



**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 6, 2006

Mervyn and Jacqueline Sahud  
16205 Norton Road  
Healdsburg, CA 95448

Dear Mr. and Mrs. Sahud:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Oak Pond Ranch Storm Damage Repair Project, Sonoma County

File: Oak Pond Ranch, Storm Damage Repair Project, Sonoma County, WDID No. 1B06147WNSO

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 September 22, 2006, the Regional Water Board received a processing fee of \$500.00 and an application from Mrs. Jacqueline Sahud (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Oak Pond Ranch, Storm Damage Repair Project (Project), Sonoma County. The Project will disturb Waters of the State and Waters of the U.S. associated with the Warm Springs Hydrologic Sub Area No. 114.24 within the Russian River Hydrologic Unit No. 114.00.

Information describing the Project was noticed for public comment on the Regional Water Board's website on October 5, 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 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

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the entire 21-day comment period; ending October 26, 2006, and the Order may be modified based on public comments.

On or about September 15, 2005, concrete was applied to the creek bed and banks, directly below the bridge. The necessary permits from various agencies were not acquired to do this work. This work is a violation of the Water Code. This unauthorized repair to the bridge impacted an area of the creek channel and creek bank directly below/under the bridge, in an area of approximately 400 square feet, and involved a reported use of 2.5 yards of concrete and some reinforcement wire. This repair was commissioned by Oak Pond Ranch to repair undercutting, replacing loose revetment bags, filling holes and smoothing the concrete, to an area under the bridge including the bed and banks of the stream. The Applicant states that the concrete was applied over existing bridge structures, such as concrete revetment sacks, and did not substantially change the width or depth of the creek channel.

The work authorized within this document is only to repair the damage done in the scoured plunge pool area, by the January 1, 2006, storm event. The Project and its corresponding compensatory mitigation, does not include any compensatory mitigation for the above mentioned violation.

**Project Description:** The Project is located on the east fork of Norton Creek, at 16205 Norton Road, Healdsburg, Sonoma County, California. The purpose of the Project is to conduct emergency repairs to a plunge pool created by scouring during the January 1, 2006, storm event. This eroded area is directly downstream and adjacent to the 30 foot bridge. Further erosion would threaten the integrity of the bridge. Emergency repair of the erosion is critical to maintaining the bridge and preventing further erosion and sedimentation of surface waters. The Project Involves filling the scoured hole with approximately 11 cubic yards of crushed concrete blocks and capping them with a layer of concrete approximately two inches thick to secure the blocks. Blocks will be layered at an angle facing the oncoming flow of water to resist displacement. Undercutting below the retaining walls adjacent to the plunge pool will be repaired to address any undercutting. All work will be done by hand labor. No existing vegetation will be removed. The repair will restore the scoured plunge pool area to its previous condition before the January 1, 2006, storm event. The repairs shall be at the same elevation, and be the same length and width as the previously armored area that was damaged by the January 1, 2006, storm event. No work shall be done that will change the hydraulic flow of the creek from the conditions

that existed before the damage occurred in the scoured plunge pool area.

- Receiving Water: Waters of the State and Waters of the U.S. associated with the Warm Springs Hydrologic Sub Area No. 114.24 within the Russian River Hydrologic Unit No. 114.00
- Federal Permit: The Project applicant has acquired U.S. Army Corps of Engineers (ACOE) for a Clean Water Act Section 404 Nationwide Permit No. 3, for Maintenance.
- State and Local Approvals: The Project applicant has applied to the California Department of Fish and Game for a 1602 Streambed Alteration Agreement, No. 1600-2006-0639-3 (Pending)
- Filled or Excavated Area: Total Area Impacted: 0.009 acres of Waters of the State and Waters of the U.S.  
Area Permanently Impacted: 0.009 acres
- Compensatory Mitigation: Compensatory mitigation for the Project includes revegetation of the riparian area south of the bridge, with willow wattles and willow pole plantings, to approximately 200 linear feet of stream bank riparian area, where appropriate. Planting shall be done within one year of completion of the Project. Watering shall be done as necessary, for the first 3 years to ensure survival. Vegetation shall be monitored for three years with 80% survival at end of the 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), and the overall success of the revegetation effort.
- Non-compensatory Mitigation: Non-compensatory mitigation measures include the use of standard Best Management Practices (BMPs), for erosion control, as well as construction schedules that avoid wet weather.
- CEQA Compliance: The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined the Project qualifies for Categorical Exemption Section 15301, Existing Facilities, 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. 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. 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.
4. 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.

5. 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.
6. 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.

Water Quality  
Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Oak Pond Ranch Storm Damage Repair Project, (WDID No. 1B06147WNSO), 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 31, 2007. 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 our 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: Ms. Jenny Chen, SWRCB, 401 Program Manager (Acting)

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

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