



**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 17, 2006

John Caletti  
Shiloh Oaks Company LLC  
P.O. Box K  
Santa Rosa, CA 95402

Dear Mr. Caletti:

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Shiloh Oaks Federal Express Project

**File:** Shiloh Oaks Company LLC, Shiloh Oaks Federal Express Project, Sonoma County, WDID No. 1B05156WNSO

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 November 23, 2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Douglas Spicher, on behalf of Shiloh Oaks Company LLC (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Shiloh Oaks Federal Express Project (Project) in Sonoma County. A processing fee in the amount of \$5,573.50 has been received. On May 16, August 4, and September 6, 2006, the Regional Water Board received additional information from the Applicant. On September 6, 2006, the Regional Water Board received all required information 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 beginning on August 25, 2006. No comments were received. The Project will impact Waters of the State associated with seasonal wetlands and drainages within the Santa Rosa Hydrologic Sub Area, Russian River Hydrologic Unit No. 114.22.

**Project Description:** The Project is located at the end of Caletti Avenue in the Town of Windsor, Sonoma County (APN 059-271-087-000). The purpose of the Project is to construct a permanent FedEx facility for receiving, sorting, worldwide shipping, and local delivery of express shipped packages and letters. The facility will consist of a large office/warehouse building with associated utilities, streets, roadways and parking, for large

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tractor-trailer trucks, smaller local delivery trucks, and employee parking. In conjunction with the FedEx facility, an existing ephemeral drainage ditch will be improved by widening and deepening to increase flow/flood capacity during storms. The channel banks will also be planted with riparian vegetation, which the existing channel lacks, resulting in increased habitat value.

Pre-construction erosion control Best Management Practices (BMPs) outlined in a Storm Water Pollution Prevention Plan (Brelje & Race, *Erosion Control Notes, Phase 1 Creek Realignment & Pad Grading, Federal Express Distribution Center, 9/6/06*) (SWPPP) will be incorporated into the Project.

The Project will be constructed in two phases. Phase 1 will include the construction work within the channel, construction of the building pad and construction of mitigation wetlands. Phase 1 is to be completed within 2006. Phase 2 will include the construction of the building and completing the balance of site work, utilities, and landscaping.

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 including bio-swales and other storm water treatment devices. Bio-swales have been located to collect run-off from parking lot pavement as well as other larger areas of the developed portion of the site before discharging into the realigned drainage ditch. The loading dock area will utilize trench filters that filter out petroleum constituents and valve assemblies that will enable the isolation of the drainage of the loading dock area in the case of a spill event.

The Project will result in the permanent filling of 0.46 acres of seasonal wetlands and the realignment of 804 linear feet of drainage ditch.

No special status plant or animal species were observed or are expected to occur as determined by biological assessments and surveys (WRA, Inc., September 2005). The site is not within the potential range of the California tiger salamander as mapped by the United States Fish and Wildlife Service and California Department of Fish and Game.

- Receiving Water: Waters of the State associated with the Santa Rosa Hydrologic Sub Area, Russian River Hydrologic Unit No. 114.22
- State and Local Approvals: A 1602 Streambed Alteration Agreement has been applied for from the California Department of Fish and Game (DFG). DFG issued a letter on April 26, 2006, indicating that the Project may be completed without an agreement. (Notification No. 1600-2005-0737-3)
- Federal Permit: The Applicant has applied for a U.S. Army Corps of Engineers Individual Permit. (File Number 29542N) (Pending)
- Filled or Excavated Area: Total Area Impacted: 0.46 acres  
Area Permanently Impacted: 0.46 acres (seasonal wetlands)  
Length Permanently Impacted: 804 feet (stream)
- Compensatory Mitigation: Compensatory mitigation for the permanent loss of 0.46 acres of Waters of the State will be by on-site creation of 0.80 acres (1.6:1 ratio) of seasonal wetland (the maximum possible within an existing conservation easement) and the purchase of 1.0 acre of wetland preservation credits from an approved mitigation bank (this Project is within the Santa Rosa Plain geographic area). Additional restoration near the created wetlands will include removal of non-native species in order to allow native wetland vegetation to become established. Monitoring of wetland and riparian vegetation success will continue for at least five years and include a minimum set of performance criteria. Success of the created wetlands shall be measured against the values of the filled wetlands, and determined by the following criteria:
1. Wetlands will have a higher aquatic and wildlife value;
  2. Equal or greater flood control capacity;
  3. Equal or greater nutrient retention and transformation;
  4. Equal or greater sediment and toxicant retention;
  5. Equal or greater groundwater recharge; and

6. Equal or greater detrital biomass production and organic carbon export.

Mitigation for realignment of the drainage ditch consists of improving the ditch to prevent flooding, realigning as much of the ditch in its present location as possible, planting the banks with riparian vegetation to create habitat where none exists currently, and providing a buffer zone between development and the realigned ditch. Revegetation will include planting Valley Oaks, Arroyo Willows, Coyote Brush, Toyon, Meadow Barley, California Brome, Creeping Wild-Rye, Three Weeks Fescue, and Tufted Hairgrass. No trees or shrubs will be planted in the bottom of the new drainage ditch.

Non-compensatory Mitigation:

Non-compensatory mitigation measures include the use of standard erosion control BMPs, as well as construction schedules that avoid wet periods. Temporary silt fencing, straw wattles, hay bales and seeding, and other appropriate BMPs as listed in the November 23, 2005, application, shall be incorporated to minimize the risk of soil mobilization and sediment transport during construction.

CEQA Compliance:

The Town of Windsor, as the lead California Environmental Quality Act (CEQA) agency, has determined that the Project qualifies for a Mitigated Negative Declaration, Resolution No. 1960-06, adopted on September 20, 2006, pursuant to the CEQA guidelines. State Clearinghouse Number 2006052127, File No. ZC 05-23 & MJS/UP 05-24.

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. 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 stream, or within Waters of the State or Waters of the United States.
3. BMPs for erosion, 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 and in accordance with the November 23, 2005, application.

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. 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.

9. 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 the Shiloh Oaks Federal Express Project (WDID No. 1B05156WNSO), 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 Order for any dredge and fill activities expires on December 31, 2008. 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 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: Ms. Jenny Chen, SWRCB, 401 Program Manager (acting)  
Mr. Bill Cox, California Department of Fish and Game, P.O. Box 47,  
Yountville, CA 94599  
Mr. Peter Straub, U.S. Army Corps of Engineers, Regulatory Branch,  
333 Market Street, San Francisco, CA 94105  
Mr. Douglas Spicher, 2169-G East Francisco Boulevard, Suite G,  
San Rafael, CA 94901