



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



**Linda S. Adams**  
Secretary for  
Environmental Protection

[www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

**Arnold  
Schwarzenegger**  
Governor

October 5, 2007

---

---

In the Matter of  
**Water Quality Certification**

for the

**KEN CORY, JESS JACKSON AND BILL MYERS,  
SAUSAL CREEK BANK STABILIZATION PROJECT  
WDID NO. 1B07114WNSO**

APPLICANT: Sotoyome Resource Conservation District  
RECEIVING WATER: Sausal Creek, within the Geyserville Sub Area No. 114.25.  
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00  
COUNTY: Sonoma County  
FILE NAME: Sausal Creek Bank Stabilization Project

---

---

BY THE EXECUTIVE OFFICER:

1. On September 12, 2007, Sotoyome Resource Conservation District, on behalf of Ken Cory, Jess Jackson and Bill Myers (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 Sausal Creek Bank Stabilization Project. A fee in the amount of \$3,055.00 was received on July 2, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 12, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The proposed project is located on Sausal Creek in Healdsburg, Sonoma County, California, (APN. No(s) 131-200-023, -014, -019, -011). The purpose of the project is to stabilize and re-vegetate approximately 511 linear feet of creek bank, reduce sediment delivery to the creek, and preserve the landowners property.
3. Bank stabilization techniques will include excavation and re-sloping of the stream bank (208 cu. yd. cut and 340 cu. Yd. Fill), and installation of minimal rock rip rap (no more than 179 cu. yd.), use of biodegradable erosion control fabric, and heavy native planting. There are three landowners participating in this project, and work on their properties is designed to collectively address the expanse of the active erosion

***California Environmental Protection Agency***

*Recycled Paper*

in the creek. Vegetation removal shall be avoided whenever possible. The landowners will install native plant species along the banks of the sediment basin as well as the banks of the wet crossing. Native species will include Oregon Ash (*Fraxinus latifolia*), Toyon (*Heteromeles arbutifolia*), California wild rose (*Rosa californica*), Snowberry (*Symphoricarpos albus var laevigagus*), California Black Walnut (*Juglans californica*), Big Leaf Maple (*Acer macrophyllum*), California Box Elder (*Acer negundo*), California Buckeye (*Aesculus californica*), and others as available. All areas of rock rip rap will be planted with red or yellow willows planted at a 3 foot spacing. All backfill will be compacted, seeded with a native grass mix and covered with erosion control fabric staked in place. Project construction work will be performed in general accordance with the drawings entitled, "Sausal Creek Restoration Project," in eight (8) sheets dated May 2007. The applicant has consulted with the National Marine Fisheries Service and shall construct the project as per recommendations made in the letter dated September 4, 2007.

Specific engineering protocols for each property are outlined below:

### **White Oak Vineyards**

A 125 foot section of stream bank along White Oak Vineyards (east bank of Sausal Creek) will be restored with 15 inch toe rock in a 3ft x 3ft trench and extended to a height of 6 feet at a 1.5:1 slope. The toe rock trench is constructed in alignment with the bank prior to erosion, approximately 10-15 feet horizontally from the current top of bank. Backfill will be a 2% slope into the existing bank. Behind the rock will be planted with native vegetation and willows. Backfill will be soil and gravel from the opposite bank (Kendall-Jackson property). This borrow site widens the channel to the minimum 28 foot wide channel bottom. The willow post plantings will be planted into the saturated zone (4-5 feet deep).

### **Kendall-Jackson Jimtown Vineyard**

Two sections of eroded stream bank, approximately 200 feet long, will be restored on the Kendall-Jackson property (western bank of Sausal Creek). The upstream 75 foot section will be fitted with a 3 foot willow wall revetment. Brush mattress will be secured in a trench at the toe of the bank and tied into stable bank sections, upstream and downstream of the eroded stream bank. A root wad or large rock placed at the upstream end of the willow wall and brush mattress will prevent bank failure. 15 inch toe rock and compacted backfill will be planted with native vegetation and willows will restore an additional 125 foot section downstream. The toe rock will be placed in a 3 ft x 3 ft trench, and extended to a height of 6 feet, at a 1.5:1 slope. The toe rock trench will be aligned with the original bank toe prior to where the erosion begins, approximately 15-20 feet horizontally from the current top of bank. The backfill will have a 2:1 slope extending into the current top of bank. The finished slope will be planted with native vegetation and willow posts. A few small trees will

be relocated from the channel center to the Western bank downstream of the restored area.

### **Ken Cory Farms**

Two sections of eroded stream bank, approximately 140 feet long, will be stabilized on Ken Cory's property (east bank of Sausal Creek). 24 inch toe rock and compacted backfill at a 1.5:1 slope, will be planted with native vegetation on the upstream 25 foot section. The toe of the compacted backfill will be aligned consistent with the bank alignment prior to the erosion event. The finished slope will be planted with native vegetation. A 3-foot willow wall revetment with planted, compacted backfill will stabilize the downstream 115-foot section. The compacted backfill toe will be aligned with the top of bank prior to erosion, approximately 5 feet horizontally from the current top of bank. The backfill will be placed at a 2:1 slope extending to the current top of bank. The finished slope will be planted with native vegetation. A 3-foot willow wall revetment is secured in a trench at the toe of the backfill. The willow wall revetment will be tied into the stable bank sections upstream and downstream of the compacted backfill.

4. This project is designed to be self mitigating as the bank stabilization and planting will reduce sediment delivery to the creek, provides creek shading, and reduces threats to life and property. Future monitoring, maintenance and management of the site after construction are the responsibility of the homeowner. An 85% survival rate of all proposed plant species after five years will be implemented. All plantings shall be irrigated to ensure survival. Yearly monitoring reports will be submitted detailing replanting plan status.
5. On September 22, 2007, the Applicant adopted a mitigated negative declaration (State Clearinghouse number 2007072096) 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.
6. 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.
7. Applicant has applied for a United States Army Corps of Engineers Nationwide Permit 13, June 21, 2007.

8. Applicant has applied for a California Department of Fish and Game 1602 Streambed Alteration Agreement, June 21, 2007,

Receiving Water: Sausal Creek, within the Geyserville Sub Area No. 114.25,  
Russian River Hydrologic Area No. 114.00

Filled or Excavated Area: permanent impacts, 511 linear feet

Latitude/Longitude: 38.6684° north, -122.8080° west

Expiration: October 15, 2009.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE SAUSAL CREEK BANK STABILIZATION PROJECT (FACILITY NO. 1B07114WNSO), 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 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 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.

---

Robert R. Klamt  
Interim Executive Officer

100507\_DLB\_Sausal\_Creek\_Bank\_Stabilization\_Project\_401Cert.doc

Enclosure: SWRCB Order No. 2003-0017-DWQ

Original sent to: Ken Cory, 7301 Highway 128, Healdsburg, CA 95448

Jess Jackson, Kendall Jackson, 421 Aviation Blvd., Santa Rosa,  
CA 95403

Bill Myers, White Oak Vineyards, 7431 Highway 128, Healdsburg,  
CA 95448

Copies sent to: Kara Heckert, Sotoyome RCD, PO Box 11526, Santa Rosa, CA  
95401

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  
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

***California Environmental Protection Agency***