



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

April 10, 2009

In the Matter of

Water Quality Certification

for the

**GOLD RIDGE RCD 2008/2009 ESTERO AMERICANO HABITAT RESTORATION
PROGRAM
WDID No. 1B08108WNSO**

APPLICANT: Gold Ridge Resource Conservation District, Sharon and Ron Harston, John and Misty Gay, Nick Colby, Martin Albin
RECEIVING WATER: Ebabias Creek, tributaries to Ebabias Creek, and Americano Creek
HYDROLOGIC UNIT: Bodega Hydrologic Unit No. 115.00, Estero Americano Hydrologic Area No. 115.30
COUNTIES: Sonoma and Marin
FILE NAME: Gold Ridge RCD 2008/2009 Estero Americano Habitat Restoration Program

BY THE EXECUTIVE OFFICER:

1. On June 24, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Lisa Hulette, Executive Director of Gold Ridge Resource Conservation District, on behalf of four landowners (Applicant), requesting Federal Clean Water Act, section 401, water quality certification (certification) for activities related to stream restoration and stabilization projects on four separate ranches within the Estero Americano watershed within Sonoma and Marin Counties. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 30, 2009, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.

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2. The projects are part of the Gold Ridge RCD's (GRRCD) Ebabias Creek Restoration Program for 2008-2009, funded by the State Water Resources Control Board, the Wildlife Conservation Board, and the National Fish and Wildlife Foundation's Partners for Fish and Wildlife Program. The project sites are located on four private ranches in northwestern Marin and southwestern Sonoma Counties, within the Estero Americano Watershed, which is on the North Coast Regional Water Quality Control Board's Clean Water Act 303 (d) list as impaired due to excessive sediment/siltation and excess nutrient loading. The proposed projects have been designed to implement measures to address excess sedimentation/siltation, riparian management, and water quality issues, key factors in attenuating existing adverse impacts to the Estero Americano. Current problems include mass wasting, down-cutting and head-cutting within stream channels, excessive erosion resulting from grazing practices and stream crossings, erosive geology, and lack of riparian vegetation.
3. The four sub-projects include the use of the following techniques to restore and stabilize the streams and streambanks:
 - recontouring of streambanks from near-vertical slopes to more stable configurations;
 - use of toe of slope rip-rap with interspersed willow/native vegetation plantings;
 - use of bio-engineering techniques such as live willow fascines, live woven willow walls, willow sprigging, coir matting with interspersed planting of native sedge and rush plugs (sedge mattress), and extensive use of native vegetation plantings to establish riparian zones and pockets;
 - bovine exclusionary fencing around the restoration areas composed of two strands of barbed wire (will allow native animals free access);
 - implementation of grazing plans to prevent degradation by overgrazing within exclusionary areas;
 - creation of inset floodplains by laying back banks and planting with native vegetation communities;
 - installation of rocked cattle crossings and arch culverts with filled gravel inverts, and;
 - grade control structures using loose boulder structures.
4. The project will result in permanent impacts to approximately one acre/400 linear feet of stream bed/bank within the watercourses. The projects are designed to: reduce sedimentation and nutrient delivery to the Estero Americano watershed, increase habitat for aquatic and terrestrial species, and increase riparian areas. Therefore, compensatory mitigation is not required. Non-compensatory mitigation includes the use of Best Management Practices for erosion control and for operation of heavy equipment near a stream channel. The proposed project is scheduled to commence in the dry season of 2009.

5. Non-compensatory mitigation includes the use of Best Management Practices for sediment and turbidity control and for operation of heavy equipment near a stream channel, and other methods as described in the Application.
6. The Applicant has applied for a permit from the United States Army Corps of Engineers, to perform the project pursuant to Clean Water Act, section 404.
7. The Applicant has applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
8. The Gold Ridge RCD, as lead California Environmental Quality Act (CEQA) agency, has determined that the proposed project is categorically exempt from CEQA review (Section 15333 – Small Habitat Restoration Projects and Section 15304 – Minor Alterations to Land), and have filed a Notice of Exemption for this project on June 18, 2008, State Clearinghouse number 200968340.
9. 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: Ebabias and Americano Creeks, in Bodega Hydrologic Unit No. 115.00 and Estero Americano Hydrologic Area No. 115.30

Filled or Excavated Area: Area Permanently Impacted: Approximately one acre of stream channel and streambank

Total Linear Impacts: Length Permanently Impacted: 400 linear feet of stream channel and streambank

Latitude/Longitude: 38.349° N/122.911° W, and 38.308° N/122.922° W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Gold Ridge RCD 2008/2009 Estero Americano Habitat Restoration Program Project (WDID No.1B08108WNSO), 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 Estero Americano is identified as impaired on the Clean Water Act Section 303(d) list. The Estero Americano is listed as impaired for nutrients and sedimentation/siltation. At present, total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and 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 plans.
5. 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.
6. 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.
7. 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.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
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. The Applicant shall implement the *Gold Ridge RCD Best Management Practices for Construction*.
13. The applicant shall maintain the projects for five years and shall submit yearly reports to the Regional Water Board.
14. 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.
15. 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.
16. 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.
17. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
18. 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.

19. 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.
20. 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).
21. The authorization of this certification for any dredge and fill activities expires on April 10, 2014. 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 Stephen Bargsten at (707) 576-2653.

Catherine Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original to: Ms. Lisa Hulette, Gold Ridge RCD, PO Box 1064, Occidental, CA 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
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

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