



California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman



Linda S. Adams
Secretary for
Environmental Protection

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Arnold
Schwarzenegger
Governor

September 14, 2006

Mr. Ron Benkert
Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, CA 95406

Dear Mr. Benkert:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Sonoma County Water Agency, Cook Creek Landslide Project, Sonoma County (WDID No. 1B06081WNSO)

File: Sonoma County Water Agency, Cook Creek Landslide Project, Sonoma County (WDID No. 1B06081WNSO)

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 May 23, 2006, the Regional Water Board received an application from Ken Schwarz of Jones & Stokes on behalf of the Sonoma County Water Agency (SCWA), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the SCWA Cook Creek Landslide Project (Project), Sonoma County. Two checks for a total processing fee in the amount of \$1,700 have been received. On June 29, 2006, the Regional Water Board requested additional information in writing. On July 21, 2006, the Regional Water Board received additional information from Jones & Stokes. On September 6, 2006, the Regional Water Board received all required information and the Project application was deemed complete. Information describing the proposed Project was noticed for public comment for a 21-day period on the Regional Water Board's website beginning on August 7, 2006. No comments were received. The Project will impact Waters of the State associated with the Laguna de Santa Rosa Hydrologic Sub Area, Russian River Hydrologic Unit No. 114.21.

Project Description: The Project is located at APN 045-181-005 and 045-181-010, Terra Bella Vista Way, off of Petaluma Hill Road, Santa Rosa, Sonoma County, California. The purpose of the Project is to stabilize a landslide and install a culvert on Cook Creek to control a major source of sediment to the

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creek. The Project is necessary to maintain adequate sediment storage capacity at the Cook Creek sediment basin, to assist in maintaining adequate channel capacity downstream, and reduce sediment discharge to waters downstream.

The Project involves the use of bioengineered bank stabilization techniques. In addition, due to the steep slopes and large volumes of material, the minimum possible amount of hardscape (i.e., rip-rap keyed into the toe of the landslide) has been integrated into the Project design to provide the structural integrity needed for successful erosion control. Access improvements to address the existing destabilized bridge across the creek have been designed to serve a dual purpose of bank stabilization/erosion reduction and provide access for equipment. This will be accomplished through the use of a culvert crossing that provides a physical grade control to eliminate ongoing upstream channel incision, and will also serve as a ballast to stabilize upstream areas.

Additionally, the access road below the slide area will have maintenance repairs completed to provide access for the heavy equipment, and to repair erosion damage near the two culverts. The culverts will be replaced with equivalent culverts and no additional fill will be used.

Erosion control Best Management Practices (BMPs) have been incorporated into the Project in order to decrease the potential for erosion and sediment discharges to Waters of the State and will be used during the full length of the Project.

Receiving Water:

Waters of the State associated with the Laguna de Santa Rosa Hydrologic Sub Area, Russian River Hydrologic Unit No. 114.21

State and Local Approvals:

A 1602 Streambed Alteration Agreement has been applied for from the California Department of Fish and Game (DFG)

Federal Permit:

The Applicant has applied for U.S. Army Corps of Engineers Nationwide Permit Nos. 13, 14, and 33 (File Number 30295N) (Pending)

Filled or
Excavated Area: Total Area Impacted: 0.007 acres
Area Permanently Impacted: 0.0.007 acres (stream)

Compensatory Mitigation: Compensatory mitigation for this Project includes revegetation, including, riparian vegetation that is removed or disturbed, upland areas associated with the slide, and any areas disturbed by the Project. Revegetation includes: seeding with native grasses, application of erosion control fabric, and planting of graduated size native herbs, shrubs and trees. Weeding shall occur at least twice a year. Watering will be weekly, or as necessary, for the first 3 years. Tree protection shall be installed if necessary. Vegetation shall be monitored for three years with 80% survival at end of monitoring period. A monitoring report shall be submitted annually during the monitoring period summarizing the number of surviving plants, proposed remediation of any issues that have arisen (loss of plants, herbivory), the overall success of the revegetation effort, and include photographs.

Additionally, there will be a coordinated effort between the appropriate Resource Conservation District (RCD), SCWA, and land owners, to collaboratively work on erosion control in the watershed. SCWA will establish a Watershed Erosion Grant Program. SCWA will administer the grant program to provide landowners direct funding assistance towards implementing erosion control treatments. In the Cook Creek watershed the financial support for the grant-funding program shall be provided as a 5% assessment from the implementation costs of the Cook Creek Landslide Project. Construction and implementation costs for the Cook Creek Landslide Project are estimated at \$100,000. This will result in up to \$5,000 being available to support erosion control treatments. To ensure that this grant program specifically addresses watershed-based sources and solutions, the following conditions will be used to help guide the program:

- Application for grant funding shall occur directly from private landowners to SCWA.
- Applicant will include description of erosion problem, design of solution treatment, and cost estimate for treatment implementation.

- Applicant is encouraged to use proven erosion control treatments as promoted by the RCD for such upper watershed applications.

SCWA shall retain the right to refuse applicant funding based on the adequacy of the information provided to SCWA regarding the erosion issue, treatment design, or cost.

Yearly, and/or a final report(s) on allocation and utilization of this funding shall be submitted to the Regional Water Board as applicable.

Non-compensatory
Mitigation:

Non-compensatory mitigation measures include the use of standard erosion control BMPs, as well as construction schedules that avoid wet periods. Project construction will take place during the dry months. Temporary silt fencing, seeding and mulching, and other appropriate BMPs as listed in the May 23, 2006, application, shall be incorporated to minimize the risk of soil mobilization and sediment transport during construction.

CEQA Compliance:

The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined the Project qualifies for a Categorical Exemption, Section 15308 – Actions by Regulatory Agencies for Protection of the Environment, pursuant to the CEQA guidelines.

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 article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23) 23 CCR 3867.
2. This certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of

Chapter 28, CCR 23 and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

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 Order, 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, or within Waters of the State or Waters of the United States.
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 and in accordance with the May 23, 2006, application.
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 Order shall be provided to the contractor and all subcontractors conducting the work, and shall 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. All Project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the Project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
8. 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 shall 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.

9. 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 Sonoma County Water Agency, Cook Creek Landslide Project, Sonoma County (WDID No. 1B06081WNSO), 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 insofar 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 Order for any dredge and fill activities expires on September 8, 2008. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Stephen Bargsten of our staff at (707) 576-2653 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. Oscar Balaguer, SWRCB, 401 Program Manager,
Mr. Bill Cox, California Department of Fish and Game, P.O. Box 47,
Yountville, CA 94599
Mr. Peter Straub, U.S. Army Corps of Engineers, Regulatory Branch,
333 Market Street, San Francisco, CA 94105
Mr. Ken Schwarz, Jones & Stokes, 268 Grand Avenue, Oakland, CA 94610-4724