



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

May 27, 2008

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In the Matter of  
Water Quality Certification  
for the  
City of Santa Rosa  
Dennis Lane Storm Drain Project  
WDID No. 1B08145WNSO

APPLICANT: City of Santa Rosa  
RECEIVING WATER: Seasonal wetland within the Santa Rosa Hydrologic Unit  
Subarea No 114.22  
HYDROLOGIC UNIT: Russian River Hydrologic Unit No. 114.00  
COUNTY: Sonoma  
FILE NAME: Dennis Lane Storm Drain, City of Santa Rosa  
WDID No. 1B08145WNSO

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BY THE EXECUTIVE OFFICER:

1. On October 1, 2008, Ms. Rita Miller, Associate Engineer, on behalf of the City of Santa Rosa (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 related to the Dennis Lane Storm Drain Project (Project). The Project causes permanent impacts to 0.005 acres of seasonal wetland within the Santa Rosa Hydrologic Unit Subarea No 114.22, Russian River Hydrologic Area No. 114.00. A fee of \$500 was received on October 1, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on December 12, 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 Project involves construction of approximately 250 feet of storm drain and drain inlet basin within the northerly roadside ditch and road, to provide positive drainage for offsite flows. The area has experienced flooding conditions in the past.
3. The purpose of the Project is to alleviate the potential for serious local flood and storm damage to existing residential structures on Dennis Lane and will improve

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the passage of vehicles and pedestrians during heavy rain events. Work will be done during the dry season.

4. Compensatory mitigation will consist of revegetation of disturbed areas within remaining storm ditch with native grasses to enhance stormwater treatment and reduce erosion potential
5. The Applicant has received Army Nationwide Permit 18 – Minor Discharges, from the United States Army Corps of Engineers, on May 14, 2009, file number 2008-00266N, to perform the project pursuant to Clean Water Act, section 404. The Army Corps has initiated a Section 7 consultation with the U.S. Fish and Wildlife Service (FWS). The FWS concurred with the Army Corps of Engineers and concurred that the proposed action is not likely to adversely affect California tiger salamander, Sebastopol meadowfoam, Sonoma Sunshine, or Burke's goldfields, and required no compensatory mitigation.
6. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required for this project.
7. The City of Santa Rosa prepared a Mitigated Negative Declaration, and recorded a Notice of Determination with the Office of Planning and Research, State Clearinghouse Number 2008062047 on August 26, 2008, pursuant to California Environmental Quality Act (CEQA) guidelines.

Receiving Water: Seasonal wetland within the Santa Rosa Hydrologic Unit Subarea No 114.22, Russian River Hydrologic Area No. 114.00

Filled or Excavated Area: Area Permanently Impacted: 0.005 acres of seasonal wetlands

Dredge Volume: None

Latitude/Longitude: 38.482949° N / 122.754769° W

Expiration: May 27, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Dennis Lane Storm Drain Project (WDID No.1B08145WNSO), 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 Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. 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 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 May 27, 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 of our office at (707) 576-2653.

Sincerely,

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Catherine Kuhlman  
Executive Officer

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Original to: Ms. Rita Miller, City of Santa Rosa Public Works Department,  
69 Stony Circle, Santa Rosa, CA 95401

Copies sent to: Mr. Bill Orme, SWRCB, 401 Program Manager, SWRCB  
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