



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 31, 2010

In the Matter of
Water Quality Certification
for
Laguna de Santa Rosa Trails Plan Project, Phase 1
WDID No. 1B07080WNSO

APPLICANT: Sonoma County Agricultural Preservation and
Open Space District
RECEIVING WATER: Seasonal wetlands
HYDROLOGIC AREA: Laguna de Santa Rosa Hydrologic Subarea No. 114.21,
Russian River Hydrologic Area 114.00
COUNTY: Sonoma County
FILE NAME: Laguna de Santa Rosa Protected Lands Trails Plan Project

BY THE EXECUTIVE OFFICER:

1. On April 1, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Jim Sherar, of Garcia and Associates, on behalf of Sonoma County Agricultural Preservation and Open Space District (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Laguna de Santa Rosa Trails Plan, Phase 1 (Project), near the town of Sebastopol, Sonoma County. The total fee of \$1,367.00 has been received. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 9, 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 0.25 acres, and approximately 0.16 acres of temporary impact to seasonal wetlands within the Laguna de Santa Rosa Hydrologic Subarea No. 114.21, Russian River Hydrologic Area 114.00.
2. Project is located between Highway 12 and Occidental Road, on the east side of the Laguna de Santa Rosa, between latitude 38.40464°N, and longitude 122.81204°W on the south end, to latitude 38.42293°N, and longitude 122.82157°W on the north end, in Sonoma County.

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3. The purpose of the project is to construct a trail system along a portion of the Laguna de Santa Rosa. Pedestrian and multi-use trails will be installed, along with parking lots, interpretive elements, and picnic areas. The pedestrian trails will be constructed by light grading and vegetation clearing. Approximately 1.6 miles of pedestrian trails will be constructed and will be four to six feet wide. Multi-use trails will be constructed from Occidental Road south to Highway 12. There will be 1.8 miles of multi-use trails constructed with crushed fines or gravel mixed with a stabilizer and placed over erosion control fabric. The multi-use trails are to be six to eight feet wide, with a one-foot shoulder on each side. Work will be done during the dry season.
4. Mitigation will be through the purchase of 0.25 acres of seasonal wetland credits, and 1.24 acres of California tiger salamander habitat credits. Temporary impacts will be mitigated by revegetation of disturbed areas with native species and stabilization of the sites with erosion control techniques. If mitigation areas are not restored within five years, then contingency measures shall be submitted to the Regional Water Board. Annual monitoring reports shall be submitted before October 31 of each year.
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 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, near waters of the State. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.
6. The California Department of Fish and Game has determined that the project does not require a Lake and Streambed Alteration Agreement.
7. The Applicant has received an US Army Corps of Engineers Clean Water Act Section 404 Permit, Nationwide Permit 42 Recreational Facilities, on July 19, 2010, File No. 2006-400170N.
8. The Sonoma County Agricultural Preservation and Open Space District, as lead California Environmental Quality Act (CEQA) agency, completed a Mitigated Negative Declaration , and filed it's Notice of Determination with the State

Clearinghouse (SCH No. 2006082076) on December 8, 2006, 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: Seasonal wetlands within the Laguna de Santa Rosa Hydrologic Subarea No. 114.21, Russian River Hydrologic Area 114.00

Filled or Excavated Area: Permanent impacts to approximately 0.25 acres, and Temporary impacts to approximately 0.16 acres of seasonal wetlands

Latitude/Longitude: between latitude 38.40464°N, and longitude 122.81204°W on the south end, to latitude 38.42293°N, and longitude 122.82157°W on the north end

Expiration: August 31, 2015

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Laguna de Santa Rosa Trails Plan Project, Phase 1, (WDID No. 1B07080WNSO), 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.

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.

The Laguna de Santa Rosa is identified as impaired on the Clean Water Act Section 303(d) list. The Laguna de Santa Rosa is listed as impaired for sediment, nitrogen phosphorous, dissolved oxygen, temperature and mercury. Total Maximum Daily Loads (TMDLs) for sediment and Nitrogen were established in 1995 by the North Coast Regional Water Quality Control Board in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Laguna de Santa Rosa are exceeded due to excessive sediment and nitrogen. Roads and bank erosion are identified as sources contributing to the sediment impairment. Actions authorized by this Order require implementation of Best Management Practices (BMPs) for sediment control at the project site. Accordingly, this Order is consistent with, and implements portions of the Laguna de Santa Rosa TMDLs. At present, total maximum daily loads (TMDLs) have not been established for phosphorous, dissolved oxygen, temperature and mercury 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 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 31, 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_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Mr. Maria Ciprani, Sonoma County Ag Preservation and Open Space, 747 Mendocino Avenue, Suite 100, Santa Rosa, CA 95401

California Environmental Protection Agency

Copies sent to: Mr. Jim Sherar, Garcia and Associates, 1141 High Street,
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Mr. Richard Fitzgerald, California Department of Fish and Game,
P.O. Box 47, Yountville, CA 94599
Ms. Samantha Olson, 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
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