



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 15, 2006

Mr. Phillip Trowbridge
Taylor Mountain, Inc.
P.O. Box 6889
Santa Rosa, CA 95406

Dear Mr. Trowbridge:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Kawana Springs Phase VI Development Project, 1835 Kawana Springs Road (APN 044-180-018), Santa Rosa, Sonoma County

File: Kawana Springs Phase VI Development Project, Sonoma County;
WDID No. 1B04121WNSO

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 August 24, 2004, the Regional Water Board received an application from Mr. Doug Spicher of WRA, Inc., on behalf of Mr. Phillip Trowbridge, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Kawana Springs Phase VI Development Project (Project). On December 20, 2004, the Regional Water Board issued a Notice of Incomplete Application to the Applicant. On November 14, 2005, the Regional Water Board issued a Denial, without prejudice, for the Project identifying outstanding additional information required for issuance of Water Quality Certification. On June 9, 2006, Regional Water Board staff met with Mr. Trowbridge and Project representatives in order to discuss the remaining items required. On September 1, 2006, all required information was received 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. No comments were received. The Project will impact Waters of the United States associated with seasonal wetlands and Kawana Springs Creek within the Santa Rosa Hydrologic Sub Area, Russian River Hydrologic Unit No. 114.22.

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Project**Description:**

The Project is located at 1835 Kawana Springs Road in Santa Rosa, Sonoma County, and is bordered on west by Brookwood Avenue. The purpose of the Project is to develop 94 residences on 25 acres, including the construction of corresponding infrastructure such as roads, storm water facilities, utilities, and designated parklands.

The Project involves the expansion of Kawana Springs Road and Tokay Street as well as the construction of Taylor Street. In order to serve multiple projects in the vicinity, a water main pipeline was previously installed under the Taylor Street location, connecting the projects to an existing water tank located south of Kawana Springs Creek.

The Project will result in the permanent filling of 0.23 acres of seasonal wetland habitat associated with Kawana Springs Creek. No special status plant or animal species were observed or are expected to be present as determined by biological assessments under the City of Santa Rosa's Southeast Area Plan Environmental Impact Report (EIR) and a plant survey conducted by Mr. Spicher of WRA, Inc. on April 20, 2004. The site is not within the potential range of the California tiger salamander as mapped by the United States Fish and Wildlife Service.

Pre-construction erosion control Best Management Practices (BMPs) outlined in an Erosion and Sedimentation Control Plan have been incorporated into the Project in order to decrease the potential for erosion and sediment discharges to Waters of the State. Post-construction storm water treatment BMPs will be constructed as part of the Project in order to treat runoff from the 24-hour/85th percentile storm event. In the event that it becomes necessary for construction to occur during the rainy season, the Regional Water Board may require additional erosion control BMPs to protect water quality.

Receiving Water:

Waters of the United States associated with seasonal wetlands associated with Kawana Springs Creek in the Santa Rosa Hydrologic Sub Area, Russian River Hydrologic Unit No. 114.22

Federal Permit:

U.S. Army Corps of Engineers Nationwide Permit 39 – *Residential, Commercial, and Institutional Developments* (File Number 28394N, April 4, 2005)

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Filled or

Excavated Area: Total Area Impacted: 0.23 acres of seasonal wetland habitat
Waters of the State Permanently Impacted: 0.02 acres
Waters of the U.S. Permanently Impacted: 0.21 acres

Compensatory
Mitigation:

Mitigation for the permanent filling of 0.23 acres of seasonal wetland habitat shall be attained by the on-site creation of 0.35 acres of seasonal wetland habitat adjacent to Kawana Springs Creek (*Wetland Mitigation and Monitoring Plan (MMP)*, WRA, Inc., July 2004) (Letters from Mr. Douglas Spicher, WRA, Inc., March 7 and March 30, 2005). The 1.5:1 mitigation ratio accounts for the temporal loss of seasonal wetland habitat.

The 0.35-acre mitigation wetland shall be created adjacent to Kawana Springs Creek within a passive parkland area and set back from the creek by at least 30 feet. Two additional wetlands will also be created within this area as potential mitigation for future projects. The parkland area shall be maintained and preserved in perpetuity by the City of Santa Rosa through the funding of a Special Tax District (Mr. Marc Richardson, Assistant City of Santa Rosa Manager, June 19, 2006).

Construction of the wetland mitigation site shall commence upon initial filling of the existing wetlands. The primary sources of hydrology for the created wetlands consist of localized rainfall and previously treated storm water runoff from the nearby Sonoma Academy Project (WDID No. 1B06054WNSO) and from a portion of the Project site. All storm water runoff entering the mitigation wetlands shall be treated through biological post-construction BMPs including, but not limited to, vegetated bioswales and detention basins.

