



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

October 4, 2006

Mr. Darrin Jenkins
City of Rohnert Park
6750 Commerce Drive
Rohnert Park, CA 94928

Dear Mr. Jenkins:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Coleman Creek Storm Drain Improvement Project, Sonoma County

File: City of Rohnert Park, Coleman Creek Improvement Project, Sonoma County, WDID No. 1B06087WNSO

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 June 14, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received a processing fee in the amount of \$543.00 and an application from Winzler and Kelly, on behalf of the City of Rohnert Park (Applicant) requesting a Water Quality Certification and/or Waste Discharge Requirements for the Coleman Creek Storm Drain Improvement Project in Sonoma County, California. The project will disturb Waters of the United States associated with Coleman Creek, a tributary to the Laguna de Santa Rosa, Russian River Hydrologic Unit No. 114.21.

Information describing the proposed project was noticed for public comment on the Regional Water Board's website on September 25, 2006. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but

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no later than simultaneously with issuance of certification." Due to the nature of emergency associated with this project, 401 Water Quality Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period; ending October 16, 2006, and the Order may be modified based on comments.

Project Description: The project is located near the intersection between Golf Course Drive and Gavin Way in Rohnert Park, Sonoma County. The purpose of the project is to improve drainage in Coleman Creek to help alleviate flooding along Gavin Way, reduce siltation of the existing outlets and prevent storm water from entering streets and private properties.

The project consists of extending a city owned 48-inch storm drain approximately 700 feet downstream (north) of its existing location. The storm drain will be installed at a depth of 10-feet beneath an existing bike path that runs along the west side of Coleman Creek. The new pipe will connect to the old storm drain 50-feet south of the present discharge location and the old pipe will be abandoned in place.

The new outfall into Coleman Creek will consist of a rock riprap section two feet on either side of the pipe and extending downstream approximately 30 feet. Additional erosion control will be provided using North American Green C125BN, a geosynthetic erosion control mat. This will be trenched along all edges to provide stability. The geosynthetic fabric will be applied along the banks only and will be further secured using 18-inch long spikes with washers. The outfall will be installed using machinery located on the bike path and crews located within the creek channel.

There are two six-inch water lines that cross underneath Coleman Creek adjacent to the storm drain. The southern water line will be abandoned in place, either sand will be pumped to fill the existing pipe or it will be capped and remain in place. The northern water line will be removed and replaced above the new storm drain.

Receiving Water: Waters of the United States associated with Coleman Creek, tributary to the Laguna de Santa Rosa, Russian River Hydrologic Unit No. 114.21

- Federal Permit: The project Applicant has applied to the United States Army Corps of Engineers (ACOE) for a Clean Water Act Section 404 Nationwide Permit (Pending)
- State and Local Approvals: The project Applicant has applied to the California Department of Fish and Game (DFG) for a 1602 Streambed Alteration Agreement (Pending)
- Filled or Excavated Area: Total Area Impacted: 0.02 acres of Waters of the State
 Area Temporarily Impacted: 0.00 acres
 Area Permanently Impacted: 0.02 acres
- Total Linear Impacts: 40.0 linear feet impacted
 Length Temporarily Impacted (Restored): 0.0 linear feet
 Length Permanently Impacted (Not Restored): 40.0 linear feet
- Compensatory Mitigation: To achieve compensatory mitigation for this project a 70 foot long by 30 foot wide segment of the Applicant's property located on the west side of the channel will be planted with the following native species Coast Live Oak (*Quercus agrifolia*) (2), Oregon ash (*Fraxinus latifolia*) (2), Big-leafed maple (*Acer macrophyllum*) (2), Scrub Oak (*Quercus dumosa*) (2), Coffeeberry (*Rhamnus californica*) (2), Toyon (*Heteromeles arbutifloia*) (2), Bush Monkey Flower (*Mimulus aurantiacus*) (2). A seed mix containing local native plants will be utilized to cover the restoration area after all work has been completed. Weed seed will not exceed 0.5 percent of the pure live seed and inert material. The seed mix will contain Purple Needlegrass (*Nasella pulchra*), California oat grass (*Danthonia californica*), Blue Wildrye (*Elymus glaucus*), California Meadow Barley (*Hordeum californicum*), California Brome (*Bromus californica*). Mulching will occur after broadcast seed has been completed to provide erosion control, protect seeds by increasing available moisture, and to provide insulation from temperature extremes. Plantings will be monitored for five years to ensure 85% survival.
- Non-compensatory Mitigation: Erosion Control Best Management Practices (BMPs), to be described in a Storm Water Pollution Prevention Plan (SWPPP) will be used prior, during, and after construction to reduce sediment discharge and stabilize disturbed areas. The SWPPP will be developed by the contractor. Erosion control will also include natural erosion control blankets anchored to exposed banks.

No equipment will be stored in the channel and no equipment or tools will be washed in an area where the water will be allowed to run into the channel. All fill material used on the site will be clean and free of contaminants.

CEQA Compliance: The City of Rohnert Park, as the lead California Environmental Quality Act (CEQA) agency, adopted a mitigated Negative Declaration pursuant to CEQA on June 13, 2006, State Clearing House number 2006052073.

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. 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, Waters of the State or Waters of the United States.

2. 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.
3. 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.
4. 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.
5. 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.
6. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project. The disturbed portions of any Waters of the State or Waters of the United States shall be restored to as near their original condition as possible.
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. Monitoring Requirements – Construction and restoration work shall be implemented, and the monitoring shall be completed as proposed in the application for 401 Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill), received July 11, 2006, including:

Restoration and vegetation will be monitored for five years with 85 percent survival at end of five years. A completion report shall be submitted immediately after completion of the project, including a description of how the project proceeded and any deviations from planned activities, and photographs of the project from start to finish. A monitoring report shall be submitted (including photographs) annually during the monitoring period summarizing the number of surviving plants, proposed remediation of any issues that have arisen (loss of plants, herbivory), and the overall success of the revegetation effort.

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 photographs 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 Coleman Creek Storm Drain Improvement Project (WDID No. 1B06087WNSO) 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 certification for any dredge and fill activities expires on October 15, 2009. 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 Stephen Bargsten of my staff at (707) 576-2653 prior to construction so that we can answer any public inquiries about the work.

Sincerely,



Catherine E. Kuhlman
Executive Officer

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cc: Mr. Oscar Balaguer, SWRCB, 401 Program Manager
Mr. Victor H. Swift, Sonoma County Water Agency, P.O. Box 11628, Santa Rosa
CA, 95406
Mr. Bill Cox, California Department of Fish and Game, Region 3, P.O. Box 47,
Yountville, CA 94599
Mr. Philip Shannin, U.S. Army Corps of Engineers, Regulatory Branch, 333
Market Street, San Francisco, CA 94105
Ms. Terrie Zwillinger, Winzler and Kelly, 495 Tesconi Circle, Santa Rosa, CA
95401

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