



**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

July 4, 2008

In the Matter of

Water Quality Certification

For the

**SLOAN CULVERT REPLACEMENT PROJECT
WDID NO. 1B08079WNSO**

APPLICANT: Mr. Michael Sloan
RECEIVING WATER: Unnamed tributary to Russian River
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00,
Geyserville Hydrologic Sub Area No. 114.25
COUNTY: Sonoma County
FILE NAME: Sloan Culvert Replacement Project

BY THE EXECUTIVE OFFICER

1. On May 5, 2008, Mr. Kurt Kelder, on behalf of Mr. Michael Sloan (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 Sloan Culvert Replacement Project (Project). A fee of \$500 was received on May 3, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858, on May 13, 2008, by posting information describing the project on the Regional Water Board's website. No comments were received.
2. The Project is located at 998 Limerick Lane in Healdsburg, Sonoma County, California, (APN. No. 086-080-027). The latitude and longitude are 38° 35' 13.87"N and -122° 49' 52.28"W. The Project involves replacing an existing culvert that is currently in poor condition with a new culvert rated for heavier vehicle loading.

California Environmental Protection Agency

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3. The Project consists of replacing the existing, failing 36 inch concrete culvert and deteriorating wing walls. The Project includes installation of a 38x60 inch reinforced concrete elliptical culvert with concrete footings, 8 inch concrete retaining walls, 20 feet in length along both sides of the road, and 20 cubic yards of native 6-12 inch rock rip rap in areas 10 feet long and 12 feet wide at each end of the culvert. The construction will be done during the dry months of the year within a dry channel. The new culvert shall be placed within the footprint of the existing culvert and is adequately sized to carry peak storm flows. The culvert shall be properly aligned within the stream and otherwise engineered, installed and maintained, to assure resistance to washout, and erosion of the stream bed and banks.
4. The project will result in permanent impact to 240 square feet of an unnamed tributary to the Russian River. The fill to the tributary will consist of rock rip rap totaling 20 cubic yards and arranged in two 120 square feet sections on either side of the culvert.
5. Compensatory mitigation for the permanent filling of 240 square feet of ephemeral stream will include the planting of native vegetation in a 2:1 ratio (that is, for every square foot of fill in the channel there will be at least 2 square feet of compensatory mitigation required along the stream banks). Replanting areas will be implemented in four 125 square foot sections, two at opposite banks from each other at the culvert inlet and another two 125 square foot sections at opposite banks at the culvert outlet. The replanting shall consist of hydroseeding with a blend of a minimum of three (3) native grass species and a minimum of eight (8) native shrubs, as detailed in the planting exhibit that was submitted to the Regional Water Board by Kelder Engineering on June 25, 2008.
6. Construction shall be carried out according to the plans submitted by Kelder Engineering to the Regional Water Board detailed in sections C2 through C5.
7. Erosion control methods for the project, depending on conditions, should include hydroseeding, straw mulch, geotextiles, plastic covers and blankets or mats. Whenever it is not possible to utilize erosion prevention measures, exposed slopes shall employ sediment control devices such as fiber rolls and silt fences. All erosion control Best Management Practices (BMPs) should be utilized according to the plans submitted by Kelder Engineering to the Regional Water Board detailed in section C5, and shall be on-site before commencement of work.
8. All construction shall take place during the dry season when there is no water flow in the channel.
9. The California Department of Fish and Game, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, 15302 – Replacement of Existing Structures, (SCH No.

2008028081), February 8, 2008, pursuant to CEQA. 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 2, Section 15302 – Replacement of Existing Structures) and anticipate filing a Notice of Exemption for this project.

10. The Applicant has received authorization from the United States Army Corps of Engineers (File number 2008-00027N) to perform the Project under Nationwide Permit (NWP) 3 for Maintenance and NWP 14 for Linear Transportation Projects, pursuant to Clean Water Act, section 404, on April 24, 2008.
11. The applicant has received authorization under the California Department of Fish and Game for a 1602 Lake and Streambed Alteration Agreement, Notification Number 1600-2007-0532-3, on February 8, 2008.

Receiving Water: Unnamed tributary to the Russian River,
Russian River Hydrologic Area No. 114.00,
Geyserville Hydrologic Sub Unit No. 114.25

Latitude/Longitude 38° 35' 13.87" N -122° 49' 52.28" W

Fill or Excavated Area: Permanent Impacts: 0.0055 acres to waters of the State

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE SLOAN CULVERT REPLACEMENT PROJECT (WDID NO. 1B08079WNSO), 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 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 is no watershed-specific implementation plan 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 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 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.
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. All conditions required by this Order shall be included in the Plans and Specifications prepared by applicant for the Contractor. In addition, applicant shall require compliance with all conditions included in this Order in the bid contract for this project.
16. All mitigation activities shall be completed as proposed in the application.
17. 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 for the violation or threatened violation 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.
18. 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.
19. 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.
20. 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: Mr. Michael Sloan, 952 Vallombrosa Ave. Chico, CA 95926

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

Mr. Kurt Kelder, 132 S. Cloverdale Blvd., Cloverdale, CA 95425