



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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July 18, 2005

Mr. Steve Brady
Santa Rosa Department of Public Works
69 Stony Circle
Santa Rosa, CA 95401

Dear Mr. Brady:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Santa Rosa Department of Public Works, Rincon Valley Community Park Maintenance Project.

File: Santa Rosa Department of Public Works, Rincon Valley Community Park Maintenance Project WDID No. 1B05020WNSO.

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 Santa Rosa Department of Public Works February 17, 2005 request for a Clean Water Act, Section 401, Water Quality Certification for the Rincon Valley Community Park Maintenance Project in Sonoma County. The Regional Water Board received an application and processing fee in the amount of \$693.50 on February 17, 2005. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received. The proposed project will cause disturbances to waters of the state associated with an unnamed tributary to North Ducker Creek, Russian River Hydrologic Unit No. 114.00.

Project Description: The proposed project is located at N 38° 28'48" and W 122° 39'46" in the Rincon Valley Community Park at 5108 Badger Road, Santa Rosa, Sonoma County, California. The project area corresponds with Section 5 of Township 7 North, Range 7 West of the Santa Rosa, CA 7.5 minute topographical quadrangle. The purpose of the project is to return the constructed channel to its original grade in order to prevent flooding and protect public safety.

The proposed project consists of sediment removal of no more than 191 cubic yards of material from below the ordinary high water level (OHWL) in the channel by use of a backhoe. Work done in the channel will occur in a dry channel or the site will be dewatered. Dewatering of the site will be done by use of a bypass,

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include a cofferdam with water pumped around the system to maintain flow. Channel dimensions will be restored to what was constructed and sediment removed will be hauled to a local landfill.

Receiving Water: An unnamed tributary of Ducker Creek, Russian River Hydrologic Unit No. 114.00.

Filled or
Excavated Area: Total Area Impacted: 0.09 acre below the OHWL
Area Temporarily Impacted: 0.00 acre
Area Permanently Impacted: 0.09 acre

Total Linear Impacts:
Length Temporarily Impacted (Restored): 0.00 acre
Length Permanently Impacted (Not Restored): 0.00 acre

Federal Permit: U.S. Army Corps of Engineers (ACOE) Nationwide Permit #3 and #18 (File No. 29424N).

State and Local Approvals: The City of Santa Rosa consulted the California Department of Fish and Game and it was determined that a Lake or Streambed Alteration Agreement will not be required for the proposed project.

Compensatory Mitigation: To compensate for the loss of four trees, native species will be planted at a 4:1 ratio and monitoring will be required for 3 years. This will include 15 plantings of White Alder (*Alnus rhombifolia*), Oregon Ash (*Fraxinus latifolia*) and Valley Oak (*Quercus lobata*) trees to help provide additional shade to the channel.

Noncompensatory Mitigation: Non-compensatory mitigation measures include the use of erosion control Best Management Practices (BMPs). Work will be conducted during the low-flow period and any visible aquatic life will be relocated by a qualified biologist prior to commencing work. No grading will be done in the upland area and work is limited to the excavation of accumulated sediment in the channel. Heavy equipment used for the project will have rubber tires and upland areas area covered entirely with non-native turf grasses.

CEQA Compliance: The City of Santa Rosa Department of Public Works, as the lead California Environmental Quality Act (CEQA) agency, has
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determined that this project qualifies for a Categorical Exemption under Section 15304 (d) of the State CEQA guidelines(Jan 6, 2005).

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 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) Yearly monitoring reports for the required compensatory mitigation shall be provided to the Regional Water Board by July 15 during each calendar year for a total of five years. Reports shall include photo documentation of the mitigation area. After five years have passed, the mitigation will be evaluated for successful attainment of the final success criteria, and a decision will be made whether additional mitigation measures are necessary to insure that no net loss of wetland habitat occurs.

Reports shall be prepared by a professional consultant with in-depth experience in wetland ecosystem creation and function, as well as wetland mitigation monitoring techniques. Reports shall be submitted to the attention of staff member Andrew Jensen.

- 8) If flowing water is present in the channel at the time of construction, the work site shall be dewatered through the installation of sandbag and/or gravel cofferdams, and a

by-pass pipe sufficient to handle any discernable flow changes, above and below the project reach. Installation of cofferdams and the by-pass pipe shall be performed in a manner that will minimize aquatic impact within the dewatered area.

- 9) 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.

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 Rincon Valley Community Park Maintenance Project (WDID No. 1B05020WNSO) 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 16, 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 Andrew Jensen of our staff at (707) 576-2683 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: City of Santa Rosa Department of Community Development, 100 Santa Rosa Avenue, P.O. Box 1678, Santa Rosa, CA 95402-1678
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599