



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



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Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

June 27, 2008

In the Matter of

Water Quality Certification

for the

**SONOMA COUNTY WATER AGENCY
HINEBAUGH CREEK CHANNEL MAINTENANCE PROJECT
PHASE 2 - HIGHWAY 101 TO LAGUNA DE SANTA ROSA
WDID NO. 1B07096WNSO**

APPLICANT: Sonoma County Water Agency
RECEIVING WATER: Hinebaugh Creek
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00, Laguna Hydrologic
Sub Area No. 114.21
COUNTY: Sonoma County
FILE NAME: Hinebaugh Creek Channel Maintenance Project

BY THE EXECUTIVE OFFICER:

1. On February 25, 2008, Michael Stevenson, on behalf of Sonoma County Water Agency (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 Hinebaugh Creek Channel Maintenance Project, Phase 2 – Highway 101 to Laguna de Santa Rosa, located in Sonoma County. Completion of fee payment in the total amount of \$13,185 was made on June 23, 2008. The Project will cause permanent impacts to 5.90 acres of streambed in Hinebaugh Creek, within the Laguna Hydrologic Sub Unit No. 114.21.
2. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 27, 2008, and posted information describing the Project on the Regional Water Board's website. No comments were received.
3. The Project is within Hinebaugh Creek and extends from Highway 101 to the confluence with the Laguna de Santa Rosa just downstream of Rohnert Park Expressway, in Rohnert Park, Sonoma County, California. The upstream latitude and longitude is 38° 21' 01.72" N and -122° 42' 49.36" W, and the downstream latitude and longitude is 38° 20' 59.59" N and -122° 43' 53.71" W. The purpose of

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the Project is to improve the hydraulic and flood conveyance capacity of Hinebaugh Creek, prevent potential flooding of adjacent residences and properties, and improve the creek's potential to serve as aquatic habitat.

4. The Project includes: (1) installation of ten temporary access ramps; removal of sediment from the channel bottom and the box culverts under Labath Avenue and Rohnert Park Expressway; (2) removal of vegetation from the channel bottom; (3) removal or limbing of selected trees growing at the bank toes; (4) installation of temporary coffer dams as a dewatering system; (5) creation of a low flow channel (thalweg); and, (6) revegetation with native vegetation, from thalweg to outer edge of riparian zone.
5. The Project involves vegetation management and sediment removal in Hinebaugh Creek (approximately 4,532 linear feet, removal of approximately 12,000 cubic yards of sediment). Other activities may include bank stabilization, landscaping, fencing, mowing, and debris removal. Hinebaugh Creek is an engineered trapezoidal flood conveyance channel. The hydraulic and flood conveyance capacity of this channel has been decreased from its original design, due to a combination of silt accumulation and growth of in-channel vegetation.
6. Ten temporary access ramps will be constructed. The ramp locations on both banks were selected to avoid impacts to large, mature trees and to minimize impacts to under-story vegetation. Access ramps are temporary and will be restored following sediment removal. The ramps will be seeded with native grasses and erosion control fabric will be installed.

Sediment and vegetation growing in the bed will be removed with an excavator, bulldozer, or front loader operating in the dewatered channel. Approximately 12,000 cubic yards of accumulated sediment will be piled and removed using a long-reach excavator positioned at access ramps, or with equipment, including haul trucks operating in the dewatered channel when necessary. Sediment will be hauled to an off-site location approved by the Regional Water Board.

Vegetation growing on the lower bank that impedes high flows and contributes to flooding will be selectively removed or limbed. Work on banks would be completed using hand tools. The existing over-story canopy will be preserved to the greatest extent possible.

7. Work will be done between June 15 and October 15, 2008; however it is likely that some flow will be present as a result of urban runoff. Sediment removal will require installation of a dewatering system/coffer dams to intercept and divert surface water and intercepted shallow groundwater moving through near surface sediments. The dewatering will be accomplished by installation of temporary coffer dams/sumps at the upstream end of the Project, and pumping or using gravity flow piping of any nuisance water around the worksite to re-enter the channel below the

downstream end of the Project. Fish screening shall be conducted at the intake meeting all NOAA Fisheries fish screen criteria. Large sediment filtering bags will be incorporated into the outlet end of the discharge line to minimize turbidity. The dewatering system will be removed following Project completion.

