



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



Alan C. Lloyd, Ph.D.
Agency Secretary

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

**Arnold
Schwarzenegger**
Governor

December 13, 2005

Mr. Bill Orme
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, Ca 94296-0001

Dear Mr. Orme:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the California Department of Parks and Recreation's Fort Ross State Historical Park Project Project, Sonoma County

File: Fort Ross State Historical Park Project Project, California Department of Parks and Recreation, Sonoma County, WDID No. 1B05067WNSO

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 the California Department of Parks and Recreation's May 23, 2005 request for a Clean Water Act, Section 401, Water Quality Certification.

On May 23, 2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Bill Orme on behalf of the California Department of Parks and Recreation, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the temporary impacts of .003 acres of Waters of the State associated with water treatment plant improvements in the town of Jenner, Sonoma County. The Regional Water Board received a complete application and processing fee in the amount of \$500.00 on May 23, 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 Fort Ross Creek, Guerneville Hydrologic Subarea No. 14.11, Lower Russian River Hydrologic Area No. 114.10, Russian River Hydrologic Unit No. 114.00.

Project Description: The project involves the installation of a temporary bridge crossing over a portion of Fort Ross Creek to facilitate access to a well on the farther side of the creek. The project further involves the installation of concrete support footings in two separate locations, one to support a water line and one to support a 6 inch steel carrier pipe. The project is located on the Sonoma Coast, approximately

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11 miles northwest of the town of Jenner on Highway 1, in Fort Ross, Sonoma County, 38 degrees 30.9 minutes north, 123 degrees 13.9 minutes west. The overall purpose of the project is to update the existing Fort Ross Water Treatment system.

The purpose of the two pipe crossings over Fort Ross Creek is to get the water from the treatment plant to Fort Ross (location 1), and from the source well to the treatment plant (location 2).

At location 1, a 3-inch diameter water line is currently secured to a rotting log that spans the creek approximately 150 feet north of the Coast Highway One crossing. The Applicant proposes to remove the log using non-mechanized means, and replacing it with two reinforced concrete block support structures on each side of the bank. A steel cable suspension system anchored to the support structures will attach to the pipe and span the creek. No construction will take place in the creek bed, and support structures will be built approximately 10 feet uphill from the top of the bank on each side. Installation will require approximately 4 feet of excavation in this uphill location.

At location 2, approximately 3000 feet north of location 1, a 6-inch steel tube carrier pipe will be mounted across Fort Ross Creek to house a 1.5 inch polyethylene water line and a 2 inch PVC electrical conduit. The steel pipe will be supported on each side of the creek by concrete support footings which are proposed to be constructed a minimum of 7 feet from the edge of the bank. Up to 30 feet of trenching will be required on both sides of the creek, outside of the active channel, to connect the water and electrical conduit to the carrier pipe.

Finally, the Applicant will install a temporary bridge crossing to facilitate access to the source well on the north side of the creek. This bridge will be constructed outside the creek, and made of plywood attached to 6"x8" timber stringers spaced one foot apart, to minimize disturbance to the stream substrate once in place. The bridge will be placed by hand such that the gaps of the stringers will be parallel with stream flow, thereby allowing aquatic passage if necessary. Biological monitoring will be implemented while the bridge is in place due to the presence of steelhead and yellow-legged frogs in Fort Ross Creek. Adult steelhead should not be in the creek at the time of placement, although juveniles may be.

The project temporarily affects 0.003 acres of jurisdictional Waters of the U.S., as delineated by Mr. Roy Martin, Associate State Park Resource Ecologist.

- Receiving Water: Waters of the State associated with Fort Ross Creek, Guerneville Hydrologic Subarea No. 14.11, Lower Russian River Hydrologic Area No. 114.10, Russian River Hydrologic Unit No. 114.00
- Filled or Excavated Area: Total Area Impacted: 0.003 acre
Area Temporarily Impacted: 0.003 acre
Area Permanently Impacted: none
- Federal Permit: U.S. Army Corps of Engineers (USACE) Nationwide Permit number 33—*Temporary Construction, Access and Dewatering*— and Nationwide Permit number 14—*Linear Transportation Projects* (pending)
- State and Local Approvals: Streambed Alteration Agreement (CDFG 1600) from the California Department of Fish and Game, Notification number 1600-2005-0136-3, dated April 26th, 2005
- Compensatory Mitigation: None. The proposed project will not result in permanent impacts to water of the U.S. and/or waters of the state as the temporary bridge structures will be removed upon project completion, and the concrete footings to be placed instream will be placed in the same footprint as the existing support structures. No additional 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 as part of this project.
- 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. Measures include the restriction of motorized equipment from the stream bed and banks at location 1, staging equipment and materials a minimum setback of 10 feet from any top of bank, and specific training to alert all project personnel to methods of identifying and protecting sensitive species and their habitat, as well as conservation measures and spill avoidance/disposal techniques.
- Best Management Practices (BMP's) for sediment and erosion control will be implemented at all times during construction and crossing near the creek, to include winterizing the site should rains become imminent. BMP's could include, but are not limited to, the use of silt fences, straw bales, or straw or rice coir rolls, to prevent soil loss and siltation into nearby water bodies.
- CEQA Compliance: The California Department of Parks and Recreation, as the lead California Environmental Quality Act (CEQA) agency, has
California Environmental Protection Agency

determined that this project qualifies for a Negative Declaration, (SCH# 2004012100, dated 2/26/04 and supplemented on 12/3/04), pursuant to 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 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

California Environmental Protection Agency

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) Should sensitive aquatic species, frogs or fish, be present at the work site during construction, all work shall be halted to allow species to move out of the crossing area of their own accord. Should relocating them become necessary, relocation shall be conducted by a certified biologist.
- 5) No motorized equipment or materials shall be staged within 10 feet of any top of bank.
- 6) Instream work shall not commence until June 15th and all work within the waterway shall be complete prior to October 15th.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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

California Environmental Protection Agency

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.

- 11) 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 the authorized discharge from the California Department of Parks and Recreation's Fort Ross State Historical Park Treatment Plant Improvement project (WDID No. 1B05067WNSO) 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 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.

California Environmental Protection Agency

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. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit
State Water Resources Control Board, 1001 I Street, 15th Floor, Sacramento, CA 95814

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

Mr. Dick Butler, NOAA Fisheries, 777 Sonoma Avenue, Suite 325, Santa Rosa, CA
95404