



**California Regional Water Quality Control Board
North Coast Region**

John W. Corbett, Chairman



Linda S. Adams
Agency Secretary

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**Arnold
Schwarzenegger**
Governor

July 20, 2007

In the Matter of

Water Quality Certification

for
**KEN GIOVANNETTI, SONOMA COUNTY DEPARTMENT OF
TRANSPORTATION & PUBLIC WORKS, GIOVANETTI ROAD AT
UNNAMED TRIBUTARY TO GREEN VALLEY CREEK PROJECT
WDID NO. 1B07030WNSO**

APPLICANT: Ken Giovanetti, Sonoma County Department of
Transportation & Public Works
RECEIVING WATER: Guerneville, Sub Area No. 114.11.
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00
COUNTY: Sonoma County
FILE NAME: Giovanetti Road at Unnamed Tributary to Green Valley
Creek Project

BY THE EXECUTIVE OFFICER:

1. On April 12, 2007, Mr. Ken Giovanetti, on behalf of Sonoma County Department of Transportation & Public Works (SCDTPW)(Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Giovanetti Road at Unnamed Tributary to Green Valley Creek Project. A fee in the amount of \$564.50 was received on March 22, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 18, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The Project is located approximately 1 mile west of the town of Forestville, between 6972 and 7000 Giovanetti Road, Sonoma County, 38.4666° latitude, -122.9094° longitude. The purpose of the Project is to remove accumulated sediment from within and immediately upstream and downstream of the corrugated metal pipe culvert under Giovanetti Road at an unnamed tributary to Green Valley Creek.
3. The proposed project will restore the capacity of the culvert and channel to reduce the potential for flooding on Giovanetti Road. An excavation upstream of the culvert

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will be dug using an excavator from the street only, and hand crews within the creek channel. The excavation will be approximately four feet deep, eight feet wide, and extend 35 feet upstream. Blackberries overhanging the channel will be pruned by hand to allow crews and equipment to operate. A large willow on the South bank will not be removed.

4. Downstream of the culvert, a small bulldozer will enter the streambed and push accumulated sediment upstream towards the culvert. The sediment will then be removed with an excavator operating from the roadway and placed into dump trucks to be hauled to an off-site upland location for disposal. The sediment will be removed at a varying depth from 4 feet at the culvert to 0 feet at the end of excavation, approximately 115 feet downstream. The excavation width will be approximately 8 feet wide removing materials from the channel only. Sediment will not be removed from the banks. Operation of equipment in the channel is necessary in order to minimize disturbance of riparian vegetation along the banks. Pruning of vegetation will be done by hand crews and kept to the minimum necessary to allow equipment and crews to operate and avoid breakage of trees. After removal of sediment, the bank areas disturbed by the Project will be protected by seeding with native grasses and/or protected from erosion by appropriate methods.
5. 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, March 16, 2007 pursuant to CEQA. The Project is exempt from CEQA under California Code of Regulations, title 14, section 15061, subdivision (b). The Project meets the exemption criteria under title 14, California Code of Regulations, section 15301(c) Existing Facilities. The Regional Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this order.
6. Construction Best Management Practices (BMPs) will be incorporated into the final Project plans in order to reduce and control soil erosion. Work in and around waterways will be conducted during the dry season, and will include installation of construction barrier fencing to preclude equipment entry into sensitive areas, installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area, topsoil salvage and reapplication, and seeding and mulching.
7. Applicant has applied for a United States Army Corps of Engineers Nationwide Permits 3, pending.
8. Applicant has applied for a California Department of Fish and Game 1602 Streambed Alteration Agreement, on May 7, 2007, Notification Number: 1600-2007-0122-3.

Receiving Water: Guerneville, Sub Area No. 114.11,
Russian River Hydrologic Area No. 114.00

Latitude/Longitude: 38.4666° north, -122. 9094° west

Filled or Excavated Area: permanent impacts, 0.027 acres

Expiration: October 15, 2009.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE GIOVANETTI ROAD AT UNNAMED TRIBUTARY TO GREEN VALLEY CREEK PROJECT (FACILITY NO. 1B07030WNSO), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from 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 title 23, California Code of Regulations, section 3855, subdivision (b) 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, title 23, California Code of Regulations, and owed by the applicant.
4. 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).
5. The Russian River watershed and the Laguna de Santa Rosa (tributary to the Russian River) are identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. The Laguna de Santa Rosa is listed as impaired for sediment, temperature, nitrogen, phosphorus, dissolved oxygen, and mercury. 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.

6. Except 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 Basin Plan.
7. Applicant shall construct the project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
8. Any change to the operation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
9. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Order.
10. Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Applicant shall be responsible for work conducted by its contractor or subcontractors.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete 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.
13. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage prior to discharge to surface waters.
14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United

States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.

15. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water.
16. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the Contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this project.
17. All mitigation activities shall be completed as proposed in the application.
18. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
19. The Regional Water Board may add to or modify the conditions of this certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
20. 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. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation

- c. address and phone number of contact person
- d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.

21. The authorization of this Order for any dredge and fill activities expires on October 15, 2009. 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 contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

Catherine E. Kuhlman

Executive Officer

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Original sent to: Ken Giovannetti, Sonoma County Department of Transportation & Public Works, 2300 County Center Drive B100, Santa Rosa, CA 95403

Copies sent to: Laura Peltz, Sonoma County Permit & Resource Management Dept., 2550 Ventura Avenue, Santa Rosa, CA 95403

Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program

Ms. Kimberly Niemeyer, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

Mr. Bill Cox, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599