8. Meandering low flow channels will be constructed in a similar wavelength and sinuosity as those observed in the channel from aerial photographs. If possible, in the lower reaches, which exhibit backwatering characteristics, a thalweg will be created near the south bank. Locating the thalweg near the south bank will concentrate flow into a deeper channel and allow aquatic habitat to benefit from shading from the southern bank.
9. Compensatory mitigation will include on-site and off-site restoration. On site, in-channel planting of a number of native species and creation of a meandering low-flow channel are proposed to naturalize the impacted areas, as described in the application. Monitoring and reporting will evaluate the efficacy of the revegetation and retention of the low flow channel/thalweg morphology, for a period of 5 years or until minimum survival/cover is achieved.

Additionally, to compensate for repeated temporal impacts (repeated periodic dredging/removal of riparian vegetation) off-site water quality improvement projects will be implemented. Off-site mitigation projects (tier 3) will be coordinated through the "Watershed Partnerships Program" (WPP) funded at a cost of 10% of the cost of the Project, which results in a restoration area larger than 10% of the impacted area. WPP projects that are being contributed to for this Project include: Cotati Creek Critters Upper Laguna de Santa Rosa restoration project, and the Cook Creek headwaters erosion control and sediment management project. The Cotati Creek Critters project involves understory revegetation, monitoring and maintenance of 1.43 acres of 4.6 acres of the total project area, to provide bank stabilization, increase ecological value of the stream, and provide environmental education to volunteers and users of the area. The Cook Creek headwaters erosion control and sediment management project includes slope grading and vegetation planting to decrease sediment delivery to Cook Creek. All of the proposed planting shall be done within the first planting season, by the end of spring 2009.

A map showing the area of off-site (tier 3) restoration that corresponds with each of the SCWA channel maintenance projects has been provided to facilitate tracking of each section of mitigation.

For each off-site mitigation project, the projects will be managed, monitored and reported on, as specified in the Cook Creek headwaters erosion control and sediment management project maintenance and monitoring plan, including the five year monitoring plan implementation, and with the exception that an 85% survival rate of all plant species is necessary. Yearly monitoring reports to the Regional

Water Board are required, including photos of the projects, and are due by December 31 during the five year monitoring period.

10. 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.
11. The County of Sonoma has determined that this Project is statutorily exempt from California Environmental Quality Act (CEQA) review (Section 15301 – Existing Facilities), and filed a Notice of Exemption on June 21, 2007. 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.
12. Applicant has received United States Army Corps of Engineers Nationwide Permits 31 and 33, File Number 2007-00596N, on May 27, 2008.
13. The applicant has received a California Department of Fish and Game 1600 Streambed Alteration Agreement, on July 16, 2007, Notification Number: 1600-2007-0315-3.

Receiving Water: Laguna Hydrologic Sub Area No. 114.21,
Hinebaugh Creek, a tributary to the Russian River
Hydrologic Area No. 114.00

Filled or Excavated Area: 5.90 acres of permanent impacts

Latitude/Longitude: The upstream latitude and longitude is 38° 21' 01.72" N and -122° 42' 49.36" W, and the downstream latitude and longitude is 38° 20' 59.59" N and -122° 43' 53.71" W.

Expiration: October 15, 2010

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE HINEBAUGH CREEK CHANNEL MAINTENANCE PROJECT PHASE 2 – HIGHWAY 101 TO LAGUNA DE SANTA ROSA (Facility No. 1B07096WNSO), 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 (TMDLs) 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 conduct 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, 2010. 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: Mr. Keenan Foster, Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95406

Copies sent to: Michael Stevenson, Jones & Stokes, 268 Grand Avenue, Oakland, CA 94610-4724

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. Patrick Moeszinger, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599