



**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

October 1, 2008

In the Matter of

**Notice of Coverage, Waiver of Waste Discharge Requirements for
Minor Dredging and Fill Activities**
for the
Younger Wetland Restoration Project at Green Valley Ranch
WDID NO. 1B08106WNSO

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| APPLICANT: | Catherine Younger |
| RECEIVING WATER: | Purrington Creek |
| HYDROLOGIC AREA: | Guerneville Hydrologic Sub-Area No. 114.11 Russian River Hydrologic Area No. 114.00 |
| COUNTY: | Sonoma County |
| FILE NAME: | Younger Wetland Restoration Project at Green Valley Ranch |

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 R1-2007-0098. On June 23, 2008, Eric Austensen, of Streamline Engineering, 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 Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Younger Wetland Restoration Project at Green Valley Ranch in Sonoma County. Completion of fee payment in the total amount of \$500 was received by the Regional Water Board on the same day. The Project causes Permanent impacts to 0.7 acres of wetland within the Guerneville Hydrologic Sub-area No. 114.11, Russian River Hydrologic Area No. 114.00.
2. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 9, 2008, and posted information describing the Project on the Regional Water Board's website. No comments were received.

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3. The Project is located on Sonoma County Assessors Parcel No. 104-090-036, at a latitude of 38° 25.397'N and a longitude of 122° 53.796'W.
4. The restoration project will follow plans submitted to the Regional Water Board and includes grading designed to allow surface flow to exit the wetland at the southeast corner into a ditch that parallels Graton Road, the furthest point from the culvert. This maximizes saturation of the wetland, enhancing the wetland plant environment and water quality. Fill soil will be removed from several locations in the wetland, lowering the ground surface in those areas to improve habitat of wetland plants as they receive more summer groundwater, and will also enhance habitat for animals. The created pools will be about two feet deep below the spillway elevation. Sediment basin function will also be recreated. The project will include excavation for, and placement of, 18 cubic yards of rock and gravel below the spillway to serve as an energy dissipater for outflow. A rock and gravel cutoff wall will be constructed at the spillway entrance to contain summer groundwater in the wetland. The extra soil removed from the excavation will be spread on the adjacent vineyard to a maximum depth of 18 inches. Per the planting plan submitted to the Regional Water Board, the landowner will plant Arroyo Willow, Shining Willow and Red Twig Dogwood.
5. A new wetland area will be created by excavating a grassy area in the corner of the property directly south of the driveway, opposite the historical pond area. This area will be planted according to plans submitted to the Regional Water Board, and will include plantings of Bog Rush, Bulrush Tule, Red Twig Dogwood and Shining Willow.
6. After wetland grading is complete, the original 18 inch culvert will be rerouted back to its original outfall, returning water to the wetland. The roadside ditch will be left alone and allowed to continue to re-vegetate, in order to protect the aquatic life that inhabit many of the pools in the ditch.
7. The project includes a monitoring and reporting plan to be implemented for at least five years, with specified survival requirements for the restored areas and shall follow the guidelines submitted to the Regional Water Board. The plan is titled: Mitigation and Monitoring and Maintenance Plan for the Green Valley Ranch. Monitoring reports shall be submitted by December 15 of each year.
8. The landowner will vegetate an area to provide erosion control in the lowest 150 foot portion of the gully that is upstream of the historical pond area, as shown on sheet 4 of the restoration plans. Willow and dogwood sprigs will be planted along the bottom of the banks at a spacing of 10 feet on center. Non-native Himalayan blackberry will be controlled by removal until the new native plantings provide enough shade to prevent further growth.
9. 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

(May 15th to October 15th); 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. Additionally, all required BMPs shall be on-site and ready for timely deployment, before start of construction activities. All Erosion Prevention and Sediment Control Measures shall be in accordance with the measures listed on sheet 5 of the Wetland Restoration construction notes submitted to the Regional Water Board. If construction needs to continue past October 15th, Applicant may contact Regional Water Board Staff and extend the work period on a day by day basis, contingent on appropriate expected weather conditions.

10. 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.
11. 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.
12. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this Project qualifies for a Categorical Exemption, 15333 – Small Habitat Restoration Project, and has filed a notice of exemption with the State Clearinghouse pursuant to CEQA guidelines.

Receiving Water: Purrington Creek, tributary to Green Valley Creek
Guerneville Hydrologic Sub-Area 114.11
Russian River Hydrologic Area No. 114.00

Filled or Excavated Area: 0.7 acres of Permanent impacts

Latitude/Longitude: 38° 25.397'N, 122° 53.796'W

Expiration: October 15, 2013

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE YOUNGER WETLAND RESTORATION PROJECT AT GREEN VALLEY RANCH (Facility No. 1B08106WNSO), as described in the application, is hereby covered under the Waiver, provided that the project complies with the following terms and conditions.

1. The Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment, temperature, mercury, low dissolved oxygen, pathogens, pH, nitrogen, phosphorus, and specific conductance. Total Maximum Daily Load (TMDL) analyses have not been completed for the

Russian River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures and sediment. If a TMDL implementation plan is adopted 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.

2. Because the Project involves the discharge of waste that may affect waters of the state, the Regional Water Board has regulatory jurisdiction under Water Code Section 13260.
3. 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 Water Quality Notice of Coverage.
4. 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.
5. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Notice of Coverage.
6. 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. Applicant shall be responsible for work conducted by its contractor or subcontractors.
7. 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 federal 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.

8. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, Applicant shall immediately cease work on the project and notify the Regional Water Board.
9. 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.
10. 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:
 - i. requesting entity's full legal name
 - ii. the state of incorporation, if a corporation
 - iii. address and phone number of contact person
 - iv. 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.
11. 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.
12. The authorization of this Notice of Coverage for any dredge and fill activities expire 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.
13. 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.
14. 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.
15. The following is a partial listing highlighting selected standard provisions from Resolution R1-2007-0098:

- a. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."
 - b. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."
 - c. "The Project shall not create a pollution contamination, or a nuisance, as defined by California Water Code Section 13050."
 - d. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution R1-2007-0098."
 - e. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."
16. The following from Resolution R1-2007-0098 apply specifically to dredge and fill activities.
"The Applicant shall comply with the following additional conditions:
- a. Discharges shall be non-toxic, short term, discharges to land.
 - b. The Project shall not result in a net loss of wetlands or beneficial uses.
 - c. This Notice of Coverage is valid only if operations are not being covered by General Waste Discharge Requirements."
17. 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 coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.
18. Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities.

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: California Regional Water Quality Control Board North Coast
Region Resolution No. R1-2007-0098

California Environmental Protection Agency

Original sent to: Catherine Younger, 122 Winterstein Dr. Folsom, CA 95630-95465

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

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