



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 20, 2009

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In the Matter of  
Water Quality Certification  
for the  
Hearn Avenue Widening, Phase 2 Project  
WDID No. 1B09027WNSO

APPLICANT: Ms. Lori Urbanek, City of Santa Rosa  
RECEIVING WATER: Colgan Creek  
HYDROLOGIC UNIT: Santa Rosa Hydrologic Sub Area No. 114.22, Russian River  
Hydrologic Unit No. 114.  
COUNTY: Sonoma  
FILE NAME: Hearn Avenue Widening Phase 2

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BY THE EXECUTIVE OFFICER:

1. On March 3, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. George Molnar of LSA Associates, on behalf of the City of Santa Rosa (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities associated with road widening project near Colgan Creek. A fee in the amount of \$1,088.00 was received on the same day (March 3, 2009). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 9, 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 improve traffic circulation along the eastern Hearn Avenue corridor with changes along an approximately 620 foot long segment of Hearn Avenue. This application applies to the widening of an approximately 150 foot stretch of Hearn Avenue, between Whitewood Drive and Victoria Drive, in the City of Santa Rosa, latitude 38.414408° N and longitude 122.721323° W, Sonoma County. The remainder of the project area will consist primarily of roadway resurfacing, pavement reconstruction, and striping. The project will cause temporary and permanent impacts to approximately 0.09 acres of waters of the State associated with Colgan Creek in the Santa Rosa Hydrologic Sub Area No. 114.22, Russian River Hydrologic Unit No. 114.00.

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3. The Applicant will temporarily divert the flow of Colgan Creek by use of a pump and cofferdam, installed in the channel north of Hearn Avenue, upstream of the new culvert, in order to dewater the work area during construction. A cofferdam will also be installed south of Hearn Avenue at the southern limit of the work area. Water will be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Any pump used will be screened with wire mesh openings not larger than 5 millimeters. Approximately 47 feet of box culvert will be constructed adjoining the south side of the existing structure. New wing walls will be installed, resulting in a total extension of approximately 55 feet. Rip rap will also be placed on the re-graded channel slopes adjacent to the new culvert up to the top of the bank. Approximately 70 cubic yards of fill and 180 square yards of rip rap will be required for construction and bank stabilization.
4. Compensatory mitigation consists of riparian habitat improvements. Non-native species, such as Himalayan blackberry (*Rubus discolor*), will be cleared and red willow poles, harvested from the vicinity, will be planted at four foot centers on the slopes adjacent to the new culvert up to the existing tree line under the supervision of a qualified restoration specialist or botanist. The total area planted is to be no less than 0.18 acres. To complete the required mitigation of the project, the City of Santa Rosa has entered into an agreement with the Sonoma County Water Agency to fund the planting and maintenance of shade trees in the vicinity as is beneficial to the riparian habitat.
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. Ground disturbance will be limited to the minimum necessary and all disturbed ground will be treated with hydro-mulching, seeding or erosion control blankets. Silt fences, silt curtains and straw bales will be used to avoid delivery of sediment into sensitive areas during construction. All operations, including harvesting of local willow stems, will be done with respect to all wildlife and to cause the minimum of disruption necessary. All erosion control measures will be installed and in place by October 15 and maintained thereafter by the contractor. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.
6. Applicant has applied for a United States Army Corps of Engineers Section 404 Nationwide Permit, (File No. 1995-218980N), issued on July 20, 2009.
7. The Applicant has applied for a California Department of Fish and Game Streambed Alteration Agreement, Notification Number 1600-2009-0075-03.

8. The City of Santa Rosa, as lead California Environmental Quality Act (CEQA) agency, filed a Notice of Determination of a Mitigated Negative Declaration (SCH No. 2009012079) on June 30, 2009, pursuant to CEQA guidelines.

Receiving Water: Colgan Creek in the Santa Rosa Hydrologic Sub Area No. 114.22, Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: Area Permanently Impacted: 0.09 acres of creek bed and bank

Latitude and Longitude: 38.414408° N and 122.721323° W

Expiration: August 20, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Hearn Avenue Widening Phase 2 Project (WDID No. 1B09027WNSO), 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. Reports as described in the California Department of Fish and Game Streambed Alteration agreement shall also be submitted to the Regional Water Board.
20. The authorization of this certification for any dredge and fill activities expires on August 20, 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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