



Linda S. Adams
Secretary for
Environmental Protection

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

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Arnold
Schwarzenegger
Governor

September 10, 2007

In the Matter of

Water Quality Certification

for the

**RURAL COMMUNITIES HOUSING DEVELOPMENT CORPORATION,
LAKEWOOD HOMES SUBDIVISION
WDID NO. 1B06017WNME**

APPLICANT: Rural Communities Housing Development Corporation
RECEIVING WATER: Ukiah, Sub Area No. 114.31
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00
COUNTY: Sonoma County
FILE NAME: Lakewood Homes

BY THE EXECUTIVE OFFICER:

1. On February 23, 2006, Jane Valerius, on behalf of Rural Communities Housing Development Corporation (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 Lakewood Homes Project. A fee in the amount of \$575.00 was received on August 25, 2006. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 16, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The Project is located at 500 West Lake Mendocino Drive in Ukiah, assessor parcel numbers 169-090-11 and 19. The purpose of the Project is to improve drainage and construct the housing development.
3. The development will include 62 units, a combination of self-help and contractor-built single family homes on 10.4 acres outside of Ukiah in Mendocino County. The property consists of two parcels that will be developed in two phases. The sweat-equity program will consist of 47 homes owned and built by qualifying very-low and low income households. The 11 contractor-built homes will be sold to qualifying moderate income households. The development of the property, prior to

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construction of the homes, will include construction of a public street joining both phases, through an easement on private property between the two parcels. Except for a sloped area near the entrance to the property, the land is relatively flat. The Project will permanently fill approximately 0.03 acres of Waters of the State and United States.

4. The treatment of post construction storm water runoff for the Project will include the use of vegetated swales and underground storm drain detention. The vegetated swales will act to filter storm water drainage from the street and impervious areas on the housing lots and allow infiltration, and the underground storage within a 48-inch storm drain pipe within the roads will store and release storm water at a metered rate, thus attenuating the peak storm flow. The underground storm drain detention will also act as a sediment and trash collector, and will be cleaned by vacuum truck as necessary.
5. After treatment, the storm water will be conveyed to a storm drain that drains to an ephemeral watercourse that flows to the Russian River. The ephemeral watercourse will be deepened to accommodate a 10 year storm event, and be armored by use of bioengineering. The specific type of bioengineering will use an expanded Geoweb erosion control fabric product that forms a celled structure that is at least 4 inches thick that covers the area of the watercourse. The cells will be filled with a soil media mixture, seeded and planted with a mix of native wetland vegetation. Weed-free straw mulch will be applied to the planting area. This bioengineering technique will be used rather than the extensive rock riprap that was previously proposed. There will be a minimal use of riprap at the outfall structure to absorb and distribute some of the energy from the storm drain outfall flow.
6. Compensatory mitigation for the project includes creation of wetland at a 1:1 ratio, and restoration of upland and stream bank at a 2.6:1 ratio, through use of planting of native wetland and upland plants and removal of exotic, non-native plant species. Maintenance and monitoring will also be necessary. The revegetation and enhancement areas shall achieve an 80% survival rate of all plant species after five years. The entire area to be restored will be fenced. The site will be maintained in accordance with the *Wetland Mitigation and Monitoring Plan* (Corps file no. 279550).
7. 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 the immediate work area, topsoil salvage and reapplication, and seeding and mulching.

8. On October 5, 2006, the Applicant adopted a mitigated negative declaration (State Clearinghouse number 2006082007) for the project in order to comply with the California Environmental Quality Act (CEQA). The Regional Water Board has considered the environmental document and any proposed changes incorporated into the Project or required as a condition of approval to avoid significant effects to the environment.
9. A California Department of Fish and Game (DFG) Lake and Streambed Alteration Agreement was applied for on February 21, 2006, file number 270550N. A federal Clean Water Act Section 404 Nationwide Permit No. 39 (Residential, Commercial, and Institutional Developments), from the Army Corps of Engineers was issued on March 2, 2006, file number 279551N.

Receiving Water: Ukiah Sub Area No. 114.31,
Unnamed ephemeral tributary to the Russian River
Hydrologic Area No. 114.00, and adjacent seasonal
wetlands.

Filled or Excavated Area: 0.03 acres of permanent impacts to waters of the State and
United States

Latitude/Longitude: 39.20009° north, -123.19804° west

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE LAKEWOOD HOMES PROJECT (FACILITY NO. 1B06017WNME), 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 the Applicant complies with the following terms and conditions:

1. This Order 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 Order 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 Order 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 Order (Enclosed).
5. The Russian River is identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, a total maximum daily load (TMDL) has not been established to address these impairments. If a TMDL and an implementation plan are adopted for the Russian River prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in an action plan.
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 Water Quality Control Plan for the North Coast Basin (Basin Plan).
7. The 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. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Order.
10. The 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. The 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 State and United States. 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 Order, 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 or state 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 Order, 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, 2011. 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.

Robert R. Klamt
Interim Executive Officer

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Original sent to: Diann Simmons, Rural Communities Housing Development Corporation, 499 Leslie Street, Ukiah, CA 95482

Copies sent to: Jane Valerius, 152 Weeks Way, Sebastopol, CA 95472

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

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

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