



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



Alan C. Lloyd, Ph.D.
Agency Secretary

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**Arnold
Schwarzenegger**
Governor

April 25, 2005

Mr. Pat Christen
4711 Sunshine Avenue
Santa Rosa, CA 95409

Dear Mr. Christen:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Sunshine Avenue/Rincon Creek Streambank Stabilization project, Sonoma County, CA

File: Sunshine Avenue/Rincon Creek Streambank Stabilization project, Sonoma County WDID No. 1B04120WNSO

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 Mr. Pat Christen's August 23, 2004 request for a Clean Water Act, Section 401, Water Quality Certification. On August 23, 2004, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application and fee of \$771.50 from Mr. Ryan Powers, on behalf of private home owner Mr. Pat Christen, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the use of rock riprap to stabilize an eroding streambank in Santa Rosa, Sonoma County. The application was deemed complete on February 28, 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 the waters of the state associated with Rincon Creek, tributary to Santa Rosa Creek, Russian River Hydrologic Unit No. 114.00, Santa Rosa Hydrologic Subarea No. 114.22.

Project Description: The proposed project involves applying rock riprap and vegetation to a portion of Rincon Creek, located at 4711 Sunshine Avenue, Santa Rosa, Sonoma County, for the purpose of preventing further erosion of the scoured creek bank, thereby preserving the landowners backyard and safeguarding existing onsite structures that threaten to be undercut by continued erosion.

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According to the applicant, high water in Rincon Creek (winter 2003) eroded the creek bank adjacent to the single-family residential parcel, taking a portion of the resident's back yard and threatening the applicants shed, which now stands only a few feet from the top of the bank. The project proposal is for the repair of approximately 50 lineal feet of eroded creek bank with rock slope protection, placed with the aid of heavy equipment. The eroded bank will be sloped to 1.25-1.5:1 using excavated materials, compacted, and covered with a woven filter fabric. Rocks from 12" to 24" diameter are proposed for placement on top of the filter fabric, and will be planted with willow cuttings, and native plant/tree species, at three-foot intervals to establish habitat and canopy, further safeguarding the creek bank.

The project is proposed to begin after June 15, 2005, and be completed during the dry season to avoid the need to dewater the channel.

Receiving Water: Rincon Creek, tributary to Santa Rosa Creek, Russian River Hydrologic Unit No. 114.00, Santa Rosa Hydrologic Subarea No. 114.22.

Filled or
Excavated Area: Total Area Impacted: 0.01 acre
Area Temporarily Impacted: 0.00 acre
Area Permanently Impacted: 0.01

Total Linear Impacts: 50 linear feet impacted
Length Temporarily Impacted (Restored): 0.000 feet
Length Permanently Impacted (Not Restored): 50 feet

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit 13, *Bank Stabilization*, File Number 29187N

State and Local
Approvals: The applicant has obtained a 1602 Lake and Streambed Alteration Agreement, Notification No. 1600-2004-0426-3, from the California Department of Fish and Game (CDFG). NOAA fisheries has issued a letter of "no effect" based on an analysis of the project.

Compensatory

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- Mitigation: None. The proposed project will serve to stabilize a severely eroded section of creek bank, incorporating both hard (rock) and soft (vegetation) stabilization methods. If implemented properly, and monitored for success, the project as proposed will serve to reduce the risk of sediment discharge into the creek during high flows. Vegetation incorporated into the riprap will serve to restore habitat and further strengthen the bank against future shear stress. Temporary impacts may occur through the use of equipment on the tops of banks during excavation of the toe and placement of the rock. No grouted riprap is proposed as part of this project, and no riparian tree removal will result from the proposed project. Therefore there is no compensatory mitigation proposed.
- Noncompensatory Mitigation: Non-compensatory mitigation measures incorporated into the project include the use of erosion prevention and sediment control Best Management Practices (BMPs) in accordance with the latest edition of Appendix Chapter 33 of the California Building Code, and Section 20 of the Caltrans Standard Specifications. Work will be conducted during the dry season within the dry channel to further reduce sediment potential.
- CEQA Compliance: The North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption for Minor Alteration to Land, Class 4 – Section 15304 pursuant to the CEQA.
- 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 working 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) In accordance with California Department of Fish and Game Streambed Alteration Agreement Notification No. 1600-2004-0426-3, the applicant shall plant willow cuttings and/or native seedlings a minimum of one-inch in diameter and 4 feet long at approximately 3 foot centers in the voids between the rock riprap. Irrigation of these seedlings shall be the owners responsibility until fully established, at least 2 growing seasons.

Photographic documentation shall be submitted to Andrew Jensen of this office to verify successful vegetation propagation upon completion of 2 growing seasons.

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Should the vegetation fail to succeed, the applicant shall be required to replant and monitor until success is attained.

- 5) 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.
- 6) 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.
- 7) 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.
- 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.

- 10) 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 Sunshine Avenue/Rincon Creek Streambank Stabilization Project, WDID No. 1B04120WNSO, 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, 2009, 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,

California Environmental Protection Agency

Catherine E. 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. Oscar Balaguer, SWRCB, 401 Program Manager, Water Quality Certification Unit

Mr. Tim Vendlinski, Supervisor of Wetlands Regulatory Office (WTR-8), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105

Mr. Liam Davis, Department of Fish and Game, Region 3, P.O. Box 47, Yountville, CA 94599

U.S. Army Corps of Engineers, Regulatory Branch, 333 Market Street, San Francisco, CA 94105

City of Santa Rosa Department of Community Development, 100 Santa Rosa Avenue, P.O. Box 1678, Santa Rosa, CA 95402-1678

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

Mr. Ryan Powers, Carlenzoli and Associates, 325 Tesconi Circle, Santa Rosa, CA 95401