



**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

August 29, 2008

In the Matter of

Water Quality Certification

for the

**MOUNTAIN MEADOWS RESIDENTIAL SUBDIVISION
WDID NO. 1B08094WNSI**

APPLICANT: Tullis/Newton Properties, Lyle Tullis
RECEIVING WATER: wetlands
HYDROLOGIC UNIT: Shasta Valley Hydrologic Area No. 105.50
COUNTY: Siskiyou
FILE NAME: Mountain Meadows Residential Subdivision

BY THE EXECUTIVE OFFICER:

1. On May 30, 2008, Tullis/Newton Properties (Applicant) filed an application for water quality certification (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 constructing an access road from South Weed Boulevard to the Mountain Meadows subdivision, a 42-unit residential subdivision in the City of Weed. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 4, 2008, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The Mountain Meadows subdivision is on a 77-acre parcel located west of Interstate-5 near the South Weed Boulevard exit ramp. The 77-acre project area includes 40 acres of residential subdivision and approximately 37 acres of offsite improvements including roads and drainage features. The project received California Environmental Quality Act (CEQA) approval in April 2006 and since that time the timber has been logged, the internal streets have been graded and rocked, and the footings for an arch culvert over a perennial stream have been installed. During a post-CEQA plan review, the City of Weed's traffic engineer determined that a proposed retaining wall structure located along the approach to the east side of the

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arch culvert was infeasible due to safety concerns. The applicant had to modify the design of the eastern approach to the arch culvert to address the City's safety concerns.

3. The arch culvert spans an unnamed perennial stream that is tributary to Boles Creek. The stream was previously channelized through a large wet meadow and the channel is confined by constructed berms that are likely the result of historical efforts to drain or irrigate the adjacent land for agricultural purposes. The modified stream crossing design requires a wider roadway fill prism and placement of fill material into portions of two intermittent pool features (IP1 and 1P2) that are located adjacent to the constructed berm on the east side of the channel. The wetlands areas appear to have formed after the upper layer of soil was used to create the berm along the stream channel.
4. Placement of fill for the approach to the arch culvert will result in 1655 square feet (0.038 acre) of permanent wetland impact at IP1 on the north side of the access road and 480 square feet (0.011 acre) of permanent wetland impact at IP2 on the south side of the access road. Compensatory mitigation is required for the permanent wetland impacts. Compensatory mitigation involves creating new intermittent pool wetland features by enlarging the unaffected portions of the existing pools by 2,500 square feet adjacent to IP1 and 740 square feet adjacent to IP2, for a total of 3240 square feet (0.074 acre) of onsite wetland creation. Project activities will also result in approximately 0.037 acres of temporary impacts to wetlands in IP1 and IP2. Temporary impacts are associated with removing soil spoils that may be inadvertently placed into the wetland areas during placement of the approach fill or during the process of connecting the wetland mitigation areas to the existing wetlands. Noncompensatory mitigation for this project includes the use of Best Management Practices (BMPs) for sediment and erosion control and for the operation of heavy equipment near a waterway.
5. The residential development and new access road will increase the amount of impervious surface area within the project area. Projects that increase the amount of impervious surface area can increase the volume of storm water runoff from the area, the duration of elevated storm water flows, and the runoff flow rate, which can lead to channel scour, bank erosion, and flooding. The applicant has evaluated potential changes in storm water runoff and flow rates from the project and prepared a hydrology calculations and drainage report (report). The project was divided into three sub-basin drainage areas for the purpose of preparing the runoff calculations. The report describes the existing conditions and the post-construction storm water treatment BMPs that have been incorporated into the drainage areas. Post development runoff in Sub-basin A will be diverted from the new roads into swales and that connect to a detention swale that will also receive sheet flow from other areas of the project. A check dam will be installed in the swale to impede flows and maximize infiltration in the swale. In Sub-basin B, the post development runoff will be diverted from sheet flow to a ditch along Mountain View Drive and then to a point near the north entrance to the City's Botanical Gardens site where cross culverts will

be placed to further convey the runoff into the Botanical Gardens. Post development runoff in Sub-basin C will be diverted into the ditch along Mountain View Drive and conveyed to a cross culvert located at the new intersection of Mountain View Drive and South Weed Boulevard. A surface swale will direct runoff from each cul-de-sac bulb to an existing drainage swale and then to the detention swale constructed along the toe of the slope.

6. The Applicant has obtained authorization (File No. 2005-297330) from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number (NWP) 29, pursuant to Clean Water Act, section 404. The applicant has applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
7. On October 24, 2006, the City of Weed approved a mitigated negative declaration for the project in order to comply with CEQA. 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.
8. 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.

Receiving Water: wetlands in the Shasta Valley Hydrologic Area No. 105.50

Filled or Excavated Area: Area Temporarily Impacted: 1600 square feet of wetlands
Area Permanently Impacted: 2135 square feet of wetlands

Total Linear Impacts: Length Temporarily Impacted: None
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 43.39513 N/122.38995 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Mountain Meadows Residential Subdivision Project (WDID No.1B08094WNSI), 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 the 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 title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement 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. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
6. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. The Applicant shall implement the Mitigation Measures and the Compensatory Mitigation Plan contained in the Nationwide Permit 29 Preconstruction Notification dated April 2008. Annual monitoring reports shall be submitted to the Regional Water Board each year for a minimum of three years and until the compensatory wetland mitigation requirements have been deemed complete.
9. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
10. 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.

11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
12. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
13. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
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 and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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 certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal 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.
17. 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 at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of

the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

18. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to 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 Region (Basin Plan).
19. The authorization of this certification for any dredge and fill activities expires on August 29, 2013. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine Kuhlman
Executive Officer

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