



**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

June 8, 2009

In the Matter of
Water Quality Certification
for the
Doyle Park Pedestrian Bridge Repair
WDID No. 1B08153WNSO

APPLICANT: City of Santa Rosa
RECEIVING WATER: Matanzas Creek
HYDROLOGIC UNIT: Santa Rosa Hydrologic Subarea No. 114.22, Russian River
Hydrologic Area 114.00
COUNTY: Sonoma
FILE NAME: City of Santa Rosa, Doyle Park Pedestrian Bridge Repair
WDID No. 1B08153WNSO

BY THE EXECUTIVE OFFICER:

1. On October 27, 2008, Mr. Greg Dwyer, 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 associated with the City of Santa Rosa, Doyle Park Pedestrian Bridge Repair (Project). The Project will cause permanent impacts to approximately 0.007 acres, and temporary impacts to 0.002 acres of waters of the State associated with Matanzas Creek in the Santa Rosa Hydrologic Subarea No. 114.22, Russian River Hydrologic Area 114.00. Fee payment for the total of \$625 was completed on October 27, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 29, 2009, 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 purpose of the Project is to make necessary repairs to the Doyle Park Pedestrian Bridge northern abutment due to damage caused during the New Years flood of 2006.
3. The Project will involve excavation of a 4-foot wide by 2-foot deep keyway into firm soil. Approximately 60 cubic yards of riprap will be used to reconstruct and reinforce the slope. The riprap will have an eighteen inch cap of grout with a maximum slope inclination of 1:1. The riprap will be applied only to the upper bank and will cover approximately 320 square feet.

4. Access to the work site will be obtained by constructing a temporary stream crossing out of steel "I" beams, steel plates, timbers and/or other similar materials to span the entire wetted channel. No heavy equipment or materials will contact the water and all materials will be removed from the channel after repairs are completed or by October 15. Work will be accomplished by a tracked excavator and hand labor.
5. Compensatory mitigation consists of planting three native riparian trees along Matanzas Creek upstream of the project, near the upstream end of the park. This mitigation will repair an area that is showing erosion and will replace a tree that has recently fallen into the creek. The fallen tree will not be removed. Additionally, willow stake plantings will be planted at toe of slope and upslope in the eroded area at approximately two foot spacing to help stabilize this bank. The three native riparian trees will be planted during the winter of 2009. Species may include California buckeye (*Aesculus californica*), white alder (*Alnus rhombifolia*), and/or big leaf maple (*Acer macrophyllum*). Plantings will be monitored annually to ensure 85% survival after 5 years. Reports shall be submitted to the Regional Water Board by December 31 of each year.
6. Applicant has applied for a United States Army Corps of Engineers Section 404 Nationwide Permit 33 - Temporary Construction, Access and Dewatering.
7. The Applicant has applied for a California Department of Fish and Game Streambed Alteration Agreement.
8. The City of Santa Rosa, as the lead California Environmental Quality Act (CEQA) agency, filed a Notice of Exemption, with the Office of Planning and Research, (State Clearinghouse No. 06-0822-3), pursuant to California Environmental Quality Act (CEQA) guidelines.

Receiving Water: Matanzas Creek in the Santa Rosa Hydrologic Subarea No. 114.22, Russian River Hydrologic Area 114.00

Filled or Excavated Area: Area Permanently Impacted: 0.007 acres of creek bed and bank
Area Temporarily Impacted: 0.002 acres of creek bed and bank

Latitude/Longitude: 38.44109°N / 122.69521°W

Expiration: June 8, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Santa Rosa, Doyle Park Pedestrian Bridge Repair Project (WDID No. 1B08153WNSO), 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 June 8, 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,

Catherine Kuhlman
Executive Officer

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Original to: Mr. Greg Dwyer, City of Santa Rosa, 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
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