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Secretary for  
Environmental Protection

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

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**Edmund G. Brown Jr.**  
Governor

July 26, 2011

In the Matter of

**Water Quality Certification**

for the

**SABANKAYA SELECT RANCH – ACCESS ROAD CONSTRUCTION  
WDID No. 1A09144WNSI**

APPLICANT: Mr. Mustafa Sabankaya  
RECEIVING WATER: Wetlands  
HYDROLOGIC AREA: Shasta Valley Hydrologic Area No. 105.50  
COUNTY: Siskiyou  
FILE NAME: Sabankaya Select Ranch – Access Road Construction

BY THE EXECUTIVE OFFICER:

1. On December 14, 2009, Mr. Mustafa Sabankaya (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with construction of a private access road off Stewart Springs Road into the Sabankaya Ranch. The Sabankaya Ranch is located on the west side of Interstate 5, southwest of the intersection of Stewart Springs Road and Old Highway 99. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 9, 2011, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. Beginning in 2000, the Applicant started construction of a primary ranch access road that will provide the Sabankaya Ranch with a straighter, more direct route from Stewart Springs Road to the horse barn and training facilities. The partially completed access road passes through irrigated pasture, much of which is also

seasonal wetland subject to regulation under CWA sections 404 and 401. Construction of the primary access road resulted in the unauthorized discharge of approximately 7,500 cubic yards of fill material (rock and road base) into jurisdictional wetlands (seasonal wet meadow). The United States Army Corps of Engineers (Army Corps) discovered the unauthorized activities in September 2002 and issued a Cease and Desist Order to the Applicant on May 27, 2003, citing a violation of the provisions of CWA section 404. The Army Corps also discovered that the Applicant had constructed a secondary access road between the horse barn and western portion of the ranch and installed a culvert that was also found to be in violation of the CWA.

3. The existing access road off North Old Stage Road to the Sabankaya Ranch horse barn and training facilities follows a circuitous route that requires ranch vehicles to navigate tight turns while also navigating steep inclines. The tight turns and steep inclines are hazardous for large trucks hauling hay and horses to and from the ranch. Winter driving conditions exaggerate the hazards associated with the existing access road. The primary component of the project is completion of the primary access road that follows a straighter and flatter alignment that will mitigate the hazards associated with the existing road. A portion of the primary access road between the barn and north end of the corrals was completed in the late 1990s. An extension of the primary access road between the corrals and Stewart Springs Road was near completion when the Army Corps issued the Cease and Desist Order.
4. This project involves completion of an approximately 0.35-mile long section of the northern end of the primary access road. The road will be completed using the same rock and gravel materials that were used in the partially completed road fill prism which come from an onsite quarry located on the Sabankaya Ranch. Upon completion, the access road will extend from Stewart Springs Road approximately 0.7 mile across the Applicant's property to the existing barn. The completed road will be approximately 20 feet wide on the driving surface and approximately 40 to 60 feet wide across the toe of the fill slope. The road alignment will be straight with a gradual increase in elevation as it approaches the barn.
5. In order to convey surface water flows under the primary access road fill prism and into the adjacent wet meadow wetlands located on the downstream (east) side of the road, an approximately 12-inch deep swale shall be graded along the toe of the road's upstream (west) fill slope and seven 18-inch diameter culverts shall be installed through the fill prism at 100 foot intervals along the road alignment. Each culvert shall be approximately 50 feet long and their inverts shall be placed approximately 3 to 4 inches above the flowline of the swale. Small rock and gravel trench dams shall be installed across the swale approximately 10 feet downstream of each culvert inlet to direct a portion of the swale flows into these culverts.

Culvert outlets shall be placed at the existing ground surface with drain rock at the outlets to dissipate energy, minimize erosion, and trap sediment. One 30-inch diameter culvert shall be installed near the intersection of the access road and Stewarts Springs Road as an added contingency to intercept any additional flows that are not intercepted by the series of 18-inch diameter culverts upstream. A rolling dip shall be created on the road grade directly above the 30-inch diameter culvert to help prevent road failure during a severe flood events and/or blockage of the culvert. Completion of the primary access road will result in permanent impacts to 1.15 acres of the seasonal wet meadow wetlands.

6. The encroachment of the access road onto Stewart Springs Road will also be restored subject to Siskiyou County and Army Corps approval. Restoration of the encroachment requires installation of two 24-inch diameter culverts in the roadside ditch, placement of riprap around the culverts, and construction of the rolling dip on the access road to allow for drainage to pass over the road surface in the event of culvert blockage. Completion of the encroachment of the primary access road onto Stewart Springs Road will result in permanent impacts to 0.012 acre of the roadside ditch (other waters of the United States).
7. The project also involves impacts to waters of the United States associated with construction of a secondary access road. The secondary access road crosses a seasonal wetland and agricultural ditch feature that bisect the west side of the Applicant's property. The seasonal wetland and ditch cut off access to a large portion of the ranch's seasonal grazing lands and the Yreka irrigation ditch that runs along the western boundary. In order to maintain their weight and overall health, and to reduce grazing pressure on the pasture grasses, the Applicant provides supplemental hay feeding to the horses in the summer and one-hundred percent feeding in the winter. The secondary access road allows feed trucks and tractors to access a large part of the ranch. Construction of the secondary access road included installation of a culvert crossing within a seasonal wetland/agricultural ditch which resulted in 0.003 acre of permanent impacts to seasonal wetlands.
8. The applicant has applied for authorization from the U.S. Army Corps of Engineers to complete the project pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required for this project.
9. On May 27, 2011, the Regional Water Board provided notice of intent to adopt a Mitigated Negative Declaration (SCH No.2011052080) for the project. (Cal. Code Regs., tit. 14, § 15072.) The Mitigated Negative Declaration reflects the Regional Water Board's independent judgment and analysis. After considering the document and comments received (no comments were received) during the public

