



Linda S. Adams
Secretary for
Environmental Protection

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

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

October 10, 2006

Ms. Naomi Engstrom
1201 Boonville Road
Ukiah, CA 95482

Dear Ms. Engstrom:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the 1201 Boonville Road Storm Damage Restoration Project, Ukiah, Mendocino County

File: 1201 Boonville Road Project Storm Damage Restoration Project, Mendocino County, WDID No. 1B06155WNME

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, 2006, the Regional Water Board received an application from Mr. Ross Mayfield, on behalf of Naomi Engstrom (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the 1201 Boonville Road Project Storm Damage Restoration Project (Project), Mendocino County. On October 6, 2006, the Regional Water Board received the \$1,750 processing fee, and the application was deemed complete. The Project is being financed through a cooperative joint funding effort between the Applicant and a grant through the California Department of Fish and Game Fisheries Grant Restoration Program (FRGP). The Project causes disturbances to 250 linear feet of Waters of the State and Waters of the U.S. associated with the Ukiah Hydrologic Sub Area 114.31, within the Russian River Hydrologic Unit 114.00.

Information describing the Project was noticed for public comment on the Regional Water Board's website on October 10, 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

California Environmental Protection Agency

Recycled Paper

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 November 1, 2006, and the Order may be modified based on public comments.

Project Description: The Project is located 1.2 mile west of highway 101 on Boonville Road (State Highway 235) to the southwest of Ukiah, APN# 185-072-09, Mendocino County. The purpose of the Project is the stream channel realignment, repair of storm damage, and restoration, on Robinson Creek. Due to the winter storm events of 2005/2006, high water has eroded approximately 50 feet of stream bank, for approximately 250 linear feet and threatens to continue to erode more stream bank at the Project.

The Project consists of removing a large tree stump and placing the stump in the eroded bank. Moving 3000-4000 cubic yards of river rock from center of the stream in the work area and placing it into the eroded section. Placing 200 feet (approximately 646 cubic yards) of 1 to 2 ton rip rap to armor the stream bank to a height 6 to 7 feet and an additional 50 feet of rip rap to a height of 4 to 5 feet at the up-stream end of the Project, resulting in approximately 0.28 acres of impact. Willow sprigs will be planted in the rip rap at 5 foot centers during construction. The stream bank above the top of the rip rap will be graded to a natural angle and will be planted with rooted willow trees from in the month of December. Eight willow siltation baffles ten feet in length, spaced approximately 15 feet apart, will be installed. A timed irrigation system will be installed to water the willows for five years. Repairs will not encroach on existing vegetation and all effort will be made not to disturb any material that will provide shade or help stabilize the bank. These repairs will take place on the north portion of the applicant's property, when the water way is seasonally dry.

Receiving Water: The Project causes disturbances to 250 linear feet of Waters of the State and Waters of the U.S. associated with the Ukiah Hydrologic Sub Area 114.31, within the Russian River Hydrologic Unit 114.00.

Federal Permit: The Project applicant has applied for U.S. Army Corps of Engineers (ACOE) for a Clean Water Act Section 404 Permit (pending)

State and Local
Approvals:

California Department of Fish and Game Lake and Streambed Alteration Agreement, notification number (1600-2006-0507-3), issued October 2, 2006.

Filled or
Excavated Area:

Total Area Impacted: 0.28 acres of Waters of the State and Waters of the U.S.

Area Temporarily Impacted: 0.00 acres

Area Permanently Impacted: 0.28 acres

Total Linear Impacts: 250.0 linear feet impacted

Length Temporarily Impacted (Restored): 0.000 linear feet

Length Permanently Impacted (Not Restored): 250.0 linear feet

Compensatory Mitigation: Willow sprigs will be planted in the rip rap at 5 foot centers during construction. The stream bank above the top of the rip rap will be graded to a natural angle and will be planted with rooted willow trees in the month of December. Eight willow siltation baffles ten feet in length, spaced approximately 15 feet apart, will be installed. A timed irrigation system will be installed to water the willows for five years. Repairs will not encroach on existing vegetation and all effort will be made not to disturb any material that will provide shade or help stabilize the bank. These repairs will take place on the north portion of the applicant's property, when the water way is seasonally dry.

Applicant shall conduct work according to the Conditions section of the Department of Fish and Game, 1602 Lake and Streambed Alteration Agreement, Notification Number, 1600-2006-0507-3.

The Project shall be monitored for five 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 Department of Fish and Game, as the lead California Environmental Quality Act (CEQA) agency, has determined that the Project qualifies for a Categorical Exemption, Section 15333 – Small Habitat Restoration Projects, 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 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 1201 Boonville Road Project Storm Damage Restoration Project, (WDID No. B06155WNME), 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

101006_SKB_1201_BoonvilleRd_401.doc

cc: Ms. Jenny Chen, SWRCB, 401 Program Manager (Acting)
Ms. Corrine Gray, California 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. Ross Mayfield Jr., Recovery Operations Specialty Services,
1621 Talmage Rd., Ukiah, CA 95482