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California Regional Water Quality Control Board
North Coast Region
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Arnold
Schwarzenegger
Governor

May 20, 2010

In the Matter of
Water Quality Certification
for the
Drumright Subdivision Project
Sonoma County (WDID# 1B09082WNSO)

APPLICANT: Mr. and Mrs. Jim and Linda Drumright
RECEIVING WATER: Dry Creek
HYDROLOGIC AREA: Dry Creek, Warm Springs Hydrologic Subarea No. 114.24,
Russian River Hydrologic Area 114.00
COUNTY: Sonoma County
FILE NAME: Drumright Subdivision

BY THE EXECUTIVE OFFICER:

1. On July 8, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Darren Wiemeyer of Wiemeyer Ecological Sciences, on behalf of Mr. Jim and Mrs. Linda Drumright (Applicant), requesting a Federal Clean Water Act, section 401 Water Quality Certification (Certification) and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Drumright Subdivision Project, in Sonoma County. The total fee of \$1,555 was also received on July 8, 2009. The project will cause permanent and temporary impacts to approximately 0.1 acres of seasonal wetland, and 12 linear feet – 225 square feet, of stream bank of Dry Creek, Warm Springs Hydrologic Subarea No. 114.24, Russian River Hydrologic Area 114.00. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 23, 2010, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. Project is located at 555 Westside Road, just west of the City of Healdsburg, latitude 38.606149° N, and longitude 122.881572° W, in Sonoma County. The approximately 16.51 acre project site is bordered by Westside Road to the south, Dry Creek to the west, and vineyards and rural residences to the north and east. The current site consists of one metal-sided storage building on the southwest corner, abandoned concrete slabs, a small amount of woody vegetation, heavily

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compacted soils and a network of gravel driveways. A two to four foot high berm runs along the western edge of the property, directing sheet flow from the parcel to a concentrated and stabilized bank area of Dry Creek on the southern half of the property. Three separate wetlands exist near the northern edge of the property, totaling approximately 0.24 acres. The two smaller wetlands, with areas of 0.05 and 0.02 acres, occur near the center of the northern property line and near the northeastern corner of the site. The largest of the three wetlands is approximately 0.17 acres and extends along the eastern border of the site, from the northeastern corner approximately 345 feet toward the south. The site was previously used for multiple uses, including sand and gravel processing.

3. The project is a multi-use subdivision, which will consist of Drumright Wine Warehouse and Tasting Facility, Healdsburg Animal Shelter, and Clendenen Vineyard Management. The Applicant will remove the existing building and concrete slabs on the property, and fill the two smaller wetlands and 0.03 acres of the southwestern most portion of the larger wetland, totaling 0.1 acres of wetlands to be filled. The majority of the site will be graded and two parking lots, driveways, and all attendant infrastructures will be constructed. Drumright Wine Warehouse and Tasting Facility will be constructed on approximately 8.88 acres of the original parcel. The facility will consist of an approximately 64,000 square foot wine warehouse building, including case storage, tank processing area, tasting room and office space. Healdsburg Animal Shelter will construct an approximately 12,691 square foot building, containing kennels, a domestic animal clinic, training room, observation area, waiting area, and administrative offices on approximately 2.82 acres of the project site. Clendenen Vineyard Management Company will consist of two structures, totaling approximately 13,300 square feet, and an outdoor storage yard, and will be separated from the north property line by a sound berm. The project also incorporates a riparian restoration and mitigation area of approximately 2.89 acres adjacent the top of bank of Dry Creek, on the western edge of the project. The Applicant will also install all attendant infrastructure, including driveways, parking lots, and underground utilities.
4. Project is being constructed in phases. All of the activities within the various phases have been included with the application; no other activities are being proposed or considered. Applicant has requested that the first phase be authorized prior to other activities. The first phase of construction includes grading of the project in areas to the east of the riparian restoration area, and shall not be closer than seventy five (75) feet to the top-of-bank of Dry Creek, and impacts to waters of the State only includes the impacts to the 0.1 acres of seasonal wetlands that have been mitigated for by purchasing wetland creation mitigation credits from an approved mitigation bank. Impacts to other waters of the State, and other activities to be regulated, will be authorized by amendment to this Certification. This Certification authorizes the impacts to the 0.10 acres of seasonal wetlands, as described in the application. Future phase(s) will include grading and installation of infrastructure including Low Impact Development (LID) features, outfalls to Dry

Creek, and the riparian restoration area. Documents and plans pertaining to the future activities are expected to be submitted within the next month. The deed restriction for the preservation and management of the riparian restoration area shall be submitted by August 31, 2010.

