



California Regional Water Quality Control Board
North Coast Region
Beverly Wasson, Chairperson



**Arnold
Schwarzenegger**
Governor

Alan C. Lloyd, Ph.D.
Agency Secretary

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June 16, 2005

Mr. Richard Stabler
Sonoma County PRMD
2500 Ventura Avenue
Santa Rosa, CA 95403

Dear Mr. Stabler:

Subject: Issuance of Clean Water Act, Section 401 Certification (Water Quality Certification) for the Sonoma County Department of Transportation and Public Works Alexander Valley Road Culvert Project

File: Sonoma County Department of Transportation and Public Works, Alexander Valley Road Culvert Project WDID No. 1B04118WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). It is being issued in response to Sonoma County Permit and Resource Management Department's (PRMD) request for a Clean Water Act, Section 401 Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the reconfiguration of the inlet of the existing culverts on an unnamed tributary to Lytton Creek on Alexander Valley Road near Jimtown, Sonoma County. The project will cause disturbances to the waters of the state associated with the Geyserville Hydrologic Subunit No. 114.25, Russian River Hydrologic Unit No. 114.00. The Regional Water Board received a complete application and processing fee in the amount of \$2,250.00 on August 16, 2004. Information describing the project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received.

Project Description: The project is located on Alexander Valley Road PM 11.01, just east of Haggard Road. The purpose of the project is to complete emergency work undertaken by Sonoma County in 2003 to minimize localized flooding of the roadway and nearby residential property.

The project includes an extension to the inlet sides of the culvert upstream by about six feet, which will require the placement of concrete forms in the channel. Additionally, a concrete beam approximately 1-ft wide by 3-ft high by 20-ft long will be added to block the easterly inlet from the low-flow channel. The easterly bank will be excavated to taper toward the easterly inlet to allow

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for improved flow conditions in that area, and approximately 25 lineal feet of rock slope protection would be placed along the graded bank and between the extended culverts. Project construction will require the discharge of approximately 60 cubic yards of rock and concrete fill material below the ordinary high water plane, causing permanent alteration to 0.01 acres of creek bed. When complete, all remaining disturbed areas of the creek bed and banks will be restored to the appropriate contour elevation and condition that existed before construction took place. The project is expected to begin in the summer of 2005.

Receiving Water: Unnamed tributary to Lytton Creek in the Geyserville Hydrologic Subunit No. 114.25, Russian River Hydrologic Unit No. 114.00.

Filled or
Excavated Area: Total Area Impacted: 0.021 acre
Area Temporarily Impacted: 0.011 acre
Area Permanently Impacted: 0.01 acre

Total Linear Impacts: 25 linear feet impacted
Length Temporarily Impacted (Restored): 0 feet
Length Permanently Impacted (Not Restored): 25 feet

Federal Permit: The U.S. Army Corps of Engineers Issued a Clean Water Act (CWA) Section 404 Nationwide Permit 3 (a-b) (maintenance projects) File Number 289650N.

State and Local
Approvals: The California Department of Fish and Game issued a 1601 Streambed Alteration Agreement for the proposed project (Notification Number: 1600-2004-0428-3).

Compensatory Mitigation: Compensatory mitigation for the project will be attained through the replanting of native woody riparian vegetation at a minimum 3:1 replacement ratio on the disturbed banks. All replacement plantings will be maintained and monitored for at least three growing seasons to attain an 80 percent survival rate.

Non-compensatory
Mitigation: Non-compensatory mitigation measures have been incorporated into the project to reduce the potential impacts to water quality within the wetland features on the site. Work will be completed during the dry season to avoid sediment discharges to surface waters. The county will use Erosion control Best Management Practices (BMPs) to reduce the potential for sediment discharges to surface waters. Additionally, all remaining disturbed areas of

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the creek bed and banks will be restored to the approximate contour elevation and condition that existed prior to construction.

CEQA Compliance:

The North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that the project qualifies for a Categorical Exemption under Section 15301 (c) of the State CEQA Guidelines.

Standard Conditions:

Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 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 23 CCR 3855(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 of any non-denial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

1. The Regional Water Board shall be notified in writing at least five business days (working days are Monday – Friday) prior to the commencement of work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, and to answer any public inquiries that may arise regarding the project.
2. 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

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activity of whatever nature, other than that authorized by this permit, 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.

3. BMPs for erosion, sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters. Native seeding will be done on all exposed areas post construction to reduce future potential erosion concerns.
4. A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.
5. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions of any stream channel shall be restored to as near their original condition as possible.
6. If, at any time, a discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.
7. Any trees that are removed shall be replaced through the replanting of native woody riparian vegetation at a minimum 3:1 replacement ratio on the disturbed banks. All replacement plantings will be maintained and monitored for at least three growing seasons to attain an 80 percent survival rate.
8. 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 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, 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.

9. The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.

Water Quality
Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Alexander Valley Road Culvert Project (WDID No. 1B04118WNSO) will comply with the applicable provisions of Sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)] , and with other applicable requirements of State law. 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 (enclosed).

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 Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration:

The authorization of this certification for any dredge and fill activities expires on October 15, 2010, unless new information warrants revision of this determination before the expiration date. 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.

Please notify Mona Dougherty of my staff at (707) 570-3761 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure: 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 ____

cc: Ms. Sheryl Schaffner, SWRCB, Office of the Chief Counsel

Mr. Erik Spiess, SWRCB, Office of the Chief Counsel

Mr. Kevin Doble, Sonoma County Permit and Resources and Management Department,
2550 Ventura Avenue, Santa Rosa, CA 95403