



Linda S. Adams
Secretary for
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California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman

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Arnold Schwarzenegger
Governor

April 24, 2009

In the Matter of
Water Quality Certification
For
Mr. Mark Trione
Vimark Vineyards
Trione Winery Project
WDID No. 1B08075WNSO

APPLICANT: Vimark Vineyards
RECEIVING WATER: Unnamed Tributary to Russian River
HYDROLOGIC AREA: Geyserville Hydrologic Sub Unit No. 114.25
COUNTY: Sonoma County
FILE NAME: Trione Winery Project

BY THE EXECUTIVE OFFICER:

1. On April 25, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Linda Taverner, on behalf of Vimark Vineyards, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Trione Winery Project (Project) located in Sonoma County. A fee in the amount of \$500.00 was received on April 25, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 3, 2009, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The Project is located at 19550 Geyserville Avenue in Geyserville, Sonoma County, California, (APN. No. 140-050-010). The Project is immediately east of Geyserville Avenue which parallels U.S. Highway 101. The latitude and longitude is 38.683° N and 122.867° W. The purpose of the Project is to install a pedestrian bridge and a vehicle bridge. In addition, the Northwest Pacific Railroad is requiring an additional three railroad culverts be installed to improve drainage. The proposed project causes permanent impacts to 720 sq. ft. (0.0165 acres) of linear waterways within

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the Geyserville Hydrologic Sub Unit No. 114.25, Russian River Hydrologic Unit 114.00.

3. The project includes the installation of two (2) bridges (a pedestrian bridge and a vehicle bridge) spanning an unnamed waterway tributary to the Russian River at the Project site. The 26 foot long, 6.5 feet wide pedestrian bridge is for a pedestrian path approximately 50 feet downstream of Geyserville Avenue. The waterway is approximately 9 feet deep at this point. The 40 foot long, 22.5 feet wide Vehicle Bridge for the main driveway is approximately 200 feet downstream of Geyserville Avenue. The waterway is approximately 10 feet deep at this point. No construction is to be below the 100-year water surface elevation. In addition to the installation of 2 bridges, the Northwest Pacific Railroad is requiring a 30 inch diameter culvert be installed under the existing railroad tracks parallel to an existing 24 inch diameter culvert about 300 feet downstream of Geyserville Avenue. The culvert is 25 feet long with headwalls on both sides. The waterway is approximately 6 feet deep at this point. In addition to the 30 inch culvert within the existing berm, the railroad company is requiring replacement of two 18 inch diameter drainage culverts parallel to the railroad tracks and south of the watercourse. The culverts will be replaced in-kind with the same footprint as the existing culverts. Construction related to the winery improvement began in September 2007. Grading associated with the winery improvements along the south side of the waterway encroached in the vegetation of the drainage ditch. Also a temporary wooden foot bridge was installed for construction workers to cross in the same location the permanent footbridge will be installed. The installation of the 3 proposed culverts is scheduled for late spring early summer 2009. The waterway drains through the Project and adjacent winery vineyards, approximately 3,900 feet east towards the Russian River. Equipment and machinery that will be used to complete the project include a track excavator; backhoe, front and end loader, and concrete pump truck. No water shall be present within the creek during the proposed work period.
4. Mitigation is on-site and immediately off-site to the east along the drainage. Compensatory mitigation for the loss of 0.11 acres of riparian habitat will include re-vegetation in 3 locations: 1) re-vegetation of the areas near the bridges; 2) along the length of the both sides of the drainage between Geyserville Avenue and the railroad; and 3) approximately 50 feet east of the railroad totaling approximately 310 linear feet of stream. In addition, exotic/invasive plant species, including periwinkle and German ivy, will be removed within these reaches. A Mitigation and Monitoring Plan has been created to offset temporary and permanent impacts to waters of the State and monitor the success of the restoration efforts. Annual monitoring reports shall be submitted to the Regional Water Board.
5. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site. A Stormwater Mitigation Plan has been created to minimize construction related disturbances to water quality. No water shall be present within the creek during the proposed work period.

All construction in and around waters of the state will be conducted during the dry season (April 15th to October 15th), to minimize construction related impacts to hydrology and water quality.

6. Monitoring and maintenance of the hydrologic performance and vegetation establishment will extend for 5 years. All monitoring results and photos will be provided in annual monitoring reports to the Regional Water Board, each year for the first five years. Survival rate for planted vegetation within the mitigation areas shall be at least 85% survival rate at the end of five years. Native species shall be used for the revegetation. Final planting plans showing locations of all plantings and mitigation areas shall be included in the yearly reports. Maintenance of these facilities shall be the responsibility of the property owner.
7. This Project does not contain suitable habitat for special status animal or plant species in the vicinity of the project.
8. California Department of Fish and Game issued a Streambed Alteration Agreement (No. 1600-2008-0160-3) on July 8th, 2008.
9. 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 (USACE File # 2007-400556).
10. The Sonoma County Permit and Resource Management Department, as the lead California Environmental Quality Act (CEQA) agency, certified a Mitigated Negative Declaration (State Clearinghouse No. 2006122077), pursuant to CEQA.
11. 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: Unnamed Tributary to Russian River
Geyserville Hydrologic Sub Unit No. 114.25

Filled or Excavated Area: 720 sq. ft. (0.0165) acres of permanent impacts.

Latitude/Longitude: 38.683° N and 122.867° W

Expiration: October 15, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trione Winery Project (WDID No. 1B08075WNSO), 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:

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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 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. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in the watershed. At present, there are no watershed specific 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. 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 October 15, 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: Mr. Mark Trione, Vimark Vineyards, P.O. Box NN, Santa Rosa, CA 95402

California Environmental Protection Agency

Copies sent to:

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