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

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Arnold
Schwarzenegger
Governor

June 14, 2010

In the Matter of
Water Quality Certification
for
Seastack Enterprises
Seastack Development Project
WDID No. 1B09033WNSO

APPLICANT: Tad Sanders, Seastack Enterprises
RECEIVING WATER: Redwood Creek, and seasonal wetlands
HYDROLOGIC AREA: Mark West Hydrologic Sub Unit No. 114.23
COUNTY: Sonoma County
FILE NAME: Seastack Development Project

BY THE EXECUTIVE OFFICER:

1. On March 17, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Douglas Spicher of WRA Environmental Consultants acting on behalf of Mr. Tad Sanders of Seastack Enterprises, LLC (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Seastack Development Project (Project) in Santa Rosa, Sonoma County. A fee in the amount of \$1,823.00 was received on the same day (March 17, 2009). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 25, 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 develop eight construction building pads for future commercial and/or light industrial facilities, as well as attendant infrastructure, including streets, sidewalks and underground utilities. As a condition of project approval from the County of Sonoma, the project will also restore a portion of Redwood Creek, which runs through a southern portion of the property that will not be developed. The total size of the project will cover an area of approximately 19 acres. Approximately 0.42 acres of seasonal wetlands on a 5.25 acre remainder lot, to the north of the proposed Aviation Boulevard extension are not covered by this

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application, and would require a separate Water Quality Certification if developed in the future.

3. The Applicant will grade and place clean fill over the majority of the project site, not including the creek area at the southern side of the site. Eight building pads will be constructed, complete with sidewalks and ranging in size from 1.2 to 3.4 acres. The project will construct necessary infrastructure for "build to suit" clients on the lots including utilities, sidewalks, sewers, and a storm water treatment/conveyance system in compliance with current standards. On the southern side of the project, Airport Boulevard will be widened. Aviation Boulevard will be extended across the northern border of the property. One new street, Jet Way, will be constructed as part of the project. Jet Way will begin at the proposed Aviation Boulevard extension, running north to south for approximately 420 feet along the west border of the project, then it will bisect the property from east to west. Drainage of the building pads will be directed by temporary swales into approximately 14 drop inlets. The inlets will connect to a new 42 inch storm drain system which directs water north to Airport Creek. The project will require that a storm drain be installed along the eastern border of the remainder parcel, but all wetlands on the remainder parcel will be avoided. An existing damaged 15 inch culvert will be capped and a new angled 42 inch culvert will be installed. Standard Urban Stormwater Mitigation Plan (SUSMP) features will be incorporated to treat the increase in onsite runoff as well as pollutants created by the increase in impervious surface. Areas to receive SUSMP treatment features during the Applicant's initial phase of build-out include created and widened roadways, and sidewalks. The newly widened Airport Boulevard will runoff to an approximately 180 foot long vegetated swale, with three foot wide, flat bottoms. Kristar Treepod™ biofilters (or approved equivalent) incorporating attached volumetric storage units (Kristar CUDO™, or approved equivalent) for underground storage, infiltration and capture of the 85% percentile 24 hour storm event, will be installed along the extension of Aviation Boulevard and Jet Way, as per the *SSE II Development Post Construction BMP's*, by Brelje and Race Consulting Civil Engineers, August 28, 2009, and resubmitted on May 5, 2010.

Additionally, all future development of the proposed lots will also be required to meet SUSMP standards for post construction stormwater treatment based on the individual construction plan for the lot. Purchasers shall comply with California Regional Water Quality Control Board, North Coast Region, Order No. R1-2009-0050, NPDES No. CA0025054, WDID No. 1B96074SSON, which requires that new construction prioritize low impact development (LID) / landscape based post construction stormwater treatment. The Applicant has been made aware of this requirement and will incorporate language within each sales agreement and record it with the deed of trust for each lot. The Applicant shall notify each prospective purchaser of this requirement and shall submit to the Regional Board, the name and contact information of the purchaser at the time of sale and within a report,

submitted annually until such time as all lots are sold and developed. This report may be combined with other annual reports required by the Regional Board. Regional Board approval, along with MS4 permittee approval (County of Sonoma), shall be required for each lot before construction permission is granted. County of Sonoma PRMD staff, Mr. Reg Cullen stated in his May 17, 2010, email, that all future commercial work on these SSII parcels is subject to discretionary review and projects will be conditioned to be in compliance with the MS4 permit.

4. On Redwood Creek, an existing 51 foot long culvert, located at an abandoned driveway on Airport Boulevard, will be removed and the banks will be graded to conform to those upstream and downstream of the culvert. Topsoil will be collected, stockpiled, and placed along the banks of the regraded channel and in adjacent restoration areas. Non-native vegetation will be removed and replaced with appropriate native riparian species. An existing barn will be demolished and removed, and the area will be revegetated with native plant species, such as valley oak (*Quercus lobata*), coyotebush (*Baccharis pilularis*), and sky lupine (*Lupinus nanus*). Approximately 1,020 square feet of channel and banks and 4,900 square feet of upland area will be restored. Removal of vegetation at the creek area will be limited to only what is necessary to complete grading of stable banks and bed. The creek area will be protected by deed restrictions or other methods so that there will be mechanisms in place to protect the site in perpetuity and ensure that all of the original ecological functions and beneficial uses are maintained. 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 consists of the purchase of a total of 0.45 acres wetland creation credits, 0.45 acres listed plant habitat credits, and 3.85 acres California Tiger Salamander mitigation credits.
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. 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 to Redwood Creek. 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 before the start of construction activities.

7. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement (File No. 1600-2009-0104-3), issued on June 24, 2009.
8. The Applicant has applied to the United States Army Corps of Engineers for a Clean Water Act Section 404 Nationwide Permit Number 39, (File No. 26937N), issued on September 24, 2008.
9. The County of Sonoma Planning Commission, as the lead California Environmental Quality Act (CEQA) agency, has filed a Notice of Determination (State Clearinghouse No. 2009069030), with the Office of Planning and Research on June 26, 2009, pursuant to CEQA guidelines.
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: Redwood Creek, and seasonal wetlands
Mark West Creek Hydrologic Sub Area No. 114.23
Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: Permanent impacts to 51 linear feet of streambank and 0.43 acres of seasonal wetlands

Latitude/Longitude: 38.51150° N and 122.79641° W

Expiration: June 14, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Seastack Development Project (WDID No. 1B09033WNSO), 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. 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. 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.

8. 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.
9. 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.
10. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
11. 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.
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. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
14. 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.
15. 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.
16. 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.

17. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
18. 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.
19. 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.

20. 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).

21. Applicant shall record all required deed restrictions/legal documents with Town of Windsor and/or County of Sonoma to provide for responsibility of ongoing maintenance and monitoring of SUSMP features and mitigation wetland areas.
22. The authorization of this certification for any dredge and fill activities expires on June 14, 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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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_order_s/water_quality/2003/wqo/wqo2003-0017.pdf

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