



**Matt Rodriguez**  
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

September 7, 2011

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In the Matter of

**Water Quality Certification  
for the**

**Rief Property – Seasonal Creek Improvement  
WDID No. 1B11151WNSO**

APPLICANT: Mr. Dieter Rief  
RECEIVING WATER: Unnamed Tributary to Matanzas Creek  
HYDROLOGIC UNIT: Santa Rosa Hydrologic Subarea No. 111.41, Russian River  
Hydrologic Unit No. 114.00  
COUNTY: Sonoma  
FILE NAME Rief Property; Seasonal Creek Improvement

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BY THE EXECUTIVE OFFICER:

1. On August 1, 2011, Mr. Dieter Rief (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 the Rief Property Seasonal Creek Improvement (project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 10, 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. The project is located at 4300 Grange Road, Santa Rosa, in Sonoma County. The 36 acre parcel is situated between Grange Road and Matanzas Creek. A gravel/dirt driveway is the primary access through the undeveloped property.
3. The project will include bank stabilization of an unnamed tributary to Matanzas Creek. This tributary enters the western boundary of the Rief property via an

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under road drainage culvert from an upland property. Shortly after the point of entry the creek abruptly turns; it is in this area that the creek bank is eroding and delivering sediment to the stream. The applicant will use a combination of rip-rap and willow plantings for bank stabilization. Approximately 18 feet of rip-rap will be placed by hand at a 2:1 slope and willow sprigs will be planted into the rock rip-rap slope protection to add stability, reduce thermal impact, increase habitat and delivery of allocthonous material. The project also includes the installation of a culvert crossing in a section of roadway that has been operating as a wet-ford area. Three 18 inch diameter culverts, approximately 18 feet in length, will be placed using a backhoe or excavator and a soil compactor. The culvert will be set slightly below grade to allow for the deposition of natural creek bed material and the inlet and outlet of the culvert will be armored with rock. All disturbed soil will be seeded with native grasses. Activities associated with the bank stabilization and culvert installation will result impacts up to 36 linear feet of streambed and streambank

4. At three locations of the creek, the applicant shall install three inch diameter PVC pipe for irrigation purposes and to supply farm animals with water. A six inch trench will be dug to a depth of one foot, the pipes placed, and the native soil and streambed will be replaced.
5. There is a pond/lake in the north-east section of the property that is filled in the winter by a permitted water diversion. Approximately 5 yards of accumulated sediment, within the stream diversion structure, will be removed and taken to an upland area eliminating the potential of re-entry to the creek.
6. Construction is planned for the dry season when there is no flow in the creek. If there is flow in the creek, appropriate methods will be taken to bypass flow around the work area. Construction is planned for a total of four to eight weeks and is tentatively expected to take place September, 2011.
7. The project does not require removal of any mature riparian vegetation and will not result in any loss of wetlands. Compensatory mitigation will include the planting of approximately 1,000 feet of riparian corridor with a mix of native trees and shrubs for habitat enhancement, increase shade/thermal reduction, and for bank stabilization. Native tree species such as *Salix laevigata* (red willow), and/or *Salix lasiolepis* (arroyo willow) will be collected on site and planted into the rock riprap slope protection to add stability, reduce thermal impact, increase habitat, and facilitate delivery of allocthonous material. Planting of the native trees will be undertaken using submitted planting guidance documentation. Non-compensatory mitigation includes the use of Best Management Practices (BMPs) for heavy equipment use in a stream channel and for sediment and turbidity control.

8. The applicant has applied to the United States Army Corps of Engineers for authorization to perform the project pursuant to Clean Water Act, section 404. A California Department of Fish and Game Lake or Streambed Alteration Agreement is not required for the project. Regional Water Board staff have determined that the project is exempt from CEQA under California Code of Regulations, title 14, section 15061, subdivision (b). The project meets the exemption criteria under title 14, California Code of Regulations, 15304 [Minor Alterations to Land]. The Regional Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of the 401 Certification order.
9. 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," (internet web link included below) which requires compliance with all conditions of this certification.

Receiving Waters: Unnamed tributary to Matanzas Creek, Santa Rosa  
Hydrologic Subarea No. 114.22

Filled or Excavated Area: Permanent impacts to 36 linear feet of streambed and  
streambank

Dredge Volume: 5 yards

Latitude/Longitude: 38.388944° N / 122.638331° W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Rief Property Seasonal Creek Improvement (WDID No. 1B11151WNSO), 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. The Regional Water Board shall be notified prior to the commencement of any ground disturbing activities associated with the project.
5. Discharges shall not cause or threaten to cause pollution, contamination, or nuisance as defined in CWC Section 13050.
6. BMPs for sediment and turbidity control shall be implemented and in place prior to and during project activities, and as necessary after project activities are completed each season in order to ensure that no silt or sediment enters surface waters.
7. 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. 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 BMPS that would attenuate sediment adverse impacts.
8. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to "rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste."
9. 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.

10. 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.
11. Fueling, lubrication, maintenance, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to surface waters or ground water. At no time shall the discharger use vehicles or equipment that leaks any substance that might impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of the bed, channel, and bank of any waters of the State.
12. 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.
13. To ensure a successful revegetation/stabilization effort, plantings shall be monitored and maintained (including irrigation if necessary) for five years. All tree and shrub plantings shall have a minimum of 85% success of thriving growth by species at the end of five years with a minimum of two consecutive years (2 growing seasons) of monitoring after the removal of irrigation. The Applicant is responsible for replacement planting, additional watering, weeding, invasive exotic plant eradication, or any other practice to achieve these goals. Replacement plants shall be monitored with the same survival success for an additional five years from the year of installation. A status report shall be submitted to the Regional Water Board by December 31st of the each year. Photos, descriptive narrative, and tabulations of plant counts, shall be submitted within the report.

14. 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.
15. All activities and BMPs 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. 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.
17. 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.
18. 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.
19. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
20. 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.

21. 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.

22. 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).
23. The authorization of this certification for any dredge and fill activities expires on September 7, 2016. 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 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 to: Mr. Dieter Rief, 3195 Regional Parkway, Santa Rosa, CA 95403