



California Regional Water Quality Control Board North Coast Region

John W. Corbett, Chairman

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Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

November 27, 2007

In the Matter of

Water Quality Certification

for the

SAGEWOOD SANTA ROSA, LLC, MEADOWOOD RANCH PROJECT: WDID NO. 1B05060WNSO

APPLICANT: Mr. Kevin Pohlson and Sagewood Santa Rosa, LLC
RECEIVING WATER: Colgan Creek
HYDROLOGIC AREA: Middle Russian River Hydrologic Area No. 114.20
COUNTY: Sonoma County
FILE NAME: Sagewood Project

BY THE EXECUTIVE OFFICER:

1. On May 4, 2005 Mr. Ted Winfield of Ted Winfield and Associates, on behalf of Mr. Kevin Pohlson and Sagewood Santa Rosa, LLC (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 Meadowood Ranch Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 24, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The Project consists of two parcels which are located at 2853 and 2875 Dutton Meadows Drive in Santa Rosa, APN's 043-111-005 and 043-111-006. The purpose of the Project is to construct a 78 lot residential subdivision on 11.35 acres.
3. The Project area is relatively flat terrain, previously used as agricultural/grazing lands and open space. Construction of the Project will involve the removal of existing vegetation and structures, mass grading and excavation, underground utility installation, paving, the construction of residential structures, landscaping, and the handling of a variety of construction materials. A detention/water quality basin will be constructed as part of the mass grading activities. The completion of construction activities will result in 78 lots with single-family detached residences as well as public

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streets. The houses will have attached garages located at the rear of the lots. The garages will be accessible by public alleys.

4. The total area of wetland fill associated with the construction of the subdivision is 1.66 acres. Construction is expected to begin with mass grading and site improvements in the early summer of 2007. The detention basin will be constructed at this time. Paving activities should be complete by October 2007. Home building activities will begin once paving is complete, and will be ongoing throughout the wet season. Construction is expected to be completed no later than fall 2008.
5. Compensatory mitigation for this Project has been attained through the purchase of mitigation credits. Mitigation for wetland loss has been attained through the purchase of 1.66 acres of wetland creation credits and 1.66 acres of wetland preservation credits from Hale mitigation bank. Mitigation for the loss of 9.68 acres of California Tiger Salamander (CTS) habitat has been attained by purchasing CTS mitigation credits at a 2:1 ratio, resulting in the purchase of a total of 19.36 acres of CTS habitat mitigation. The credits have been purchased from the Christina Preserve (18.73 acres), the Davis Preserve (2.32 acres), and the Hazel Mitigation Bank (1.95 acres).
6. Non-compensatory mitigation measures include the use of erosion control Best Management Practices (BMPs) for construction of the Project, as outlined in the Storm Water Pollution Prevention Plan submitted with the application. 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. BMPs shall be properly and adequately installed before the first storm of the wet season.
7. Post-construction stormwater will be treated through the use of an extended detention basin, or "dry" pond. Runoff from the entire site will be routed through the storm drain system and into the detention basin, where it will undergo treatment via infiltration and settling. The detention basin is designed to the Standard Urban Stormwater Mitigation Plan criteria as developed by the City of Santa Rosa. It will contain a sediment forebay located directly upstream of the detention basin and directly below the outlet of the site's stormwater discharge. The detention basin also contains a low flow channel for low volume discharges, as well as volume sufficient to attenuate storm water peak flow and aid in flood prevention. After treatment in the detention basin, stormwater will flow into a storm drain system which outlets directly into Colgan Creek. A full description of the detention basin is found in the Storm Water Mitigation Plan that was submitted with the application.
8. In March, the City of Santa Rosa certified an Environmental Impact Report (EIR) (SCH No.2002092016) for the Project in order to comply with CEQA. The Regional Water Board has considered the environmental document. 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. The Applicant has filed a permit application with the United States Army Corps of Engineers for a 404 permit for the Project; the permit is still pending. File number 25717N.

Receiving Water: Colgan Creek
Middle Russian River Hydrologic Area No. 114.20
Russian River Unit No.114.00

Latitude/Longitude: 38.405623° North, 122.730546° West

Area Permanently Impacted: Approximately 1.66 acres

Expiration: October 15, 2011.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE MEADOWOOD RANCH PROJECT (FACILITY NO. 1B05060WNSO), 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 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, a total maximum daily load (TMDL) has not been established for this watershed. If a TMDL and associated implementation plan is 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 the action plan.
6. The applicant is required to install and maintain post-development storm water controls consistent with the application submitted to this office. The storm water

treatment system shall provide ongoing treatment for storm water flows equal to or greater than the 85th percentile 24-hour storm. The applicant is required to submit a written document describing the maintenance of post construction storm water treatment measures and proof of the funding mechanism for approval by Regional Water Board staff by November 19, 2008. Regional Water Board will consider failure to show proof a rebuttable presumption of noncompliance with this condition. Violation of this condition subjects Applicant to civil liability under the Water Code, including section 13385. Water Code section 13385 imposes liability from \$10,000 to \$25,000 per day for each day in which the violation occurs. The Regional Water Board retains the right to require modifications to the post-development storm water treatment system in accordance with Section 13260 of the California Water Code.

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. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
9. 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.
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. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
11. 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.
12. All mitigation activities shall be completed as proposed in the application.
13. 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.

14. 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.
15. 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.
16. 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).
17. 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.
18. 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.
19. 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.

20. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly.
21. 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.
22. 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.
23. 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.

Robert R. Klamt
Interim Executive Officer

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Enclosures: 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.

Original sent to: Mr. Kevin Pohlson, Sagewood Santa Rosa, LLC, 500 La Gonda Way, Suite 100, Danville, CA 94526

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

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