



**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

March 18, 2010

In the Matter of
Water Quality Certification
For
Gilman Ranch LLC
Bickel Subdivision Project
WDID No. 1B08133WNSO

APPLICANT: Harvey Rich, Gilman Ranch LLC.
RECEIVING WATER: Seasonal wetlands and an unnamed linear watercourse
HYDROLOGIC AREA: Laguna Hydrologic Sub Unit No. 114.21
COUNTY: Sonoma County
FILE NAME: Gilman Ranch LLC., Bickel Subdivision Project

BY THE EXECUTIVE OFFICER:

1. On August 25, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Charles Patterson acting on behalf of Mr. Harvey Rich, Gilman Ranch LLC (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Bickel Subdivision Project (Project) in Cotati, Sonoma County. A fee in the amount of \$3,314.52 was received on the same day (August 25, 2008). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 16, 2010, 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 construct a five lot residential subdivision, as well as attendant infrastructure, including underground utilities. The total size of the project will cover an area of approximately five acres. The property consists of undeveloped grasslands and wetlands, and two existing homes and a barn, which occur on the eastern side of the parcel.
3. The Applicant will subdivide a 4.68 acre parcel into five single family residential lots. The proposed subdivision would range in size from approximately 0.8 to 1.0 acres. The three westerly lots will provide sites for three new single family residences and three second units. The two easterly lots will accommodate the existing two residences on the property and two second units. Two new driveways will be constructed from Gilman Ranch Road to provide access to the lots for the three new

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residences. Two private driveways, which currently allow access to the two existing homes, will be removed and a new relocated joint driveway will be constructed and will cross the linear watercourse by way of the existing culvert. Bioswales will be constructed around the perimeter of the three undeveloped subdivision parcels, and will be sized to treat post construction storm water runoff before it is conveyed through drop inlets into the newly constructed storm drain system. Between the two existing homes, along the new property line, an approximately 60 foot long bioswale will be constructed, carrying storm water runoff northward into drop inlets. All drop inlets will be protected with catch basin filters to remove sediment and pollution, before water enters the new storm drain system. The new storm drain system will flow into the existing linear watercourse along the northeastern portion of the property. Continued maintenance of the post construction storm water treatment features, including bioswales and drain filters, will be the responsibility of the property owners. One new outfall, one new culvert, and an approximately five feet extension of an existing culvert will be installed on the linear watercourse to allow for post construction storm water drainage and pedestrian crossing. Areas surrounding the new structures will be covered with turf reinforcement matting, covered with clean native soil, and hydroseeded in order to protect the slopes from potential erosion. Willows harvested within the vicinity will also be planted within the matting to encourage bank stability and prevention of erosion.

4. 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 restoration effort.
5. Compensatory mitigation for impacts to seasonal wetlands and potential California Tiger Salamander habitat will consist of the purchase of 0.4 acres at Hale Mitigation Bank and 0.1 acres at Hazel Mitigation Bank of wetland mitigation credits, and 15 California Tiger Salamander credits at Wright Mitigation Bank. The Applicant also proposes riparian habitat improvements within the project area, which will include planting oaks and willows, and seeding native grass mix, as well as other appropriate native species.
6. All construction activities shall occur during the dry season. 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 installed and in place by October 15 and maintained thereafter by the contractor. Ground disturbance will be limited to the minimum necessary and 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. All equipment will be maintained in good working order and spill kits will be on hand during construction. No heavy equipment will be operated from within the channel. All operations, including harvesting of local willow stems, will be done with respect to all wildlife and cause

the minimal possible disruption. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.

7. 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 installed and in place by October 15, or during non-construction periods as necessary, and maintained thereafter by the contractor/Applicant. 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 to prevent delivery of sediment into waters of the State. All equipment will be maintained in good working order and spill kits will be on hand during construction. Equipment shall not be staged, or fueled, within the stream. Additionally, all required BMPs shall be on-site and ready for timely deployment at the start of construction activities.
8. The United States Fish and Wildlife Services was consulted and has determined that the project will not jeopardize the continued existence of threatened plant or animal species on February 23, 2005, (File No. 1-1-04-F-0091).
9. The Applicant has applied to the United States Army Corps of Engineers for a Clean Water Act Section 404 Nationwide Permit Number 29, (File No. 7203N), which was issued on October 16, 2008.
10. The City of Cotati Planning Department, as the lead California Environmental Quality Act (CEQA) agency, has filed a Mitigated Negative Declaration (State Clearinghouse No. 2009069030), on September 4, 2007, pursuant to CEQA guidelines.
11. 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: Seasonal wetlands and unnamed linear watercourse
Laguna Creek Hydrologic Sub Area No. 114.21
Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: Permanent impacts to 30 linear feet of streambank and 0.47 acres of seasonal wetlands

Latitude/Longitude: 38.330253° N and 122.719218° W

Expiration: March 18, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Bickel Subdivision Project (WDID No. 1B08133WNSO), 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 identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed 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, there are no 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 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.
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. Applicant shall record all required deed restrictions/legal documents with City of Cotati and/or County of Sonoma to provide for responsibility of ongoing maintenance and monitoring of SUSMP features and mitigation wetland areas.
21. The authorization of this certification for any dredge and fill activities expires on March 18, 2015. 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

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Web link: 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 may be found at:

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

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