



**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 19, 2006

Mr. Steve Brady  
Santa Rosa Department of Public Works  
69 Stony Circle  
Santa Rosa, CA 95401

Dear Mr. Brady:

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Yerba Buena Storm Damage Repair Project, Sonoma County

**File:** Yerba Buena Storm Damage Repair, Sonoma County,  
WDID# 1B06150WNSO

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 26, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Steve Brady of the City of Santa Rosa Department of Public Works requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Yerba Buena Storm Damage Repair Project (Project), Sonoma County. The proposed project causes disturbances to Waters of the United States and Waters of the State associated with the Santa Rosa Hydrologic Sub Area No. 114.22, 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 18, 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." The project is considered to be an

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emergency because without the repairs, the storm drains may fail and cause sediment discharges to occur during the winters storm events. 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 8, 2006, and the Order may be modified based on public comments.

**Project Description:** The proposed project has two sites; both are in Santa Rosa, Sonoma County. The first site is located at 2000 Escalero Drive (APN 153-230-001). The second site is located at 5923 Del Rey Court (APN 153-030-035) and is known as the Yerba Buena site. The purpose of the project is to address storm drain entrance facility damages caused by heavy storm events in December 2005 and January 2006.

At the Escalero Drive site work will include removal and disposal of an existing redwood drainage box damaged during heavy rains in December 2005 and January 2006. During these same storm events banks along the ephemeral drainage eroded away. These are to be repaired using seven (7) cubic yards of compacted fill. A new trash rack and field inlet assembly will be fabricated and installed. The new trash rack will be designed to block a significant amount of debris from entering the storm drain. The field inlet assembly will allow flows to enter the storm drain system in the event that the trash rack becomes clogged.

Work at the Yerba Buena site will include removal of the existing trash rack that was damaged during the above mentioned storm events. A new trash rack will be fabricated and installed along with a field inlet assembly. The designs for both of these will be similar to those that are to be used at the Escalero Drive site. A new concrete headwall will also be constructed, using up to two cubic yards of concrete fill. The work at this site is to be done manually.

Approximately fourteen (14) cubic yards of fill will be used to complete the project. A Mitigation and Monitoring Proposal has been developed to offset the impacts to Waters of the United States. Standard Construction Best Management Practices (BMPs) will be used at the sites to prevent erosion onsite.

Receiving Water: Waters of the United States and Waters of the State associated with the Santa Rosa Hydrologic Sub Area No. 114.22, within the Russian River Hydrologic Unit No. 114.00.

Federal Permit: The project applicant has applied to the U.S. Army Corps of Engineers (ACOE) for a Clean Water Act Section 404 Nationwide Permit (Pending).

State and Local Approvals: The California Department of Fish and Game (DFG) issued a Streambed Alteration Agreement on August 29, 2006. Notification number R3-2002-0808.

Filled or Excavated Area: Total Area Impacted: 0.007 acres of Waters of the State and Waters of the U.S. habitat  
Area Temporarily Impacted: 0.00 acres  
Area Permanently Impacted: 0.007 acres  
  
Total Linear Impacts: 43.0 linear feet impacted  
Length Temporarily Impacted (Restored): 0.0 linear feet  
Length Permanently Impacted (Not Restored): 43.0 linear feet

Compensatory Mitigation: Compensatory mitigation for this project will be attained through the planting of six (6) native riparian trees along Santa Rosa Creek. The trees will be planted in late 2006 along the upper banks within the Prince Memorial Greenway Project between Santa Rosa Avenue and Railroad Street. The trees will be monitored annually for five years to assure 100% survival.

Non-compensatory Mitigation: Non-compensatory mitigation measures include standard BMPs. All disturbed soils will be stabilized as soon as possible upon completion of construction. After the work is completed, reseeding with native grasses will be performed to stabilize disturbed banks. Erosion control blankets will also be used to stabilize the bank repair work. No equipment will be stored in the channel and no equipment or tools will be washed in an area where the water will be allowed to run into the channel. All fill material used on the site will be clean and free of contaminants.

**CEQA Compliance:** The Santa Rosa Public Works Department has filed a Notice of Exemption (Emergency Project 15269(a)) with the City of Santa Rosa. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined the Project qualifies for Statutory Exemption Section 15269, Emergency Project, 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. Best Management Practices 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. 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.
4. A copy of this Order must be provided to the contractor and all subcontractors conducting the work, and must be in their possession at the work site.
5. Monitoring Requirements – Construction and restoration work shall be implemented, and the monitoring shall follow the plan as proposed in the Application for 401 Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill), received September 26, 2006, including:
  - a) Restoration/vegetation will be monitored for five years with 100 percent survival of the six trees at the end of five years. A completion report will be submitted immediately after completion of the project, including a description of how the project proceeded and any deviations from planned activities, and photos of the project from start to finish. A monitoring report will be submitted (including photos) 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.
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.

7. 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.

8. 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.
9. The Applicant will provide maintenance to the new trash racks by ensuring that they are free and clear of any debris before and after the first major storm event.

Water Quality Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Yerba Buena Storm Damage Repair Project, (WDID# 1B06150WNSO), 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 15, 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 Johncaleb Sarsfield of our staff at (707) 576-6728 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), 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

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