



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



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August 30, 2005

Mr. Stephen Hughes
Develica Property Development
366 Laguna Vista Road
Santa Rosa, CA 95401

Dear Mr. Hughes:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Caledonian Court Subdivision Project, Sonoma County

File: Caledonian Court Subdivision Project, Sonoma County,
WDID No. 1B05052WNSO

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 Develica Property Development's April 20, 2005 request for a Clean Water Act, Section 401, Water Quality Certification. On April 20, 2005, the Regional Water Board received an application from Mr. Stephen Hughes, on behalf of Develica Property Development, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Caledonian Court Subdivision Project located at 440 N. Cloverdale Boulevard, Cloverdale, Sonoma County. The Regional Water Board received an application and processing fee in the amount of \$700 on April 29, 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 Cloverdale Creek associated with the Warm Springs Hydrologic Sub Area No. 114.24, Russian River Hydrologic Unit No. 114.00.

Project Description: The proposed project is located in downtown Cloverdale at 440 North Cloverdale Boulevard (APN 001-161-005), across the street from Cloverdale High School. The Caledonian Court Subdivision Project includes a site drainage outfall that is proposed to drain into Cloverdale Creek located northeast of the project site. The purpose of this project is to develop an eight-unit single-family residential subdivision on a 1.3-acre parcel.

California Environmental Protection Agency

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The proposed project includes the construction of a storm water outfall for the Caledonian Court subdivision. The development will discharge storm water runoff to Cloverdale Creek through one 36-inch storm drain pipe. The outfall location will be re-graded to pre-existing contours, stabilized and re-vegetated with native plant species. The project permanently impacts approximately 0.02 acres of jurisdictional Waters of the U.S. with a total of 65 cubic yards of permanent fill as a result of the outlet structure. Construction of the outfall is scheduled to take place between June 15 and October 15, 2005 and is expected to be complete within approximately two weeks. The work area will be dewatered if flow is still present at the time of the project commencing. Dewatering will consist of installation of a sandbag cofferdam to passively divert surface water flows around the outfall construction area. The cofferdam shall be constructed high enough to maintain flow in stream, shall be a minimum of one foot outside of excavation, and shall be removed after construction is complete and accepted.

Receiving Water: Cloverdale Creek, Warm Springs Hydrologic Sub Area No. 114.24, Russian River Hydrologic Unit No.114.00.

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No. 7 (File No. 2570N)

State and Local Approvals: California Department of Fish and Game Streambed Alteration Agreement (CDFG 1603, Notification No. 1600-2005-0217-3)

Filled or Excavated Area: Total Area Impacted: 0.02 acres of stream bank
Area Temporarily Impacted: 0.00 acres
Area Permanently Impacted: 0.02 acres

Total Linear Impacts: 40.0 linear feet impacted
Length Temporarily Impacted (Restored): 00.0 linear feet
Length Permanently Impacted (Not Restored): 40.0 linear feet

Compensatory
Mitigation Overview:

Total Mitigation Area: 0.02 acres
Riparian Restoration: 0.02 acres
Wetland Enhanced: 0.00 acre
Wetland Existing (Avoided): 0.00 acre

Total Linear Mitigation: 0.00 linear feet
Linear Stream Bank Restored: 40.0 linear feet
Linear Stream enhanced: 0.00 linear feet

Compensatory
Mitigation:

To compensate for the impacts to 0.02 acre of stream bank, the mitigation plan proposes to restore 0.02 acre of stream bank that will mimic the characteristics of the affected habitat. All trees removed will be replaced at a 4:1 ratio with native species and any disturbed soil at the site will be replaced with native grass seed and vegetation to restore the stream bank to a condition exceeding the present habitat quality.

Noncompensatory
Mitigation:

Non-compensatory mitigation measures have been incorporated into the project on-site and at the storm drain outfall to Cloverdale Creek, to reduce the potential impacts to water quality within the stream bank feature. Construction will be completed during the dry season to avoid sediment discharges to surface waters. Erosion control Best Management Practices (BMPs) will be incorporated into the project to reduce the potential for sediment and turbid discharges to surface waters. Post-construction BMPs include the installation of sediment catch basin filter inserts in the four storm drain inlets on-site, labeling of storm drain inlets, and rear and side yard vegetation swales to treat storm water runoff.

CEQA Compliance:

The Regional Water Board, as the lead agency for this project, has determined that this project is categorically exempt from provisions of the California Environmental Quality Act (CEQA) under Section 15332 (Resolution No. 78-2004, October 27, 2004).

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 nondenial 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 grading 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 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.

- 4) All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.
- 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) 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 three years. Reports shall include photo documentation of the Cloverdale Creek mitigation area. After three years have passed, the mitigation will be evaluated for successful attainment of the final success criteria of 80 percent survival for trees and shrubs, 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) Instream work shall not commence until June 15th and all work within the waterway shall be complete prior to October 15th.
- 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) If flow in the creek is present at project commencement and dewatering is found to be necessary, the applicant will comply with the dewatering procedures outlined in the submitted application and outlined in this permit.

Water Quality
Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Caledonian Court Subdivision Project (WDID No. 1B05052WNSO) 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. 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 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: Mr. Tim O'Donnell, Golden Bear Biostudies, 406 E. Street, Santa Rosa, CA 95404

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