review process, the Regional Water Board hereby determines that the project, with mitigation measures, will not have a significant effect on the environment. The Mitigated Negative Declaration is hereby adopted. The documents or other materials, which constitute the record, are located at 5550 Skylane Boulevard, Suite A, Santa Rosa, California. The Regional Water Board will file a Notice of Determination within five days from the issuance of this order. Compensatory mitigation is required for the project's impacts to wetlands and other waters of the United States. Compensatory mitigation involves onsite creation of 3.770 acres of seasonal wet meadow wetlands. The onsite mitigation area shall cover 4.645 acres including 0.875 acre of existing wet meadow wetland within the mitigation area.

10. The wetland mitigation area is currently sloped from 2 to 4 percent and the mitigation plan includes grading the area into a series of level wetland terraces. A small bulldozer or similar equipment shall be used to collect and stockpile the top soil. The lower soils can then be leveled to create the wetland terraces. Each terrace shall extend horizontally to the next 2-foot elevation contour and dikes shall be constructed along the contours between each terrace. The dikes shall be constructed as mounds of native soil topped with a layer of riprap to stabilize the dike soils. Small, 3-foot wide spillways shall be placed at several locations within each of the dikes to allow water to flow slowly past the dikes while ensuring even dispersal of water as it flows into the next lower terrace. The stockpiled topsoil shall be spread over the newly graded wetlands surfaces to provide seed, root stock, and fertile soil for revegetation. In addition to the propagation of seeds and rootstock within the replaced topsoil, planting the mitigation area shall consist of sewing native wet meadow forb and grass seed, and transplanting salvaged native plugs and root stock found in the mitigation area where grading would occur. Forb and grass seed shall be purchased from native plant nurseries and sewn by hand. A one-inch thick layer of rice straw shall be applied to prevent soil erosion. Sedges, rushes, and other emergent vegetation plugs shall be planted by hand through the straw after the onset of wet weather.
11. 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, and does not otherwise authorize degradation of the waters affected by this project.

12. 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 water quality certification.

Receiving Waters: Wetlands in the Shasta Valley Hydrologic Area No. 105.50

Filled or Excavated Area: Area Temporarily Impacted: None

Area Permanently

Impacted: 1.153 acres of wetlands and 0.012 acre of the roadside ditch  
(other waters of the United States)

Total Linear Impacts: Length Temporarily Impacted: None

Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 41.4406 N/122.4466 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sabankaya Select Ranch – Access Road Construction Project (WDID No.1A09144WNSI), 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:

**All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.**

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. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.
4. The Regional Water Board staff 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.
5. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
6. 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. 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 action(s).
7. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
8. The Applicant shall construct the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.
9. Best Management Practices (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 waters. All BMPs shall be installed properly and in accordance with the manufacturer's specifications.
10. The Applicant shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. The Applicant shall not use or allow the use of erosion control products that contain synthetic materials within waters of the United States or waters of the State at any time. The Applicant

shall not use or allow the use of erosion control products that contain synthetic netting 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, personnel shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.

11. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the streambank and streambed. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
12. The mitigation measures that are detailed in the Mitigated Negative Declaration and Wetland Mitigation Monitoring Plan are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall implement and comply with all mitigation measures identified in the Mitigated Negative Declaration that are within the Regional Water Board's jurisdiction.
13. The Applicant shall record a legal deed restriction over the onsite wetland mitigation area to preserve the mitigation area in perpetuity. The Applicant shall submit a copy of the recorded deed restriction to the Regional Water Board by March 1, 2012.
14. 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 including stopping work. 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.
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. 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 for the violation or

threatened violation 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 certification, the State 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 State 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.

17. 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.

18. 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).
19. The authorization of this certification for any dredge and fill activities expires on July 26, 2016. 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.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

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Catherine Kuhlman  
Executive Officer

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Weblink: 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 can 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 sent to: Mr. Mustafa Sabankaya, 12125 North Old Stage Road,  
Weed, CA 96094

cc: Mr. Julian Colescott, North State Resources, Inc.,  
305 Chestnut Street, Mount Shasta, CA 96067

ECopy to: U.S. Army Corps of Engineers, District Engineer,  
601 Startare Drive, Box 14, Eureka, CA 95501  
Ms. Jane Hicks, U.S. Army Corps, Regulatory Functions,  
1455 Market Street, San Francisco, CA 94103-13