



**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

October 8, 2009

In the Matter of
Water Quality Certification
for
City of Ukiah
Orrs Creek Bank Restoration and Habitat Protection Project
WDID No. 1B09063WNME

APPLICANT: Maya Simerson, City of Ukiah
RECEIVING WATER: Russian River
HYDROLOGIC AREA: Ukiah Hydrologic Subarea No. 114.31, Russian River
Hydrologic Unit No. 114.00
COUNTY: Mendocino County
FILE NAME: Ukiah Golf Course – Orrs Creek Bank Restoration and
Habitat Protection Project

BY THE EXECUTIVE OFFICER:

1. On May 18, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Maya Simerson of the City of Ukiah (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities associated with a bank stabilization and habitat protection project on Orrs Creek. A fee in the amount of \$1,152.00 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 September 16, 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 reinforce a damaged embankment and restore riparian habitat along approximately 80 linear feet of streambank. The bank was damaged during the 2005-2006 New Years storms and continued erosion is delivering sediment into the stream and threatening a roadway above. The repair site is located within the Ukiah Municipal Golf Course at 599 Park Boulevard in the City of Ukiah, latitude 39.150116° N, longitude 123.225037° W, Mendocino County. The project will cause temporary and permanent impacts to approximately 0.02

acres of waters of the State associated with Orrs Creek in the Ukiah Hydrologic Subarea No. 114.31, Russian River Hydrologic Area 114.00.

3. The Applicant will slope back the eroding southern bank in order to maintain the current channel capacity and excavate a three foot deep by two feet wide keyway at the toe of the bank. Approximately 110 cubic yards of existing fill and native soil will be excavated. The area will be covered with geo-textile fabric and rip-rap will be placed up the side of the slope to approximately three feet above the ordinary high water mark, installing approximately 45 cubic yards of rip-rap at a maximum grade of one to one. Three 12-inch diameter logs will be cabled together, placed on top of the rip-rap and anchored to a fourth, 12-inch diameter dead man log. The fourth log will be buried in a one foot trench and approximately 65 cubic yards of the excavated soil will be installed on top of this log structure. Willow poles, harvested from native trees in the vicinity, will be planted at two foot centers in the interstices of the rip-rap from the toe of the bank up throughout the rip-rap and in the log armored fill above the rip-rap. At least three alders will be planted at the top of the bank to provide shade and a source of leafy material. An irrigation system will be installed within the fill to provide water for the revegetation effort. Excess fill will be disposed of offsite in accordance with all applicable laws and regulations. All work shall be performed during the dry season, when there is no water within the channel. The project will require the use of a backhoe or excavator, operated from the top of the bank above the creek. All operations, including harvesting of local willow stems, will be done with respect to all wildlife and cause the minimal possible disruption.
4. Compensatory mitigation will consist of riparian habitat improvements. Non-native, invasive species, such as Himalayan blackberry (*Rubus discolor*), will be cleared throughout the project site and replaced with native willow and alders as described above. This will help to restore the natural riparian habitat and reduce erosion at and near the project site. The project will also decrease the amount of sediment introduced into the creek during future storm events. All plantings shall be irrigated and managed, as necessary, for a minimum of five consecutive years immediately following planting. Planted vegetation shall have at least an 85% survival rate of thriving planted species at the end of five years. 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/mitigation effort. Continued maintenance of these facilities shall be the responsibility of the property owner.
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. All erosion control measures will be on-site and installed in place by October 15 and maintained thereafter by the contractor. All disturbed soil will be revegetated with native species or seeded with native grasses. If vegetation cannot be reestablished before

expected rainfall, mulching, erosion control fabric, or other sediment control measures will be implemented. No heavy equipment shall be operated from within the creek bed. All equipment will be maintained in good working order and spill kits will be on hand during construction. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.

6. The City of Ukiah, as lead California Environmental Quality Act (CEQA) agency, has determined this project to qualify for a Categorical Exemption, filed on April 30, 2009, for Section 15333, Small Habitat Restoration, pursuant to CEQA guidelines.
7. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement (Notification No. R1-09-0168).
8. The Applicant has received an US Army Corps of Engineers Clean Water Act Section 404 Nationwide Permit, (File No. 2009-00239N), which was issued on September 21, 2009.
9. 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: Orrs Creek
Ukiah Hydrologic Subarea No. 114.31
Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: 0.02 acres of temporary and permanent impacts to river bed and river bank

Latitude/Longitude: 39.150116° N 123.225037° W

Expiration: October 8, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Orrs Creek Bank Restoration and Habitat Protection Project (WDID No. 1B09063WNME), 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 listed on the Clean Water Act Section 303(d) list 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, 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 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 October 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 at (707) 576-2653.

Catherine Kuhlman
Executive Officer

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Certified Return Receipt

Web link: State Water Resources Control Board Order No. 2003-0017 -DWQ,
General Waste Discharge Requirements for Dredge and Fill

California Environmental Protection Agency

Discharges That Have Received State Water Quality Certification can be found at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Ms. Mary Horger, City of Ukiah, 300 Seminary Drive, Ukiah, CA 95482

Copies sent to: Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel

Mr. Bill Orme, SWRCB, 401 Certification and Wetlands Unit Program

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94105-1398

Mr. Christopher J. Watt, LACO Associates, 101C North State Street,
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