



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

November 16, 2009

In the Matter of
Water Quality Certification
for the
Oliver Property Bank Repair Project
WDID No. 1B08064WNSO

APPLICANT: Don Oliver
RECEIVING WATER: Ducker Creek
HYDROLOGIC UNIT: Santa Rosa Hydrologic Subarea No. 114.22, Russian River
Hydrologic Area 114.00
COUNTY: Sonoma County
FILE NAME: Oliver Property Bank Repair

BY THE EXECUTIVE OFFICER:

1. On April 8, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Rob Huffman of Huffman Engineering and Surveying, on behalf of Mr. Don Oliver (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities associated with a riparian restoration and bank stabilization project on the northern bank of Ducker Creek, located in Sonoma County. A fee in the amount of \$800 was received on the same day (April 8, 2008). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 6, 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 restore native vegetation and arrest the continuing erosion on approximately 60 linear feet of stream bank. The bank failed during the 2006-2007 winter storms and is now threatening an existing home on site at 5244 Beaumont Way, in the City of Santa Rosa, latitude 38.48127° N, longitude 122.65427° W, Sonoma County. The project causes permanent impacts to approximately 0.006 acres of stream bank associated with Ducker Creek in the Santa Rosa Hydrologic Subarea No. 114.22, Russian River Hydrologic Area 114.00.
3. The Applicant will use a combination of rip-rap and bioengineering techniques to reinforce the bank and prevent further erosion. The project will include removal of

California Environmental Protection Agency

Recycled Paper

one horizontal oak tree, excavation of a three foot by four foot keyway along the stream just outside the low flow channel, placement of rip-rap on the lower slope, and the reconstruction of a bioengineered and re-vegetated upper slope. The key way will be excavated with a track-mounted excavator and approximately 240 square feet of bank slope will be stabilized with rip-rap. Rip-rap and soil will be installed from the toe of bank to the top of bank with dense plantings of willows and alder trees filling the voids and reestablishing the riparian corridor. The soil cover and tree plantings will shade the area and mitigate for the temperature increase due to rip-rap. The planting plan includes poplar, strawberry, cottonwood, native grasses, alder and willow cuttings, and live oaks. Irrigation will be completed during the dry season, as needed. The jute netting (erosion control blanket) and plantings will be installed by hand. Watering will be done by using a total of four rotary impact sprinklers, two placed at opposite ends of the top of bank and two placed at the top center of the rip-rap, as well as a drip irrigation system. The access route up the creek will be prepared prior to use by spreading rice straw along the creek bed and then filling in low areas with one to six inches of clean river-run mix gravels. Project construction will be performed in accordance with the project plans. Ducker Creek at the project site is a seasonal stream. Downstream of the project site there are perennial reaches. Standard erosion control procedures will be followed from the street to the edge of Ducker Creek. Any disturbed ground along the access route and creek banks, where equipment has accessed the creek, will be repaired and revegetated to pre-construction condition upon completion of the project. Straw wattles will be installed at edge of disturbed area during construction. The site will be covered with sheet plastic when raining. No sediment will be allowed to enter the creek.

4. Compensatory mitigation includes restoration, removal of Himalayan blackberry, and re-vegetation to create a shaded creek habitat at the site. After two years, to allow time for stabilization, fifteen thirty-gallon live oaks will be planted at 25 foot spacing in the upper bank. Native grass and strawberry seeds will be spread and watered to allow for germination prior to the onset of the rainy season. The bank stabilization and planting will reduce sediment delivery to the creek, provide creek shading, and reduce threats to life and property. The direct impacts will be mitigated by using jute netting and intensive planting to prevent erosion of soil from the site. The rip-rap will deflect the energy of the flowing water at the toe of the bank, while the establishment of willows, also at the toe, will help to capture sediment, stabilize the bank and placed rip-rap, and recreate a riparian zone. Monitoring of the repair site will occur monthly and after every significant rainfall event for five years after installation of the project.
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 work shall be conducted during the dry season. Ground disturbance will be limited to the minimum necessary and all disturbed ground will be treated with seeding or other

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 November 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

091116_MRB_Oliver_Property_Bank_Repair_401

Original to: Mr. Don Oliver, 5244 Beaumont Way, Santa Rosa, CA 95409

Copies sent to: Mr. Rob Huffman, 537 College Avenue, Santa Rosa, CA 95404
Mr. Bill Orme, SWRCB, 401 Program Manager, SWRCB
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