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

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Arnold
Schwarzenegger
Governor

October 11, 2006

Mr. David E. Watson
P.O. Box 281
Monte Rio, CA 95462

Dear Mr. Watson:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Dutch Bill Creek Emergency Watershed Protection Project, Sonoma County

File: Dutch Bill Creek Emergency Watershed Protection Project,
Sonoma County, WDID No. 1B06156WNSO

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 October 5, 2006, the Regional Water Board received an application from Ms. Lisa Hullete, Program Manger, Gold Ridge Resource Conservation District, on behalf of Mr. David E. Watson (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Dutch Bill Creek Emergency Watershed Protection Project (Project), Sonoma County. The Project will disturb Waters of the State and Waters of the U.S. associated with the Guerneville Hydrologic Sub Area No. 114.11, 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 11, 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 November 2, 2006, and the Order may be modified based on public comments.

Project Description: The project is located in Sonoma County, on Dutch Bill Creek, at 8101 Bohemian Highway, between Camp Meeker and Monte Rio, latitude 38.42706N, longitude -122.96105W, assessor parcel number 072-240-011, Sonoma County, California. The purpose of the project is to conduct emergency repairs to a failing retaining wall protecting a house along Dutch Bill Creek that was damaged by the January 1, 2006, storm event. A one hundred foot long wooden retaining wall on the right bank of Dutch Bill Creek is failing. This wall protects the foundation of a house that is near the top of bank. The Natural Resource Conservation Service (NRCS) has declared the eroding wall a top priority to replace, and has procured emergency funding from the federal government. Streamline Engineering, in partnership with the NRCS, propose to replace the wooden retaining wall with vertical sheet piling and loose rock rip rap placed above it and sloped at 1.5 to 1. The existing wooden retaining wall, and a portion of the soil behind it, will be removed from the site. The wooden piers that support the wall will be cut off at the base, or removed entirely. The gravel in the bed of the creek along the project will be disturbed by the excavator tracks. The proposed revetment is one hundred ten feet (110') long. The area of the project, in plan view, is one thousand and seventy (1,070) square feet. One hundred ten feet of sheet piling will be placed along the bank, with an additional twenty feet of sheet piling wrapping into the banks to prevent end scour of the rip rap. Three hundred seventy five (375) tons of rip rap will be placed four feet thick above the sheet piling. The height of the revetment will be approximately ten feet above the thalweg, with an additional six feet of sheet piling extending vertically into the creek bed. Access to the site will be through a gently sloping, unvegetated portion of the bank. Disturbance to the bank, from access, is expected to be minimal. Access will be through a zone of aggradation in the creek, over gravel deposited during the last rainy season. The bank of the creek will be completely reconstructed over the 110' long project.

Receiving Water: Waters of the State and Waters of the U.S. associated with the Guerneville Sub area 114.11 within the Russian River Hydrologic Area No. 114.00.

- Federal Permit: The Project applicant has applied for a U.S. Army Corps of Engineers (ACOE) for a Clean Water Act Section 404 Nationwide Permit No. 37 for Emergency Watershed Protection and Rehabilitation (Pending).
- State and Local Approvals: The Project applicant has applied to the California Department of Fish and Game for a 1602 Streambed Alteration Agreement, (Pending)
- Filled or Excavated Area: Total Area Impacted: 0.02 acres of stream bank
Area Temporarily Impacted: 0.00 acres
Area Permanently Impacted: 0.02 acres
- Total Linear Impacts: 110.0 linear feet impacted
Length Temporarily Impacted (Restored): 0.000 linear feet
Length Permanently Impacted (Not Restored): 110.0 linear feet
- Compensatory Mitigation: Not required
- 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 Dutch Bill Creek Emergency Watershed Protection Project, (WDID No. 1B06156WNSO), 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
Ms. Lisa Hulette, Gold Ridge RCD, 4008 Bohemian Hwy, Suite 3,
Occidental, CA 95465