



**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

June 26, 2008

In the Matter of

Water Quality Certification

for the

**US ARMY CORPS OF ENGINEERS
WARM SPRINGS DAM/LAKE SONOMA
OUTLET CHANNEL EROSION REPAIR PROJECT
WDID NO. 1B08104WNSO**

APPLICANT:	US Army Corps of Engineers
RECEIVING WATER:	Dry Creek
HYDROLOGIC AREA:	Russian River Hydrologic Area No. 114.00, Warm Springs Hydrologic Sub Area No. 114.24
COUNTY:	Sonoma County
FILE NAME:	USACE Warm Springs Dam/Lake Sonoma Outlet Channel Erosion Repair Project

BY THE EXECUTIVE OFFICER:

1. On April 24, 2008, Ms. Allison Bremner, of the US Army Corps of Engineers (USACE) (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 Warm Springs Dam/Lake Sonoma Outlet Channel Erosion Repair Project (Project).

Information describing the proposed project was noticed for public comment on the Regional Water Board's website on June 26, 2008. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification."

California Environmental Protection Agency

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Due to the nature of emergency associated with this project due to the possibility of damage to Dry Creek Road, and/or the spillway structure, this 401 Water Quality Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period.

2. The job site is located at the U.S. Army Corps of Engineers' (Corps) Warm Springs Dam / Lake Sonoma Project. The Federally-owned project is located approximately 14 miles northwest of Healdsburg, California and is accessible via Dry Creek Road and Skaggs Springs Road.

The 319-foot earth fill dam was constructed in 1983 on Dry Creek (a major tributary to the Russian River) at its confluence with Warm Springs Creek, which created Lake Sonoma. The project included a spillway, a downstream outlet, a recreational facility, a fish hatchery, and channel improvements downstream. The dam's main purposes are to provide flood protection, store water for irrigation and municipalities, and to create the lake for recreation.

The project area is surrounded with open fields and developed land for hatchery structures. The contractor would be working below the dam and within the project's outlet channel (Dry Creek) at three specific sites (A, B, C). The overall size of the project area is approximately 7,100 square feet (sq. ft.). The current channel contains rip rap and vegetation; a lot of the stream bank material has eroded away.

There are no other projects being implemented or planned that are related to the proposed project, or that may impact the water body at this time.

Work would predominantly include the placement of approximately 1,800 tons, or 1,050 cubic yards (c.y.), of 27" riprap at two different sites along portions of the channel slope and invert. Work would also include the placement of approximately 130 tons (70 c.y.) of 18-inch riprap and 50 tons (53 c.y.) of quarry spoils (6-inch minus) at a third site along the channel slope.

The overall size of the project area is approximately 7,100 sq. feet. Site A is approximately 25'x 60' (1,500 sq. ft.) and located immediately below the concrete apron to the stream gauging station. Site B is approximately 20'x 250' (5000 sq. ft.) and extends about 250 feet downstream from Site A, along the right (viewed downstream) channel slope. Site C is approximately 20'x 30' (600 sq. ft.) and is immediately downstream of Site A, on the left channel side as viewed downstream.

Work is prohibited during the spawning steelhead trout run, which can begin as early as mid-October and typically ends in mid-May of the following year. Accordingly, the Contractor shall not be allowed to begin placement of riprap before May 20th and shall be required to complete all work no later than October 15th. Stream flows are

regulated by the USACE and should be in the order of 120 cubic feet per second (cfs) during construction.

3. **Washing of Riprap.** The Contractor shall wash down riprap to meet turbidity requirements, which are described in the next paragraph. The Contractor shall use unpolluted clean water to remove any dirt and fine material prior to placement. Wastewater shall not be allowed to discharge into the outlet channel (Dry Creek). Wastewater can be allowed to percolate into the ground, or evaporate. If necessary, the Contractor can use sandbags, or other suitable means, to direct flow and/or provide temporary containment. The Contractor shall restore staging areas and construction traffic areas to their pre-project condition.
4. **Turbidity Monitoring.** The Contractor shall take turbidity measurements at least once a day while any riprap is being placed in the water. The Contractor shall record the turbidity in NTU units using an EPA approved turbidity meter. Prior to use, the meter must be calibrated in accordance with the manufacturer's instructions. After calibration, a background turbidity measurement shall be taken approximately 50 feet downstream of the construction site. A second turbidity measurement shall then be taken approximately 300 feet downstream of the construction site. Both measurements should be taken approximately 10 feet from the shoreline using a boat. If the second turbidity measurement is more than 10 NTU above the background level, the Contractor shall alter construction to reduce the turbidity level. If the background level is greater than 100 NTU, then the turbidity criteria shall be changed to 10% above background. If the turbidity criteria are exceeded, turbidity measurements must be conducted every 2 hours until there are three consecutive measurements that are below the criteria. Afterwards, the frequency may be returned to a once a day measurement. All measurements shall be recorded in a daily logbook and the logbook, or a copy of the logbook, given to the on-site USACE representative after project completion. If there is a turbidity exceedance, the logbook should contain observation notes on the reasons for the exceedance.
5. **Work in stream.** The Contractor shall be advised not to place equipment in the channel and dump, roll or push riprap to place it. The vertical drop shall be minimized.
6. **Compensatory mitigation for the project is not necessary as the Project is replacing structures that were formerly mitigated for.**
7. **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.

8. The Regional Water Board, the lead California Environmental Quality Act (CEQA) agency, has determined that this Project qualifies for a Categorical Exemption, 15301 – Existing Facilities, pursuant to CEQA guidelines, and will file a Notice of Exemption with the State Clearinghouse.
9. As a Federal Agency, an Army Corps permit is not required; however, the Applicant has consulted with NOAA Fisheries Service and will abide by their recommendations for mitigation and enhancements.

Receiving Water: Dry Creek, a tributary to Russian River Hydrologic Area No. 114.00, Warm Springs Hydrologic Sub Area No. 114.24

Filled or Excavated Area: 0.163 acres of permanent impacts

Latitude/Longitude: 38.71985° North, -122.99947° West

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE US ARMY CORPS OF ENGINEERS WARM SPRINGS DAM/LAKE SONOMA CHANNEL EROSION REPAIR PROJECT (FACILITY NO. 1B08104WNSO), 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 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 watershed and the Laguna de Santa Rosa (tributary to the Russian River) are identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. The Laguna de Santa Rosa is listed as impaired for sediment, temperature, nitrogen, phosphorus, dissolved oxygen, and mercury. At present, total maximum daily loads (TMDL)s have not been established for these water bodies. If TMDLs are established and implementation plans are adopted for these watersheds 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 action plans.
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 permit coverage from the Regional Water Board 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 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 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.

Catherine Kuhlman
Executive Officer

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

Original sent to: Ms. Allison Bremner, 1455 Market St., 15th Floor, San Francisco, CA 94103

Copies sent to: 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. Dan Wilson, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599