The mitigation site shall be planted with seed and live plants before winter rains begin following construction. Plant sources shall be from the existing wetlands that will be impacted and/or commercial nurseries that grow native wetland plant species and may include Spike rush, Iris-leaved rush, and Meadow barley. Additionally, all disturbed upland areas shall be seeded with native upland seed mixes in order to provide erosion control. As-built plans shall be submitted to the Regional Water Board within one month of

completion of the creation of seasonal wetland habitat (MMP, Page 10).

Non-compensatory
Mitigation:

Non-compensatory mitigation measures have been incorporated into the Project to reduce potential impacts to water quality. Mitigation measures include the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and use of construction storm water erosion control BMPs as outlined in the Erosion and Sedimentation Control Plan (*Improvement Plans for Kawana Springs 6*, Sheets 29 & 30, April 11, 2006).

Post-construction
Storm Water
Pollution
Prevention:

In addition, to comply with the Regional Water Board's requirement to provide post-construction storm water treatment for the Project, the Applicant shall implement the post-construction *Storm Water Management Plan* (SWMP) (WRA, Inc., June 7, 2006) and the revised *Improvement Plans for Kawana Spring 6* (Baechtel Hudis, August 30, 2006). The BMPs were designed according to calculations used to determine the capacity needed to treat the runoff from the 85th percentile, 24-hour storm event. Failure to implement the treatment plan as described in the above referenced plans will be considered a violation of this Order, and is subject to Regional Water Board enforcement actions.

Vegetated Bioswale: One vegetated bioswale at the south end of the Project in the parkland area shall collect and treat runoff from a portion of Kawana Springs Road, 1.16 acres of the residential area, 1.43 acres of parkland area, and pre-treated runoff from the Sonoma Academy Project. This swale shall treat all runoff prior to entering the wetland mitigation area.

Bay Saver: A filter separator device shall be installed to filter 14 acres, including the majority of the residential development, prior to discharging to a detention pond.

Detention Pond: A detention pond shall be constructed at the western edge of the parkland area, next to the wetland mitigation site. A low-flow channel shall be installed within the footprint of the detention pond to treat flows from the 24-hour/85th percentile storm event.

Maintenance of all post-construction treatment BMPs shall be conducted by the City of Santa Rosa through the funding of a Special Tax District (Mr. Marc Richardson, Assistant City of Santa Rosa Manager, June 19, 2006).

CEQA**Compliance:**

The City of Santa Rosa Department of Community Development, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project fulfills its CEQA requirements through the Southeast Santa Rosa Area Plan Environmental Impact Report (SCH No. 92083054, June 21, 1994).

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:

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- 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 Waters of the State or Waters of the United States.
- 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 (Erosion and Sedimentation Control Plan, *Improvement Plans for Kawana Springs 6*, Sheets 29 & 30, April 11, 2006).
- 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) The overall design and development of the Project shall include the post-construction storm water BMPs outlined in the Storm Water Management Plan (WRA, Inc., June 7, 2006) and in the revised *Improvement Plans for Kawana Spring 6* (Baechtel Hudis, August 30, 2006) that have been prepared for incorporation into the Project to mitigate for storm water discharges associated with the increase of impervious surface at the site. BMPs shall be implemented into the Project, as proposed by the Applicant and as outlined above in the Non-compensatory mitigation and Post-construction Storm Water Pollution Prevention sections of this Order.
- 9) Monitoring Requirements – Construction and mitigation work shall be conducted as proposed in the application and the following monitoring shall occur:

Wetland Mitigation Monitoring: Yearly monitoring reports for the required compensatory mitigation wetland and additional mitigation areas shall be submitted to the Regional Water Board no later than December 31st during each calendar year for a total of five (5) years. Reports shall include photo documentation of the mitigation areas created for the Vintana Phase VI Residential Development Project. After five years have passed, the mitigation shall be evaluated for successful attainment of the final wetland criteria as outlined in the U.S. Army Corps of Engineers 1987 Delineation Manual and a decision will be made whether additional mitigation measures are necessary to ensure 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 Stephen Bargsten.
- 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 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.

- 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 Kawana Springs Phase VI Development Project (WDID No. 1B04121WNSO) 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

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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 October 15, 2011. 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, and in writing, 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, Department of Fish and Game, Region 3, P.O. Box 47,
Yountville, CA 94599

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

Mr. Doug Spicher, WRA, Inc., 2169-G East Francisco Boulevard,
San Rafael, CA 94901