  
P.O. Box 3044, Room 212  
Sacramento, CA 95812-3044

**From:** North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard  
Santa Rosa CA, 95403  
Phone 707-576-2220  
Fax 707-523-0135

**Project Title:** Sonoma County Regional Parks, Veteran's Memorial Beach Project

**Project Location - Specific:** 13839 Old Redwood Highway, 38.603096° N, 123.85990° W

**Project Location – City:** Healdsburg

**Project Location - County:** Sonoma

**Description of Project:** The project involves continuation of the annual beach installation, which provides a safe public swimming and recreation area.

**Name of Public Agency Approving Project:** North Coast Regional Water Quality Control Board

**Name of Person or Agency Carrying Out Project:** Sonoma County Regional Parks

**Exempt Status:** (check one)

- ☐ Ministerial (Sec. 21080(b)(1); (5268):
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)):
- ☐ Emergency Project (Sec. 21 080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption; Section 15301 – Existing Facilities
- ☐ Statutory Exemptions. State code number:

**Reasons why project is exempt:** The project involves the repair and maintenance of an existing public beach involving no expansion of use.

**Lead Agency Contact:** Stephen Bargsten

**Area Code/Telephone/Extension:** 707-576-2653

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

**Signature:** 

**Date:** May 10, 2010

**Title:** Executive Officer

- ☒ Signed by Lead Agency
- ☐ Signed by Applicant

**Date received for filing at OPR:** \_\_\_\_\_

10050510\_SKB\_Veterans\_Memorial\_Beach\_NOE