



**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

August 28, 2009

In the Matter of

**Water Quality Certification**

for the

GOLD RIDGE RCD 2008 ESTERO AMERICANO RANGELAND GRANT PROGRAM,  
TREMARI RANCH PROJECT  
**WDID No. 1B09052WNSO**

APPLICANT: Gold Ridge Resource Conservation District, Jim and Rose Tremari  
RECEIVING WATER: Unnamed tributary to Estero Americano  
HYDROLOGIC UNIT: Bodega Hydrologic Unit No. 115.00, Estero Americano Hydrologic Area No. 115.30  
COUNTY: Sonoma  
FILE NAME: Gold Ridge RCD/Jim & Rose Tremari, Tremari Ranch

BY THE EXECUTIVE OFFICER:

- On April 20, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Lisa Hulette, Executive Director of Gold Ridge Resource Conservation District, on behalf of Jim and Rose Tremari (Applicant), requesting Federal Clean Water Act, section 401, water quality certification (certification) for activities related to stream restoration and stabilization projects within the Estero Americano watershed within Sonoma County. Information describing the proposed project was noticed for public comment on the Regional Water Board's website on August 28, 2009. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency." The Gold Ridge RCD, on behalf of the Applicant, provided equivalent public notice of the Project

**California Environmental Protection Agency**

*Recycled Paper*

through the posting of the Notice of Exemption and description of the Project to the State Clearinghouse on March 3, 2009. There were no public comments received. This 401 Water Quality Certification will be issued during the Regional Water Board's 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period.

2. The proposed project is part of the Gold Ridge RCDs Estero de Americano Rangeland Grant Program for 2008, funded by the State Water Resources Control Board, and the Natural Resources Conservation Service. The project site is located on a private ranch in southwestern Sonoma County, within the Estero Americano Watershed, which is on the North Coast Regional Water Quality Control Board's Clean Water Act 303 (d) List as impaired due to excessive sediment/siltation and excess nutrient loading. The proposed projects have been designed to implement measures to address excess sedimentation/siltation, riparian management, and water quality issues, key factors in attenuating existing adverse impacts to the Estero Americano. Current problems include mass wasting, down-cutting and head-cutting within stream channels, excessive erosion resulting from grazing practices and stream crossings, erosive geology, and lack of riparian vegetation.
3. The project includes three sites (A, B, and C). The two upper sites (B and C) have failed concrete crossing/grade control structures that washed out during the 2005/2006 New Year's Eve storm. These crossings will be replaced with arch pipe crossings. The lower site (A) is a large pasture prone to seasonal flooding where cattle cross the creek on a regular basis. A permanent fenced crossing will be established at the lower site. Additionally, 13,200 feet of riparian pasture fencing along the creek will be installed to exclude cattle from the riparian zone. The riparian zone will be revegetated with native plants. Debris/obstructions (instream concrete) will be removed from the creekbed. An off-channel water supply for the cattle will be installed.
4. The proposed project will result in permanent impacts to approximately 0.8 acres stream bed/bank within the water course. The project is designed to reduce sedimentation and nutrient delivery to the Estero Americano watershed, increase habitat for aquatic and terrestrial species, increase riparian areas, and therefore, compensatory mitigation is not required. Non-compensatory mitigation includes the use of Best Management Practices for erosion control and for operation of heavy equipment near a stream channel. The proposed project is scheduled to commence in the dry season of 2009.
5. 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, and other methods as described in the Application.
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.

7. The Applicant has applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
8. The Gold Ridge RCD, as lead California Environmental Quality Act (CEQA) agency, has determined that the proposed project is categorically exempt from CEQA review, (Sections 15301, 15304, and 15333), and have filed a Notice of Exemption for this project on March 3, 2009, State Clearinghouse number 200903817.
9. 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 water quality certification

Receiving Water: Unnamed tributary to Estero Americano, in Bodega Hydrologic Unit No. 115.00 and Estero Americano Hydrologic Area No. 115.30

Filled or Excavated Area: Area Permanently Impacted: 0.8 acres of stream channel and streambank

Latitude/Longitude: 38.325158°N, 122.838986°W,

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Gold Ridge RCD 2008 Estero Americano Rangeland Grant Program, Tremari Ranch Project (WDID No. 1B09052WNSO), 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 Estero Americano is identified as impaired on the Clean Water Act Section 303(d) list. The Estero Americano is listed as impaired for nutrients and sedimentation/siltation. 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 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.
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. The Applicant shall implement the *Gold Ridge RCD Best Management Practices for Construction*.

13. The applicant shall maintain the projects for five years and shall submit yearly reports to the Regional Water Board.
14. 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.
15. 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.
16. 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.
17. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
18. 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.
19. 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.

20. 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).
21. The authorization of this certification for any dredge and fill activities expires on August 28, 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.

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Catherine Kuhlman  
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original to: Ms. Lisa Hulette, Gold Ridge RCD, PO Box 1064, Occidental, CA 95465

Copies sent to: Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program  
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  
Mr. Dan Wilson, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599