



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



Alan C. Lloyd, Ph.D.
Agency Secretary

<http://www.waterboards.ca.gov/northcoast>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Arnold
Schwarzenegger
Governor

August 12, 2005

Mr. Garrett Hinds
Trumark Companies
4185 Blackhawk Plaza Circle, Suite 200
Danville, CA 95401

Dear Mr. Hinds:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Gobbi Preserve No.2 Mitigation Site Project

File: Gobbi Preserve No.2 Mitigation Site Project WDID No. 1B04163WNSO

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). On December 10, 2004, the Regional Water Board received an application from Mr. Ted Winfield, on behalf of Garrett Hinds of Trumark Companies, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for Gobbi Preserve No. 2 Wetland Mitigation Site Project Preserve. The Regional Water Board received an application and processing fee in the amount of \$500.00 on December 10, 2004. 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 temporary disturbances to the waters of the state associated with seasonal wetland habitat within the Laguna Hydrologic Sub Area No. 114.21, Russian River Hydrologic Unit No.114.00.

Project Description: The proposed project is located on part of the Preserve site located between Stony Point and Llano Roads, south of Todd Road, Santa Rosa, Sonoma County, California (APN # 134-151-021 and 134-151-020). The proposed project lies south of the existing 31-acre Gobbi Preserve Mitigation Site No. 1, outside the limits of the City of Santa Rosa. The purpose of the project is to perform seasonal wetland habitat restoration efforts on a 108.8-acre site, in order to mitigate for project impacts resulting from the development of the Dutton Meadows Project. The proposed Dutton Meadows Project will result in the adverse effects to 54.43 acres of California tiger salamander (*Ambystoma californiense*) (CTS) upland estivation habitat and 4.37 acres of seasonal wetland habitat.

California Environmental Protection Agency

Recycled Paper

The proposed project will involve the restoration and construction of vernal pools, and the connecting of swales and other seasonal wetlands. The proposed project involves removal and stockpiling of topsoil (the top inch to two inches of soil) and mulch from the upland areas of the Preserve site onto the proposed Dutton Meadows Project site. Fill will be placed in upland areas, outside any jurisdictional water features.

Fill will be discharged on the Preserve site, into 1,247 sq. ft. of a jurisdictional drainage swale, constructed to drain water from fill that was spread in the southwest corner of the proposed Preserve when Colgan Creek Flood Control Channel was excavated. Specified rough grades will be excavated and soils will be distributed in the vicinity of the constructed wetlands. Side slopes of the wetland habitat will be shaped and compacted, and stockpiled topsoil will be reapplied to the graded areas. Wetland seed will be collected in source wetlands on the Preserve along with a small amount of topsoil and above-ground plant material. The existing wetlands on the Preserve site have been disturbed and few remain in their original native condition.

Grading will be achieved by using small rubber-tired equipment grade tractors, paddle-wheel scrapers used for topsoil salvage, dozers, and front-end loaders, and trucks used to excavate and load excess material. No soil importation, dewatering, or disposal of waste will occur on the site. There will be some temporary stockpiling of soil on the site, and standard erosion control Best Management Practices (BMPs) will be incorporated in order to reduce erosion potential.

In surveys conducted in 1995, 1998 and 2003, Sebastopol meadowfoam (*Limnanthes vincularis*) and Sonoma sunshine (*Blennosperma bakeri*) were observed in vernal pools and swales and Lobb's aquatic buttercup (*Ranunculus lobbii*) was found in several of the deeper vernal pools on the site. Larval surveys conducted in the spring of 2003 revealed that CTS were breeding in three vernal pools on the site, and were found in 15 vernal pools and one swale on the adjacent 31-acre mitigation site (Gobbi Preserve No.1). Of the 17.70 acres of existing vernal pools, seasonal wetlands and swales on the site, 12.55 acres provide habitat for Sebastopol meadowfoam and Sonoma sunshine. Because of the condition and suitability of the habitat in the vernal pools, they are also assumed to provide habitat for California linderiella (*Linderiella occidentalis*).

Receiving Water: Seasonal wetland habitat within the Laguna Hydrologic Sub Area No. 114.21, Russian River Hydrologic Unit No. 114.00.

Filled or Excavated Area: Total Area Impacted: 0.029 acre of drainage swale
 Area Temporarily Impacted: 0.00 acre
 Area Permanently Impacted: 0.029 acre

Mitigation Overview: Total Mitigation Area: 5.66 acres of vernal pools, swales and seasonal wetlands

Restored: 4.00 acres
 Constructed: 1.66 acres

Existing habitat: 17.70 acres
 Existing swale habitat: 12.44 acres
 Existing seasonal wetland habitat: 2.60 acres
 Existing vernal pool habitat: 2.66 acres

Federal Permit: The applicant has applied to the U.S. Army Corps of Engineers (ACOE) for a Nationwide Permit No. 27 (File No. 28173N).

State and Local Approvals: According to the applicant a Lake and Streambed Alteration Agreement from the Department of Fish and Game is not required for the project because no stream habitat will be affected.

Compensatory Mitigation: Mitigation for this project will not be required because the overall project results in a net gain in wetland habitat acreage and enhancement of the existing wetland habitat through creation and/or restoration of 5.66 acres of vernal pool, swale and other seasonal wetland habitat on the site. All 5.66 acres of created/restored wetland habitat will be used as mitigation for project impacts resulting from the development of the Dutton Meadows Project. Mitigation credits will be calculated for the amount of wetland created or restored minus the amount of wetlands filled. A conservation easement for the 108.8 acre Gobbi Preserve No. 2 site, will be established by the Applicant, and after 5 years, once success criteria are met, the property will be dedicated in fee title to the California Department of Fish and Game (DFG).

Non-compensatory Mitigation: Non-compensatory mitigation measures include the standard erosion control Best Management Practices (BMPs), which will be incorporated in order to reduce erosion potential.

CEQA Compliance: The Regional Water Board, acting as the lead agency under the California Environmental Quality Act (CEQA), has determined that this project qualifies for a categorical exemption Class 7 and 8

California Environmental Protection Agency

CCR 15307 and 15308- Actions by Regulatory Agencies for Protection of Natural Resources and Actions by Regulatory Agencies for Protection of the Environment, respectively.

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) Best Management Practices 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.

- 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.
- 11) A copy of the recorded conservation easement shall be submitted to the Regional Water Board as soon as it becomes available.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Gobbi Preserve No. 2 Mitigation Site Project (WDID No. 1B04163WNSO) 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).

California Environmental Protection Agency

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

AJJ:clh/081205_AJJ_GobbiPreserve401Cert

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. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599
Mr. Larry Stromberg, Wetlands Consultant, 59 Jewell Street, San Rafael, CA 94901
Mr. Ted P. Winfield, Ted P. Winfield & Associates, 1455 Wagoner Drive, Livermore, CA 94550
Mr. Vincent Griego, Sacramento Field Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room 2605, Sacramento, CA 95815
City of Santa Rosa Department of Community Development, 100 Santa Rosa Ave., P.O. Box 1678, Santa Rosa, CA 95402-1678