



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

August 10, 2009

In the Matter of
Water Quality Certification
for
Gordon A. Griffin
Headley Properties LLC
Yarbirds Site Project
WDID No. 1B09068WNSO

APPLICANT: Gordon A. Griffin, Headley Properties LLC
RECEIVING WATER: seasonal wetlands
HYDROLOGIC AREA: Laguna Hydrologic Subarea No. 114.21, Russian River
Hydrologic Unit No. 114.00
COUNTY: Sonoma County
FILE NAME: Yarbirds Site Project

BY THE EXECUTIVE OFFICER:

1. On June 10, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Mary Coopriider of LSA Associates on behalf of Headley Properties LLC (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Yarbirds Site Project (Project), in Sonoma County. A fee in the amount of \$915.00 was paid in full. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 2, 2009, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The purpose of the Project is to grade an industrial parcel for development as a contractor's yard. The Project is located at 5300 Commerce Boulevard and 160 Cascade Court, Rohnert Park, CA. The latitude and longitude are 38.35960° N and 122.71023° W. The project causes permanent impacts to 0.092 acres of seasonal wetlands, within the Laguna Hydrologic Unit Subarea No. 114.21, Russian River Hydrologic Unit No. 114.00.
3. This is a phased Project with temporary use of the property as a storage and staging area for the continuing improvements of Highway 101 and construction of retail and

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residential developments in the long term. This permit will only apply to the first, temporary phase of the Project. Approximately 1.7 acres of the east parcel (APN 143-021-006) adjoining the former site of Yardbirds Hardware Store (APN 143-021-013), including the 0.092 acres of seasonal wetlands, will be graded, by small bulldozer or grader. Grading will slope toward the existing drain inlet near the center of the parcel and a new drain inlet will be constructed at the southern end of the parcel and connected to the existing storm drain system. The parcel will be covered with a layer of gravel and/or compacted base rock after grading. The existing drainage swale along the north border of both properties will be mowed with a small mower and cleared by hand of debris and weeds and otherwise remain unaltered. The swale and an approximately 0.003 acre wetland on the adjoining property near the eastern border will be protected by orange construction fencing and silt fencing to prevent impacts during construction. The north and west sides on the Project site are bounded by an existing chain link fence. Temporary construction fencing will be used during grading along the east and south boundaries of the site, to be replaced by chain link fencing once grading is complete.

4. Compensatory mitigation consists of the purchase of 0.2 acres of wetland mitigation bank credits from Hazel Mitigation Bank on May 11, 2009.
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 Storm Water Pollution Prevention Plan has been created to minimize construction related disturbances to water quality. Drain inlets and the drainage swale will be protected during construction by hay bales and straw wattles. After construction, drain inlets will be protected with oil and sediment filters and boulders of approximately 30" diameter will be placed at the grade break along the northern edge of the east parcel to prevent vehicles from entering the drainage swale. Disturbed areas around the perimeter of the site will be treated with mulch and/or seeding or other erosion control measures. All erosion control measures will be installed and in place by October 15 and maintained thereafter by the contractor, including, but not limited to, continued maintenance of drain inlet filters. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.
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 (USACE File No. 2008-00406N).
7. The City of Rohnert Park, as the lead California Environmental Quality Act (CEQA) agency, has filed a Notice of Determination for a Mitigated Negative Declaration, with the Office of Planning and Research, on May 15, 2009 pursuant to CEQA guidelines.

8. Because the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.

Receiving Water: Seasonal wetlands
 Laguna Hydrologic Sub Area No. 114.21
 Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: 0.092 acres of permanent impacts

Latitude/Longitude: 38.473647° N and 122.719738° W

Expiration: August 10, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Yardbirds Site Project (WDID No. 1B09068WNSO), 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. 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 Order (Enclosed).
5. 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.

6. 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.
7. 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.
8. 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.
9. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
10. 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.
11. 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.
12. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
13. 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.

14. 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.
15. 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.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. 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.
18. 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.

19. 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).
20. The authorization of this certification for any dredge and fill activities expires on August 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

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