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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

June 8, 2009

In the Matter of
Water Quality Certification
for the
Sonoma County Department of Transportation & Public Works
Occidental Dutch Bill Creek Culvert Replacement
WDID No. 1B08116WNSO

APPLICANT: Sonoma County Department of Transportation & Public Works
RECEIVING WATER: Dutch Bill Creek
HYDROLOGIC UNIT: Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00
COUNTY: Sonoma
FILE NAME: Sonoma County Department of Transportation & Public Works, Occidental Dutch Bill Creek Culvert Replacement

BY THE EXECUTIVE OFFICER:

1. On July 17, 2008, Mr. Dave Dammuller, on behalf of the Sonoma County Department of Transportation & Public Works (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 Sonoma County Department of Transportation & Public Works, Occidental Dutch Bill Creek Culvert Replacement (Project). The Project will cause permanent impacts to 78 linear feet and 0.02 acres of waters of the State associated with Dutch Bill Creek. Fee payment was completed on July 17, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 18, 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 improve fish passage at the existing road crossing and repair the road, culvert and embankment which were damaged in a 2003 storm event.
3. The Project involves removal of an existing 40-foot long corrugated metal pipe (CMP) and road base and replacing it with a new 40-foot long, 12-foot wide and 7-

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foot high bottomless arch culvert. The applicant will place a new multi-plate arched culvert on poured in place concrete foundation footings parallel with each side of the stream. The invert of the new culvert will be to a natural grade to facilitate fish passage and may have a rock weir or a concrete headwall at grade at the outlet as a grade control structure. In addition the applicant proposes to install riprap at the inlet and outlet.

In addition, the applicant proposed to repair a 25 linear feet of bank located approximately 150 linear feet upstream from the culvert by construction of a retaining wall with steel piles, corrugated steel plates and crushed rock. On March 11, 2009, it was noticed that this portion of bank had eroded to the point that a sanitary sewer force main was exposed. An Army Corps of Engineers Regional General Permit 5 – Emergency Repairs (RGP5) was issued, and the emergency portions of this repair have been done.

4. The Project will be constructed during the dry season; however, dewatering the stream channel through the construction area may be necessary. If dewatering is necessary, a cofferdam will be installed with a by-pass pipe to convey water to a point approximately 10 feet downstream of the project. The National Marine Fisheries Service (NMFS) consultation has determined that due to downstream barriers and unsuitable habitat conditions, Chinook salmon and Coho salmon will not be present in the project area. Central California Coast steelhead juveniles have been observed in the project site vicinity. However, NMFS staff determined that given the Project activity schedule, the creek typically has low flow conditions during the summer and fall months and the project activities will occur outside of the migration period for smolt and adult steelhead. The project is scheduled for construction between July 2009 and October 15, 2009. The estimated duration is approximately four weeks.
5. The new culvert will result in an additional 78 linear feet and 0.02 acres of permanent impacts to the stream channel. The Project will use approximately 60 cubic yards of riprap. The channel banks are predominately vegetated with non-native English ivy, Himalayan blackberry, and Acacia trees. There is an established tree canopy in the riparian area. Compensatory mitigation for the Project includes implementation of non-native vegetation removal and a riparian planting plan that involves planting willows sprigs in the riprap to the extent practicable. 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.
6. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 3 *Maintenance* and Nationwide Permit No. 13 for *Bank Stabilization* (File No. 292840N), pursuant to Clean Water Act, section 404. Additionally, the Applicant received the RGP5 permit for the aforementioned repairs to the bank.

7. The Applicant has applied for a California Department of Fish and Game Streambed Alteration Agreement.
8. The Sonoma County Permit and Resource Management Department has determined that the project is categorically exempt in accordance CEQA Guidelines, Article 19, Class 1, section 15301(d) for restoration or rehabilitation of deteriorated or damaged structures or facilities. The Regional Water Board has determined that the Project will have no significant effect on the environment and anticipates filling a Notice of Exemption (Class 1, section 15301) as well, pursuant to California Environmental Quality Act (CEQA) guidelines.

Receiving Water: Dutch Bill Creek in the Guerneville Hydrologic Subarea No. 114.11, Russian River Hydrologic Area 114.00

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

Latitude/Longitude: 38.417447°N / 122.950456°W

Expiration: June 8, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County Department of Transportation & Public Works Occidental Dutch Bill Creek Culvert Replacement (WDID No. 1B08116WNSO), 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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