



**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

October 2, 2007

In the Matter of

Water Quality Certification

for the

**SONOMA COUNTY GENERAL SERVICES DEPARTMENT,
PAULIN CREEK AT COUNTY FARM ROAD RETAINING WALL REPLACEMENT
PROJECT
WDID NO. 1B07117WNSO**

APPLICANT:	Sonoma County General Services Department
RECEIVING WATER:	Paulin Creek
HYDROLOGIC AREA:	Russian River Hydrologic Area No. 114.00, Santa Rosa Sub Area No. 114.22
COUNTY:	Sonoma County
FILE NAME:	Paulin Creek at County Farm Road Retaining Wall Replacement Project

BY THE EXECUTIVE OFFICER:

1. On July 31, 2007, Laura Peltz, on behalf of the Sonoma County General Services Department (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 Paulin Creek at County Farm Road Retaining Wall Replacement Project. A fee in the amount of \$500.00 was received on July 31, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 10, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The proposed project is located at 3336 Chanate Road, Santa Rosa, Sonoma County, (APN no. 180-090-006). The purpose of the project is to replace a 55-foot long retaining wall along the west bank of Paulin Creek. The wall was damaged during the New Year's Eve 2005 storm event. A portion of the retaining wall has collapsed, depositing debris in the creek channel. The remaining portion of the wall is leaning over the creek, causing the adjacent parking lot to fail. This project will

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replace the damaged wall to prevent further damage to the bank and the adjacent property during future storm events and would repair the existing parking area.

3. The project involves the replacement of a 55-foot long retaining wall. The existing stone and mortar retaining wall will be removed and replaced with a Keystone[®] retaining wall. The new wall will be the same height as the existing wall (12 feet). The new wall will be 5 feet longer as it will tie back into the bank on the downstream end. A 26-foot by 20-foot parking area that was damaged due to the wall failure will also be replaced. Prior to removing the existing retaining wall, the stream will be diverted into a pipe culvert to isolate it from the work area. Hand crews and a backhoe, operating from the top-of-bank, will remove rock debris that has fallen into the channel as a result of the wall failure. The temporary coffer dam will be constructed of clean gravel or sand bags. All stone/gravel/sand materials added to the stream shall be completely clean and washed and shall not contribute any turbidity to the stream. In addition, wattles will be installed with filter fabric to control erosion and sediment transport during construction. All fish or other significant aquatic species (such as tadpoles, frogs, and turtles) in the dewatered portion of the stream will be collected by a qualified biologist and relocated downstream of the work area. Any remaining ponded water in the work area will be pumped to the adjacent grassy upland area or be placed in a tank and disposed of in a permitted manner. Approximately ten cubic yards of 12-inch to 16-inch rock slope protection will be placed at the base of the new retaining wall. This project will not result in a loss of channel capacity. The project will require the removal of at least two, but possibly four trees. Three of these are oaks growing at the top of bank and one alder.
4. Compensatory mitigation will include replacement of the removed trees with the same or similar species at a 3:1 ratio. A five year monitoring plan will be implemented requiring an 85% survival rate of all proposed plant species. Additionally, a native seed mix will be spread on all exposed soil surfaces. Erosion control fabric will be installed on all surfaces with a slope 2:1 or greater. Slopes less than 2:1 shall be straw mulched, or have erosion control fabric installed, over native grass seed. Materials excavated from the channel will be removed from the site and deposited in a approved disposal site.
5. At a minimum, the following 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; 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.
6. The County of Sonoma has determined that this project is statutorily exempt from California Environmental Quality Act (CEQA) review (Section 15301 – Existing

Facilities). 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 15301 – Existing Facilities) and anticipate filing a Notice of Exemption for this project.

7. A California Department of Fish and Game (DFG) Lake and Streambed Alteration Agreement was applied for on July 26, 2007. A federal Clean Water Act Section 404 Nationwide Permit No. 3 (Repair, rehabilitation, or replacement of structures destroyed by storms or floods in past 2 years), from the Army Corps of Engineers was applied for on July 26, 2007.

Receiving Water: Paulin Creek within the Russian River Hydrologic Area No. 114.00, Santa Rosa Sub Area No. 114.22

Filled or Excavated Area: 0.011 acres of permanent impacts to waters of the State.

Latitude/Longitude: 38.46996° north, -122.70769° west

Expiration: October 15, 2009

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE PAULIN CREEK AT COUNTY FARM ROAD RETAINING WALL REPLACEMENT PROJECT (FACILITY NO. 1B07117WNSO), 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, 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.

Robert R. Klamt
Interim Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original sent to: Barry LeDucq, Sonoma County General Services Department,
2300 County Center Drive B100, Santa Rosa, CA 95403

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

Department,

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

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

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory
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Mr. Bill Cox, California Department of Fish and Game, P.O. Box 47,
Yountville, CA 94599