



**California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

August 13, 2007

In the Matter of

Water Quality Certification

for the

**HARMONY UNION SCHOOL DISTRICT,
SALMON CREEK SCHOOL STORM DAMAGE REPAIRS PROJECT
WDID NO. 1B07060WNSO**

APPLICANT:	Harmony Union School District
RECEIVING WATER:	Salmon Creek, Sub Area No. 115.10.
HYDROLOGIC AREA:	Bodega Hydrologic Area No. 115.00
COUNTY:	Sonoma County
FILE NAME:	Salmon Creek School Storm Damage Repairs Project

BY THE EXECUTIVE OFFICER:

1. On May 10, 2007, Harmony Union School District (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 Salmon Creek School Storm Damage Repairs Project. A fee in the amount of \$875.00 was received on May 10, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 20, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The Project is located west of Santa Rosa at 1935 Bohemian Highway, approximately 2 miles south of Occidental, Sonoma County, (APN no. 073-140-010). The latitude and longitude is 38.38739° N, -122.93244° W. The purpose of the project is to repair storm damage caused to an access bridge, a road drainage culvert and a failing creek bank.
3. The project involves two sites located approximately 400-feet apart from one another on a reach of Salmon Creek that were damaged by the January 2006 storm event. An access bridge on the north side of the property was damaged as a result of high energy flows which scoured the concrete abutments and caused a large tree to fall

on the bridge deck. The failed bridge will be removed from the site as well as the concrete abutments at the top of the banks. This work will be conducted from top of banks, eliminating the need for equipment to enter the streambed. A 12-foot wide pre-manufactured bridge deck spanning 75-feet will be placed on piles placed from the top of the stream channel bank on both the west and east ends of the deck. The bottom of the bridge deck will be placed 4.95 feet above the calculated 100-year water surface elevation. Because the construction practices will occur outside of the stream during a low stream flow, a diversion of the channel flow or dewatering efforts will not be required. Clearing the project reach of native salmonids and implementing fish screens above and below the project reach will not be required.

In addition to the bridge replacement, an existing failed elliptical concrete culvert located 100-feet west of the bridge crossing will be replaced with a HPDE culvert. The culvert provides roadside drainage conveyance underneath the access road. A rock apron placed at the outlet will provide flow energy dissipation for scour prevention. Also, another culvert at the entrance of the access road and underneath Bohemian Highway will be replaced by the Sonoma County Department of Transportation and Public Works in order to prevent erosion from undermining the construction of the new bridge. The new culvert will be a 48"x 40-ft HDPE pipe and will be ½ ft deeper than current pipe bottom. Vegetation removal will be minimal and some trimming will be necessary to access the pipe. Rock slope protection, likely 12-inch engineer's rock, may be placed at the outlet. The area surrounding the pipe will be backfilled with cement/sand slurry.

The second project site is located 400-feet downstream from the access bridge and includes the restoration of approximately 50 feet of failed stream bank on the east side of the stream channel. The project includes re-grading the slope, installation of rip rap along the 50-foot channel toe, and bioengineering practices such as live willow wall and biodegradable erosion control fabric. On-site willow cuttings will provide soil stabilization and riparian cover along with other native plants to re-vegetate disturbed areas. Temporary sand bags may be preferable to direct continuous downstream stream flow away from bank during construction. Since construction will take place out of the stream, during a low stream flow, channel dewatering, clearing of native salmonids and fish screens will not be necessary.

4. Compensatory mitigation will be the replacement of riparian habitat lost due to storm damage. A native stock of willows (Arroyo willows will not be used) will be obtained from onsite cuttings, and will provide soil stability in addition to riparian cover for the channel. Native trees and shrubs will be planted and managed. A five year monitoring plan will be implemented with an 85% survival rate of all proposed plant species. Additionally, a native seed mix will be spread below the erosion control fabric or mulch. Yearly monitoring and reporting will be required.

5. Harmony Union School District has determined that this project is statutorily exempt from California Environmental Quality Act (CEQA) review (Section 15269 – Emergency Projects). Based on a review of the project information submitted to date, Regional Water Board staff determined that this project is categorically exempt from CEQA review (Class 1, Section 15269 – Declared Emergency) and anticipate filing a Notice of Exemption for this project.
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 Permit 33, file number 400116N.
8. Applicant has applied for a California Department of Fish and Game 1602 Streambed Alteration Agreement, on May 24, 2007, Notification Number: 1600-2007-0230-3.

Receiving Water: Salmon Creek, Sub Area No. 115.01, Russian River Bodega Hydrologic Area No. 115.00

Filled or Excavated Area: permanent impacts, 0.0068 acres

Latitude/Longitude: 38.38739° north, -122.93244° west

Expiration: October 15, 2009.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE SALMON CREEK SCHOOL STORM DAMAGE REPAIR PROJECT (FACILITY NO. 1B07060WNSO), 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. 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.
6. 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.
7. 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.
8. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Order.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. All mitigation activities shall be completed as proposed in the application.
17. 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.

18. 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.
19. 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.
20. 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: Mike Panas, Harmony Union School District, 1935 Bohemian Highway, Occidental, CA 95465

Copies sent to: Steve Allen, Winzler & Kelly Consulting Engineers, 633 Third Street, Eureka, CA 95501

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Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water
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Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel

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