



**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

September 16, 2009

In the Matter of
Water Quality Certification
For the
Woodruff Property Creek Repair Project

APPLICANT: Ms. Rebecca Woodruff
RECEIVING WATER: Matanzas Creek
HYDROLOGIC UNIT: Santa Rosa Hydrologic Subarea No. 114.22, Russian River
Hydrologic Unit No. 114.00
COUNTY: Sonoma
FILE NAME: Woodruff Property Creek Repair Project
WDID No. 1B09051WNSO

BY THE EXECUTIVE OFFICER:

1. On April 16, 2009, Ms. Kari Wester of EBA Engineering, on behalf of Ms. Rebecca Woodruff (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 related to the Woodruff Property Creek Repair Project (Project). The proposed Project will cause temporary and permanent impacts to 0.06 acres of stream bed and bank associated with Matanzas Creek, within the Santa Rosa Hydrologic Subarea No. 114.22, Russian River Hydrologic Unit No. 114.00. Fee payment was completed on April 23, 2009. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 20, 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 reestablish a stable streambank and riparian zone and to arrest the continuing erosion of two sites of streambank of Matanzas Creek, located at 4184 Sonoma Mountain Road, in the City of Santa Rosa, latitude 38.392138°N and longitude 122.625690°W, Sonoma County. The erosion has been occurring over many years and has been exacerbated by El Niño weather events and the 2005 New Years storms.
3. In 2008, unpermitted bank repair, including removal of a downed tree from the creek bed and construction of a rock buttress, extending into the creek bed, was conducted at the first of the two sites. Limited repair activities were performed at the second site, an eroding drainage swale.

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4. At the first site, the unpermitted rock buttress will be removed and a keyway will be cut into the toe of the bank. From the toe up, the bank will be graded horizontally into firm material, as determined by a geotechnical engineer. An engineered, permitted rock buttress will then be installed from the keyway, using ½ ton rock to the ordinary high water mark and ¼ ton rock to the top of the bank. At the second site, the area will be recontoured into a stable rock-lined swale draining to Matanzas Creek. The site will be excavated to horizontal benches of firm material, as at the first site, and a second keyway will be constructed on the edge of the creek for stabilization. A subdrain will be installed under compacted fill in the excavated area and will drain to a suitable location on Matanzas Creek. Soil will be installed in the interstices of the rock at both sites, and native grasses will be seeded in this and any other bare soil, down to approximately five feet from the toe of the bank. Willows sprigs will be planted in the interstitial space of the riprap from toe of bank to top of bank. Willows will also be planted up and down stream from the repaired area to roughen the bank, create an area of deposition, and to absorb hydraulic energy during high water events, all to help protect the repaired and neighboring areas.
5. Compensatory mitigation will consist or restoration of the riparian habitat. Willows and native trees, such as Big Leaf Maple and Bay trees, will be planted along the repair sites as is beneficial to bank stabilization, restoration of riparian vegetation, and increased cover and shade. The Project should reduce erosion and the delivery of sediment, as well as increase shade and delivery of leafy material at the two project locations. All plantings shall be managed for a minimum of five consecutive years immediately following planting. Plantings shall be irrigated as necessary for establishment. The Applicant shall attain 85% survival of thriving plantings five years after having been planted. The Applicant will submit a report detailing the Project after it is installed. Annual reports shall be submitted to the Regional Water Board for five years, and shall include photos of the revegetated areas, and include survival rates and a narrative summary of the status of the revegetation effort. Continued maintenance of these facilities shall be the responsibility of the property owner.
6. 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. Silt fences and silt curtains will be used to avoid delivery of sediment to Matanzas Creek during construction. All disturbed soil will be treated with mulching, seeding of native grasses, and/or erosion control blankets. All work by heavy equipment shall be conducted from the top of the bank. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.
7. The Applicant has received United States Army Corps of Engineers Section 404 Nationwide Permit(s), File Number 2009-00232N, issued on August 25, 2009.

8. The Applicant has applied to the California Department of Fish and Game in March 2009, for a Lake and Streambed Alteration Agreement (File No. 1600-2009-0152-3).
9. The County of Sonoma Permit and Resource Management Department, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption for 15333-Small Habitat Restoration, pursuant to CEQA guidelines.

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

Filled or Excavated Area: Area temporarily and permanently impacted: 0.06
acres of creek bed and bank

Latitude/Longitude: 38.392138°N / 122.625690°W

Expiration: September 16, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Woodruff Property Creek Repair Project (WDID No.1B009051WNSO), 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 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.
6. 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.
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 September 16, 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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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

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