



**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

November 19, 2007

In the Matter of

Water Quality Certification

for the

**ROSS ALBERTSON AND TIFFANY FLEISCHMANN,
VINEYARD VIEW SINGLE-FAMILY HOMES PROJECT
WDID NO. 1B07045WNSO**

APPLICANT: Ross Albertson and Tiffany Fleischmann
RECEIVING WATER: Unnamed tributary within the Mark West HSA Sub Area No. 114.23
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00
COUNTY: Sonoma County
FILE NAME: Vineyard View Single-Family Homes Project

BY THE EXECUTIVE OFFICER:

1. On April 19, 2007, Mr. Ross Albertson and Ms. Tiffany Fleischmann (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 Vineyard View Single-Family Homes Project (Project). A fee in the amount of \$758.00 was received on April 19, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 20, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The proposed Project is located approximately 1 mile east of the town of Windsor, at 595 Jensen Lane, Sonoma County, California, (APN. No. 162-020-023). The latitude and longitude is 38.5494°N and -122.7945°W. The purpose of the project is to create three new single family homes for personal use.
3. The proposed Project will divide the approximately 4.8 acre property into four parcels (Lot 1 - 34,520 square feet, Lot 2 - 38,400 square feet, Lot 3 - 55,200 square feet, Lot 4 - 58,710 square feet). The existing single family home that fronts Jensen Lane on Lot 1 will remain intact and three single-family homes will be developed on lots 2-4. The project will also demolish existing outbuildings on Lot 1 which includes

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several old barns. The project proponent proposes to fill 0.10-acre of seasonal wetlands and 245 linear feet of ephemeral drainage channel. The remaining 0.20-acres of the existing 0.30-acres of seasonal wetlands are proposed to be preserved on-site as well as a portion of the drainage channel.

4. Compensatory mitigation for the permanent filling of 0.10 acres of seasonal wetland habitat was attained through the purchase of 0.10 acres of created wetland credits and 0.05 acres of plant preservation credits (October 26, 2005, from Sonoma County Airport Consolidated Wetlands Mitigation Area), along with an additional 0.05 acres of Sebastopol Meadowfoam preservation credits (August 10, 2007, from Swift/Turner Preservation Bank). Compensatory mitigation for the fill of the drainage channel includes the redirecting and creation of 250 linear feet of new drainage channel within the project site. A mixture of native seed mix, native trees, and native shrubs will be planted along the banks of the created drainage channel, providing greater biodiversity, filtration, and habitat. Project construction work would be performed in general accordance with the drawings entitled, "Town of Windsor, Vineyard View," in eleven (11) sheets dated September 12, 2007, Project no. 05-26. A five year monitoring plan will be implemented with a goal of 85% survival rate of all proposed plant species. Yearly monitoring and reporting will be required for a minimum of 5 years, and until the project is deemed stable and established. The proposed compensatory mitigation meets the "no net loss" of wetland acres condition under United States Army Corps of Engineers (USACE), Regional Water Board and Department of Fish and Game (DFG) permitting procedures.
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. Additionally, all required BMPs shall be on-site and ready for timely deployment, before start of construction activities.
6. On November 30, 2006, the Applicant adopted a mitigated negative declaration (State Clearinghouse number 2006092059) 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.
7. A California Department of Fish and Game (DFG) Lake and Streambed Alteration Agreement was received on June 5, 2007, file no. 1600-2007-0162-3. A federal Clean Water Act Section 404 Nationwide Permit No. 39 (Residential, Commercial, Institutional Developments), from the Army Corps of Engineers was applied for on April 11, 2007.

Receiving Water: Unnamed tributary within the Mark West Sub Area No. 114.23, Russian River Hydrologic Area No. 114.00, and adjacent seasonal wetlands.

Filled or Excavated Area: 0.10 acres of permanent impacts to waters of the United States and 245 linear feet of temporary impacts to waters of the State.

Latitude/Longitude: 38.5494° north, -122.7945° west

Expiration: October 15, 2012

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE VINEYARD VIEW SINGLE-FAMILY HOMES PROJECT (FACILITY NO. 1B07045WNSO), 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 certification (Enclosed).
5. The Russian River watershed 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, there are no watershed-specific implementation plans for this TMDL. If TMDL implementation plans are adopted for this watershed 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 an action 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. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
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 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.
10. 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.
11. All mitigation activities shall be completed as proposed in the application.
12. 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 or state permit or license subject to this certification 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 certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
13. 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.

14. 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 certification 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.
15. Except as may be modified by any preceding conditions, all Orders 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).
16. The authorization of this Order for any dredge and fill activities expires on October 15, 2012. 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.
17. 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.
18. 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.
19. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly.
20. 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.

21. 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.
22. 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.

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: Ross Albertson and Tiffany Fleischmann, 3250A Dutton Avenue,
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