5. Compensatory mitigation for impacts to seasonal wetlands will consist of the purchase of a total of 0.10 acres wetland mitigation credits at Desmond Mitigation Bank. For impacts to creek bank and riparian area of Dry Creek, the Applicant will construct a riparian restoration area, totaling approximately 2.89 acres, along the east bank of Dry Creek at the project site, as proposed originally in the "Riparian Restoration and Monitoring Plan," prepared by Darren Wiemeyer, and subsequent documents to be submitted at a later date. The riparian restoration area will be revegetated with native tree and plant species to increase riparian habitat and mitigate for impacts caused by the addition of the proposed outfalls and rip-rap. Intrusion of development within the 100 foot setback from top-of-bank of Dry Creek will be minimized, with the closest constructed road to the top-of-bank of Dry Creek no closer than seventy five (75) feet. It is expected that portions of the riparian restoration area will contain a decomposed granite walking path. Interpretive signage will be installed along the path, and throughout the project to alert users of the purpose and proper use of the riparian restoration area and of the LID features throughout the project. The riparian restoration area shall be protected in perpetuity by a deed restriction or equivalent legal device. The deed restriction shall include a legal description of the area, and indicate what activities are permitted within the area for maintenance, what activities are prohibited, and what the purpose of the deed restriction is. Final designs of the riparian restoration area, and its monitoring and reporting program, are currently being prepared, as well as the deed restriction, and shall be included as future phase(s) of the project and be amended to this Certification at a later date.
6. Non-compensatory mitigation includes the use of Low Impact Development stormwater treatment and infiltration/capture techniques. LID features will treat stormwater by physically and biologically removing solids and contaminants, and will abate discharge volume by infiltrating stormwater at 28 locations dispersed around the site, specifically including: Bioretention at landscape drains (19); vegetated swales with bioretention (3); vegetated buffer strips (2); parking islands with bioretention (4). The LID features are designed to treat, and capture and infiltrate the 85th percentile storm, at the minimum. These LID features will be authorized under a later amendment to this Certification. Additionally, the animal shelter is proposing to use a vegetated roof over portions of its facility. After treatment, stormwater is discharged to storm drains, which will be piped to dispersion outfalls on the western side of the property. Three rip-rap lined outfalls are situated on the bank of Dry Creek, above ordinary high water level, so as to cause a minimum of disturbance to the existing vegetation and creek bank. The proposed outfalls will require the installation of approximately eight cubic yards of rip-rap; erosion control fabric and native plantings will be used to help stabilize the

outfall areas. The maintenance of the post-construction storm water treatment features will be the responsibility of the property owner. Other 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. All disturbed soil will be treated with native grass seed, or native grass plugs, or other erosion control measures. Hydro-mulching shall not be used within the creek top-of-bank, or in areas where it may wash into the creek. 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. Construction barrier fencing will be used to preclude equipment entry into sensitive areas. 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. County of Sonoma Permit and Resource Management Department, as lead California Environmental Quality Act (CEQA) agency, has adopted a Mitigated Negative Declaration, on March 19, 2009, pursuant to CEQA guidelines.
8. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement, Notification No. 1600-2009-0268-R3.
9. The Applicant has received a US Army Corps of Engineers for a Clean Water Act Section 404 Nationwide Permit, NWP 39 for Commercial and Institutional Developments, File Number 2008-00319N, on November 9, 2009.
10. 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: Dry Creek in the Warm Springs Hydrologic Subarea No. 114.24, Russian River Hydrologic Area 114.00.

Filled or Excavated Area: 0.10 acres of permanent fill to seasonal wetlands and, 16 linear feet of permanent impact to stream bank and, 300 square feet of temporary impact to stream bank

Latitude/Longitude: 38.606149° N, 122.881572° W

Expiration: May 20, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma Drumright Subdivision Project (WDID No. 1B09082WNSO), 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 Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, 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. Applicant shall prioritize use of wildlife-friendly 100% biodegradable erosion control products/BMPs wherever feasible. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall not use

or allow the use of soil stabilization products that contain synthetic materials within waters of the United States or waters of the State at any time. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.

7. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited 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 Basin (Basin Plan).
8. The Applicant shall conduct the Project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
9. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
10. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
11. The Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
12. 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.
13. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete 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.
14. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for permit coverage from the Regional Water Board and receive notification of coverage prior to discharge to surface waters.

15. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.
16. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other Project activities that could result in erosion or sediment discharges to surface water.
17. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the Contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this Project.
18. All mitigation activities shall be completed as proposed in the application.
19. In the event of any violation or threatened violation of the conditions of this Order, 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 Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
20. 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 or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
21. This Order is not transferable. 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. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of

this Order to discharge dredged or fill material under this Order. The request must contain the following:

- a. requesting entity's full legal name
- b. the state of incorporation, if a corporation
- c. address and phone number of contact person
- d. description of any changes to the Project or confirmation that the successor-in-interest intends to implement the Project as described in this Order.

22. The authorization of this Order for any dredge and fill activities expires on May 20, 2015. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

Catherine Kuhlman
Executive Officer

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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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