



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

January 3, 2007

Ms. Patricia Hickey
Gold Ridge RCD
2020 Barlow Lane
Sebastopol, California 95472

Dear Ms. Hickey:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Spaletta Ranch Project, Marin County

File: Spaletta Ranch Project
Marin County, WDID No. 1B06015WNMA

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 February 23, 2006, the Regional Water Board received an application from Ms. Patricia Hickey, on behalf of the Gold Ridge Resource Conservation District (Gold Ridge RCD) (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Spaletta Ranch Project located on the ranch at 11250 Estero Road, Valley Ford, Marin County. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received. The project will impact Waters of the State associated with intermittent fresh water drainages, the Estero de Americano and the Bodega Hydrologic Unit No. 115.30.

Project Description: The project would consist of minor earthwork cut and fill operations to shape and repair an intermittent gully system that drains directly into the estuary. Two grass-lined waterways with engineered rock grade control structures and plunge pools will be created. Work on a smaller gully will result in the creation of a fabric lined swale. The gully system will be revegetated and fenced to exclude livestock. A second project site is located in an upland gully and would consist of minor earthwork cut and fill operations to shape and repair a gully, as well as restoring a historic channel crossing. A rocked ford will be created to restore the

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channel crossing. Extensive riparian planting will occur along the project area, and will be fenced to exclude livestock.

The total area of gullies to be restored is 0.71 acres. All impacts will be temporary and are designed to be self mitigating due to their benefit to water quality.

- Receiving Water: Intermittent fresh water drainages to the Estero de Americano and the Bodega Hydrologic Unit No. 115.30
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permit 13, Bank Stabilization, (File Number 302000N).
- State and Local Approvals: An application for a Lake and Streambed Alteration Agreement was submitted to California Department of Fish and Game February 20, 2006.
- Filled or Excavated Area: Total Area Impacted: 0.71 acres of wetland habitat
Area Temporarily Impacted: 0.00 acres
Area Permanently Impacted: 0.00 acres
Area Restored: 0.71 acres
- Compensatory Mitigation: No compensatory mitigation is required for the project, as it is designed to be self mitigating. The project will reduce sedimentation impacts to the Estero de Americano by restoring and stabilizing the soil in two headcuts. The project is located in designated coastal grasslands. All disturbed soils will be reseeded with a local native grassland mixture.
- Non-compensatory Mitigation: Non-compensatory mitigation will be achieved through the use of temporary silt control barriers, seeding and mulching as necessary, and other appropriate measures to minimize the risk of soil transport to downstream areas. Permanent erosion control measures are incorporated into the proposed project plan.
- CEQA Compliance: The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, Section 15333 – Small Habitat Restoration, 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) 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, 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.
- 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) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project. The disturbed portions of any Waters of the State or Waters of the United States shall be restored to as near their original condition as possible.
- 8) Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
- 9) 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.

- 10) Instream work shall not commence until June 15th and all work within the waterway shall be complete prior to October 15th.
- 11) The Estero Americano watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment and nutrients. Total Maximum Daily Load (TMDL) analyses has not been completed for the Estero Americano watershed sediment and nutrient listings. Livestock grazing in close proximity to water has been identified as a source of both sediment and excessive nutrients. At present, there are no watershed-specific implementation plans for these TMDLs. If TMDL implementation plans are adopted for these watersheds prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.
- 12) The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
- 13) 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 shall send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request shall 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.

- 14) 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 Spaletta Ranch Project (WDID No. 1B06015WNMA) 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).

This Order may be terminated or modified for cause, including, but not limited to: (a) violation of any condition contained herein; (b) misrepresentation or failure to disclose fully all relevant facts; and (c) change in any condition that requires either a temporary or permanent reduction or elimination of the certified discharge.

Any violation or threatened violation of the conditions in this Order shall be subject to any remedies, penalties, process or sanctions under state law, including civil liability under Water Code section 13385.

Expiration: The authorization of this certification for any dredge and fill activities expires on December 31, 2008. 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 (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: Nancy Dagle, SWRCB, Acting Certification and Wetlands Program Manager, Division of Water Quality

Mr. Liam Davis, Department of Fish and Game, Region 3, P.O. Box 47, Yountville, CA 94599

U.S. Army Corps of Engineers, Regulatory Branch, 333 Market Street, San Francisco, CA 94105