



Linda S. Adams
Secretary for
Environmental Protection

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

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Arnold
Schwarzenegger
Governor

August 18, 2008

In the Matter of

**Notice of Coverage, Waiver of Waste Discharge Requirements for
Minor Dredging and Fill Activities**

for the

**PATZAU BRIDGE REPLACEMENT PROJECT:
WDID NO. 1B08078WNSO**

APPLICANT: Tom Patzau
RECEIVING WATER: Laguna Sub Area No.114.21
HYDROLOGIC AREA: Russian River Hydrologic Unit No.114.00
COUNTY: Sonoma County
FILE NAME: Patzau Bridge Replacement Project

BY THE EXECUTIVE OFFICER:

1. This Notice of Coverage provides notice that certain activities are covered by the Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution 2007-0098 On May 6, 2006, Alex Hunt of Monsoon Construction Inc., on behalf of Tom Patzau (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341), and/or Waste Discharge Requirements for dredge/fill activities, with the Regional Water Board for activities associated with the Patzau Bridge Replacement Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 19, 2008, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The project is located at 1900 Crane Canyon Road, in the City of Santa Rosa. The assessor parcel number (APN) is 045-241-009. The latitude of the Project is 38°21'47.62" north, and longitude is 22°38'53.88' west. The purpose of replacing the existing bridge is to allocate safe mobility across the creek via a new steel

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bridge. The project will permanently impact 0.004 acres of stream bank. No heavy equipment will be used within the stream channel.

3. The Project site is located on private land in southern Sonoma County, on an unnamed tributary to Five Creek, within the Laguna De Santa Rosa watershed, hydrologic sub area 114.21. The Russian River watershed and the Laguna de Santa Rosa (tributary to the Russian River) are identified on the State of California 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. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in both watersheds. Agricultural activities are identified as sources of sediment, nitrogen and phosphorus. At present, there are no watershed-specific implementation plans for these TMDLs. If TMDL implementation plans are adopted for these watersheds prior to the expiration date of this Notice of Coverage, the Regional Water Board may revise the provisions of this Notice of Coverage to address actions identified in such action plans.
4. Compensatory mitigation for the potential construction related impacts to water quality will consist of replanting of native trees, shrubs and grasses in the riparian area of the seasonal creek, as proposed in the application.
5. Restoration and enhancement mitigation measures, (as specified in the July 29th Plans prepared by Circuit Riders) specific to the creek bed and surrounding zones, to be implemented include: a) Riparian plantings shall be installed in the winter months of 2008-2009. Planting installation shall be completed by March 31, 2009; b) The Revegetation Plant List includes *Baccharis pilularis* (Coyote Brush), *Heteromeles arbutifolia* (Toyon), *Rhamnus californica* (Coffeeberry), *Rosa californica* (California Rose), *Rubus ursinus* (California Blackberry), *Symphoricarpos albus* (Snowberry), *Quercus agrifolia* (Coast Live Oak), *Quercus lobata* (Valley Oak), *Umbellularia californica* (California Bay), Willows, Rush, and Sedge. Native species shall be planted in five zones surrounding the Project, totaling 8936 sf. (approximately 0.21 acres); c) Each individual plant location shall be enclosed in plant protective hardware and surrounded by nine square feet of weed control fabric. Each planting spot shall be marked in the field with a color coded (to species) surveyor flag. Flags shall remain at each planting spot after plant installation; d) Plantings in all areas shall be irrigated and maintained for at least three years. Annual monitoring reports shall be submitted to the Regional Water Board; e) Monitoring reports shall include the survival, percent-cover, and the height of both tree and shrub species. The number by species of plants replaced, an overview of the revegetation effort, photos from designated photo locations and the method used to assess these parameters shall also be included. All plantings shall have a minimum 80% survival at the end of three years; and f) Those offsite portions of the creek where the banks have been disturbed or overgrazed within the planting zones will be treated with native grasses and

erosion control seeding (hydro mulch). Maintenance of these facilities shall be provided by a contractor funded by the property owner.

