



**Linda S. Adams**  
Secretary for  
Environmental Protection

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

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**Arnold Schwarzenegger**  
Governor

August 2, 2010

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In the Matter of  
Water Quality Certification  
For  
Battle Ranch Culvert Installation Project  
WDID No. 1B09117WNSO

APPLICANT: Mr. A. George Battle  
RECEIVING WATER: Unnamed tributary to Brooks Creek  
HYDROLOGIC AREA: Geyserville Hydrologic Subarea No. 114.25,  
Russian River Hydrologic Area 114.00  
COUNTY: Sonoma County  
FILE NAME: Battle Ranch Culvert Installation Project

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BY THE EXECUTIVE OFFICER:

1. On September 30, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Kevin Doble, of Doble Thomas & Associates, on behalf of Mr. A. George Battle (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Battle Ranch Culvert Installation (Project). Project is located , near 12000 Chalk Hill Road, Healdsburg, latitude 38.594056°N, and longitude 122.769572°W, in Sonoma County. A fee in the amount of \$1083.00 was received on the same day (September 30, 2009). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 8, 2010, and posted information describing the Project on the Regional Water Board's website. No comments were received. The Project will cause permanent impacts to approximately 0.02 acres, of bed and bank of two unnamed creeks tributary to Brooks Creek.
2. The purpose of the Project is to install a bottomless arch culvert over the creek to replace a ford crossing, and is expected to reduce erosion and sediment delivery, and improve habitat. The ford is currently used for agricultural traffic passage. The arch culvert will be approximately 35 feet long, four feet high and eight feet wide. The culvert will be constructed of an arch of metal pipe, attached to two

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concrete footings that run parallel to the streambank. The creekbed will be of natural materials replaced from the immediate area. There will be a minimum application of rip-rap rock slope protection at the inlet and outlet of the new culvert.

Additionally, an existing shotgun culvert on another unnamed creek will be replaced with a properly installed culvert. The current shotgun culvert has eroded the downstream outlet area, and an accumulation of metal debris has been added to the eroded area by previous owners as an attempt to mitigate the erosion; however, erosion has continued. The replacement culvert will be of the proper size, will be installed at the correct slope, and will have its outlet at-grade. The eroded area will be re-graded and will be planted with native vegetation, including Live Oak and Buckeye trees, and protected with biodegradable erosion control materials. This part of the project will reduce amount of sediment delivered, and will improve the watercourse and surrounding area by planting of native vegetation.

3. Disturbed top of bank areas and surrounding riparian areas will be planted with native trees, including Live Oaks and Buckeye trees. Debris will be removed from the shotgun culvert outlet area, and invasive plants (broom) will be removed. Areas of invasive plant removal will be planted with native trees and maintained for the trees benefit. Disturbed areas of soil will be protected from erosion by application of a native grass/vegetation seed mix and appropriate erosion control BMPs. Plantings will be irrigated as necessary until established, and monitored for five years. Total area of debris removal, invasive plant removal, and riparian tree planting shall total at least 0.14 acres.
4. Work will be done during the dry season, before October 15. If flowing water is encountered during work, it will be made to bypass the work area by use of a coffer dam and bypass pipe. Proper precautions shall be taken to properly move any fish or animals from the work area, per California Department of Fish and Game stream alteration agreement.
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 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 the 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.

6. The Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement (File No. 1600-2009-0357-R3).
7. The Applicant has applied to the United States Army Corps of Engineers (File No. 2010-00018N) for a Clean Water Act Section 404 Nationwide Permit.
8. North Coast Regional Water Quality Control Board, as lead California Environmental Quality Act (CEQA) agency, will file Categorical Exemption, 15333 Small Habitat Restoration Projects, with the State Clearing House, pursuant to CEQA guidelines.
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: Two unnamed tributaries to Brooks Creek  
Geyserville Hydrologic Subarea No. 114.25,  
Russian River Hydrologic Area 114.00

Filled or Excavated Area: Permanent impacts to approximately 0.02 acres, of bed  
and bank of two unnamed tributaries to Brooks Creek

Latitude/Longitude: 38.594056°N, 122.769572°W

Expiration: August 2, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Battle Ranch Culvert Installation Project (WDID No. 1B09117WNSO), 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.

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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. Roads and bank erosion are identified as sources contributing to the sediment impairment. Removal of riparian vegetation is identified as a source contributing to temperature impairment. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment control and planting of more riparian zone shade vegetation at and near the project site. Accordingly, this Order is consistent with, and implements BMPS that would attenuate sediment and temperature adverse impacts.
6. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.
7. 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.

8. 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.
9. 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.
10. 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.
11. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
12. 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.
13. 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.
14. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
15. 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.
16. 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.

17. 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.
18. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
19. 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.
20. 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.

21. 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).
22. The authorization of this certification for any dredge and fill activities expires on August 2, 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.

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

Original to: Mr. A. George Battle, 35 Vicente Rd. Berkeley, CA 94705

Copies sent to: Mr. Kevin Doble, Doble Thomas & Associates, 255 Foss Creek Circle, Healdsburg, CA 95448  
Mr. Adam McKannay, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599  
Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel  
Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act

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