



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 18, 2006

Hop Kiln Winery
Vero Wine Group, LLC
6050 Westside Road
Healdsburg, CA 95448

To Whom It May Concern:

Subject: Notice of Coverage, Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities, Pistol Creek Bridge Project Phase 1, Healdsburg, Sonoma County

File: Pistol Creek Bridge Project Phase 1, Westside Road, Healdsburg, Sonoma County - WDID No. 1B06085WNSO

This letter provides notice that certain proposed activities are covered by the Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution 2002-0080. It responds to Ms. Carrie Lukacic's June 14, 2006, application, on behalf of Hop Kiln Winery (Applicant), for a Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements for dredge/fill activities.

The Regional Water Board received an application and processing fee in the amount of \$779.50 on June 14, 2006. Through consultation with Ms. Lukacic the Regional Board has decided to issue two permits for the project. This permit is to be for Phase 1 only.

Information describing the proposed Project was noticed for public comment on the Regional Water Board's website on September 15, 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

California Environmental Protection Agency

Recycled Paper

no later than simultaneously with issuance of certification." Due to the urgent nature of this project and to avoid an associated emergency, Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities, 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, and the certification may be modified.

Project Description: The first phase of the project will include the removal of a wooden bridge and the associated concrete abutments that were damaged in the January 2006 storms. The banks of Pistol Creek will then be seeded and erosion control measures will be put in place. The second phase will be covered by the Regional Water Board in a second permit to be issued at a later date and consists of the following: A new bridge will be constructed in the location of the old bridge. The channel under and around the bridge will be restored to a stable geometry by re-establishing a bankfull channel and over bankfull terraces. At an upstream site, work will consist of stabilizing an eroded bank and roughening the channel bottom. Prior to any work in the channel the project site would be cleared of salmonids and other species by a qualified fisheries biologist. Because the Project involves the discharge of waste that may affect Waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13260.

Receiving Water: Pistol Creek, Russian River Hydrologic Unit No.114.25.

Filled or Excavated Area: Total Area Impacted: 0.01 acres of streambank
Area Temporarily Impacted (Restored): 0.01 acres

Federal Permit: In a letter from Peter Straub of the United States Army Corps of Engineers dated September 7, 2006 it is stated "...applicant plans to remove the damaged bridge and its abutments, which is not subject to Corps jurisdiction..." File Number 303240N

State Permit(s): The Department of Fish and Game issued a 1602 Streambed Alteration Agreement on September 25, 2006. Notification Number 1600-2006-0412-3.

Compensatory Mitigation
Proposed for Implementation
as Part of the Project:

Compensatory mitigation is not required for this phase of the Project. All compensatory mitigation requirements will be completed in the second phase of the project.

Non-compensatory
Mitigation Proposed for
Implementation as Part of
the Project:

All exposed areas created as a result of the removal of the bridge and the associated abutments will be revegetated for erosion control. Revegetation will be completed by applying a sterile wheatgrass or "Regreen" seed. The seeds will be covered with four inches of weed free mulch. Seeding and mulching will be completed directly following bridge removal. Standard Post Construction BMPs will be used as well.

CEQA Compliance:

The California Department of Fish and Game, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, 15301 – Existing Facilities, September 29, 2006, pursuant to CEQA.

General Waiver
of Waste Discharge
Conditions:

The following is a partial listing highlighting selected standard provisions from Resolution 2002-0080:

1. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."
2. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."
3. "The Project shall not create a pollution, contamination, or a nuisance, as defined by California Water Code Section 13050."
4. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution 2002-0080."

5. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."

Additional Waiver
of Waste Discharge
Conditions:

The following from Resolution 2002-0080 apply specifically to dredge and fill activities.

"The Applicant shall comply with the following additional conditions:

1. Discharges shall be non-toxic, short-term, discharges to land.
2. The Project shall not result in a net loss of wetlands or beneficial uses.
3. This Notice of Coverage is valid only if operations are not being covered by General Waste Discharge Requirements."

Applicability of Waiver
of Waste Discharge
Requirements:

The proposed construction activity meets the eligibility criteria for the Waiver and, if constructed as described in the Application and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. No monitoring and reporting program is required, as the second phase of the project will remove any new vegetation. Therefore, I have determined that the Project is covered by the Waiver.

Expiration:

This Notice of Coverage expires upon completion of the Project or on October 15, 2007, whichever occurs first.

Please be aware that a failure to implement the Project according to the project description and other information submitted in the application may result in the revocation of this notice of coverage and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.

Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities. This Notice of Coverage includes monitoring and reporting requirements as specified in Resolution 2002-0080. Please notify Stephen Bargsten of our staff at (707) 576-2653 before Project construction begins so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

101806_jos_PistolCreekBridge_WaiverWDR.doc

Enclosure: Waiver Policy (Resolution 2002-0080)

cc: Ms. Jenny Chen, SWRCB, 401 Program Manager (acting), Clean Water Act
Section 401 Certification and Wetlands Unit Program
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. Carrie Lukacic, Winzler and Kelly, 495 Tesconi Circle, Santa Rosa, CA 95401
Ms. Sandra Etchell, 5677 Old Redwood Highway, Santa Rosa, CA 95403