



**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

**Arnold
Schwarzenegger**
Governor

June 11, 2009

In the Matter of
Water Quality Certification
for the
Odd Fellows Recreation Club, Lower Russian River
Riparian Restoration/Bank Stabilization Project
WDID No. 1B09035WNSO

APPLICANT: Odd Fellows Recreation Club
RECEIVING WATER: Russian River
HYDROLOGIC UNIT: Guerneville Hydrologic Subarea No. 114.11, Russian River
Hydrologic Area 114.00
COUNTY: Sonoma
FILE NAME: Odd Fellows Recreation Club, Lower Russian River Riparian
Restoration/Bank Stabilization
WDID No. 1B09035WNSO

BY THE EXECUTIVE OFFICER:

- On March 18, 2009, Mr. Evan Engber of Bioengineering Associates, on behalf of Odd Fellows Recreation Club (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 Odd Fellows Recreation Club, Lower Russian River Riparian Restoration/Bank Stabilization Project (Project). The Project will cause permanent impact to 0.76 acres of riverbank and has a total linear impact of approximately 1,150 linear feet of waters of the State associated with the Russian River in the Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00. Total fee payment was completed June 11, 2009.

Information describing the proposed project was noticed for public comment on the Regional Water Board's website on September 13, 2007. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides

public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification." Due to the nature of emergency associated with this project, 401 Water Quality Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period.

2. The purpose of the project is to restore native vegetation and arrest the continuing erosion on five distinct riparian sites that total 1,150 linear feet within a 2,115 length of riverbank, and to install and enhance fish habitat structures. Additionally, at several of the areas of bank failure, roads, buildings, infrastructure, and potential mass failure of the banks and increased sediment delivery, are at risk.
3. The Applicant will use numerous bioengineering techniques to restore the lost riparian vegetation in ways that will resist further loss of bank material from all causes. These techniques include live willow siltation baffles, live willow and coir brushlayer lifts, live willow brush mattresses, deep planted live willow clusters and live woven willow walls, all of which have been well-proven in other projects on the Russian River. Silt fences and silt curtains will be used to avoid delivery of sediment to the Russian River during construction. Gravel to be used within the coir brushlayer lifts will be skimmed from an adjacent gravel bar owned by the Applicant, to a maximum of 6 inches deep and 100 feet wide by 1,000 feet long. Large rock necessary for the project will be from a local quarry. Large and small excavators, whose fittings are greased with food grade hydraulic grease, will be used. On-site machinery and vehicles will be run on biodiesel fuel where possible. Dust control will be done by watering down roads and construction areas. All operations, including harvesting of local willow stems, will be done to respect all wildlife and to cause the minimum of disruption possible to humans and wildlife alike.
- 4.
5. Compensatory mitigation is not required as the project itself consists of streambank riparian restoration and fish habitat restoration.
6. Applicant has applied to US Army Corps of Engineers for a Clean Water Act Section 404 Permit.
7. Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement.
8. The Sotoyome Resource Conservation District, as lead California Environmental Quality Act (CEQA) agency, submitted a Mitigated Negative Declaration to the

State Clearinghouse (SCH No. 2009032030) on March 24, 2009, pursuant to California Environmental Quality Act (CEQA) guidelines.

Receiving Water: Russian River in the Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00

Filled or Excavated Area: Area Permanently Impacted: 0.76 acres of creek bed and bank

Latitude/Longitude: 38.505612°N / 122.947099°W

Expiration: June 11, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Odd Fellows Recreation Club, Lower Russian River Riparian Restoration/Bank Stabilization Project (WDID No.1B09035WNSO), 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.

5. 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.
6. 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.
7. 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.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. 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.
10. 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.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
12. 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.
13. 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.

14. 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.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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.
17. 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.
18. 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).

19. All plantings shall be managed for a minimum of 5 consecutive years immediately following planting. The Applicant shall attain a minimum of 85% survival of thriving trees and other vegetation planted after this 5 year period. Additionally, the bioengineered structures shall be monitored for their function. All work done shall be monitored and reported on yearly for a minimum of five years, or until deemed successful.
20. The authorization of this certification for any dredge and fill activities expires on June 11, 2014. 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 of our office at (707) 576-2653.

Sincerely,

Catherine Kuhlman
Executive Officer

061109_SKB_ODDFELLOWS_BANK_STAB_BIOENG_401.doc

Original to: Odd Fellows Recreation Club, 13500 Riverside Drive,
Guerneville, CA 95446

Copies sent to: Mr. Evan Engber, P.O. Box 1554, Laytonville, CA 95454
Mr. Bill Orme, SWRCB, 401 Program Manager, SWRCB
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