6. No dredging or filling within waters of the United States are proposed. Construction is expected to begin with the removal of the existing bridge during the dry season (summer) 2008 and is expected to be completed no later than October 15, 2008.
7. Non-compensatory mitigation measures include the use of erosion control best management practices (BMPs) for construction of the Project, as outlined in the application. The creek bed will be heavily planted with native species and the surrounding five zones will be planted with native shrubs, trees, willow sprigs and various species of native grasses and perennials to mitigate cattle-related erosion from previous ownership. All disturbed areas will be stabilized with hydro-seed composed of a drought tolerant blend of native grasses and perennials, wattles and silt fences.
8. California Department of Fish and Game issued a Streambed Alteration Agreement (No. 1600-2008-0160-3) on July 8th, 2008. The U.S. Army Corps of Engineers is not issuing a Clean Water Act 404 permit for this project, as there are no waters of the U.S. being impacted by the project.
9. Because the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.
10. The Applicant shall construct the Project in accordance with the conditions described in the application and the findings herein, and shall comply with all applicable water quality standards.
11. The Applicant shall provide a copy of this Notice of Coverage 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.
12. In the event of any violation or threatened violation of the conditions of this Notice of Coverage, 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 Notice of Coverage. In response to a suspected violation of any condition of this Notice of Coverage, the State Water Board may require the holder of any permit or license subject to this Notice of Coverage to furnish, under penalty of perjury, any technical or monitoring reports the State 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 Notice of Coverage, the State Water Board may add to or modify the conditions of this Notice of Coverage as appropriate to ensure compliance.

13. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, the Applicant shall immediately cease work on the project and notify the Regional Water Board.
14. The Regional Water Board may add to or modify the conditions of this Notice of Coverage, 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 Notice of Coverage 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 Notice of Coverage 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 Notice of Coverage to discharge dredged or fill material under this Notice of Coverage. 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 Notice of Coverage.
16. The authorization of this Notice of Coverage for any dredge and fill activities expires on October 15, 2013. Conditions and monitoring requirements outlined in this Notice of Coverage are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
17. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Notice of Coverage must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
18. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has adopted Categorical Waivers for Resolution 2007-0098, on December 6, 2007, pursuant to CEQA.
19. The County of Sonoma, Permit and Resource Management Department, as the lead California Environmental Quality Act (CEQA) agency, has determined that this

project qualifies for a Categorical Exemption, 15302 – Replacing an Existing Structure, June, 30, 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 (Section 15302 – Replacing an Existing Structure) and anticipate filing a Notice of Exemption for this project.

Receiving Water: Laguna de Santa Rosa, Hydrologic Sub Area No. 114.21
Russian River Hydrologic Unit No. 114.00

Latitude/Longitude: 38°21'47.62" north, 22°38'53.88' west

Filled or Excavated Area: Area permanently impacted: 0.004 acres of stream bank

Expiration: This Notice of Coverage expires on October 15, 2013.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE PATZAU BRIDGE REPLACEMENT PROJECT (FACILITY NO. 1B08078WNSO), as described in the Application, is hereby covered under the Waiver, provided that Project complies with the following terms and conditions:

1. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Notice of Coverage.
2. The construction activity meets the eligibility criteria for the Waiver and, if constructed as described in the Application and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. A monitoring and reporting program is required as described in the application. Therefore, I have determined that the Project is covered by the Waiver.
3. The following is a partial listing highlighting selected standard provisions from Resolution 2007-0098:

“BE IT FURTHER RESOLVED, that a person whose waste discharge requirements have been waived pursuant to this Resolution, in accordance with the following general conditions, shall

- a. comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region;
- b. discharge only in accordance with a complete ROWD or equivalent;
- c. not create a pollution, contamination, or nuisance, as defined by California Water Code Section 13050;

- d. not discharge any waste not specifically regulated by the waivers described herein;
 - e. implement a monitoring and reporting program, unless this requirement is waived as not against the public interest, according to criteria to be subsequently developed by the Regional Water Board Executive Officer;
 - f. allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions.”
4. Please be aware that a failure to implement the Project according to the project description and other information submitted in the Application, or violation of any of the terms contained in the Waiver and this Notice of Coverage, may result in the revocation of coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.
5. Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities. (Also refer to the waiver categorical exemptions).

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions.

Catherine Kuhlman
Executive Officer

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Enclosure: Waiver Policy (Res. 2007-0098)

Original sent to: Mr. Tom Patzau, Owner, 6154 County Road 23,
Ridgeway, CO 81432

Copies sent to: Mr. Alex Hunt, Monsoon Construction, Inc., P.O. Box 1502,
Healdsburg, CA 95448

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

Ms. Kimberly Niemeyer, SWRCB, Office of the Chief Counsel

Mr. Dan Wilson, Department of Fish Game, P.O. Box 47,
Yountville, CA 94599

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