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**North Coast Regional Water Quality Control Board**

March 4, 2013

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In the Matter of

**Water Quality Certification**

for

**Sonoma County Regional Parks  
Coastal Prairie Trail Project  
WDID No. 1B12018WNSO**

APPLICANT: Mr. Mark Cleveland, Sonoma County Regional Parks  
RECEIVING WATER: Seasonal Wetland and Creek  
HYDROLOGIC UNIT: Bodega Head Hydrologic Subarea No. 115.21,  
Bodega Hydrologic Area 115.00  
COUNTY: Sonoma  
FILE NAME: Sonoma County Regional Parks, Coastal Prairie Trail Project

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BY THE EXECUTIVE OFFICER:

1. On March 22, 2012, Mr. Mark Cleveland, of Sonoma County Regional Parks (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 Class I bicycle path along State Highway 1 to provide a safe travel way separate from the state highway (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 30, 2013, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on the Project. Project is located on the west side of Highway 1, north of the town of Bodega Bay, between Ranch Road and Keefe Avenue, in Sonoma County.

The northern end of the project is located at latitude 38.350163°N, and longitude 123.061069°W; the southern end of the project is located at latitude 38.33975°N, and longitude 123.051188°W. The project will cause permanent impacts to approximately 1.4 acres of seasonal wetland and creek, and temporary impact to 3.7 acres of seasonal wetland and creek, within the Bodega Head Hydrologic Subarea No. 115.21, Bodega Hydrologic Area 115.00.

2. The Project includes construction of a Class I bike path, for all modes of trail use, including bicycle, pedestrian, and equestrian. The Project will be approximately 1 mile in length and 12-feet wide. The trail width includes an 8-foot wide trail with rock aggregate shoulders along each side of the trail. Approximately 4,230 feet of the trail will be surfaced with resin-stabilized aggregate. The trail shoulders will be one-foot wide along one side of the trail and three-foot wide on the other side. The three-foot wide shoulder will accommodate equestrian use. The remaining sections of the main trail will consist of approximately 980 feet of boardwalk over wetlands and a 120-foot long bridge over an unnamed tributary. The finished vertical profile of the stabilized rock aggregate trail sections will be approximately 18-inches in depth. The profile will include a 6-inch sub-base of scarified and recompacted native soil, a 6 to 8-inch layer of compacted Class 2 aggregate base rock, and a 2 to 4-inch section of compacted cement-stabilized rock aggregate. The finished trail surface will be level with native ground. The finished trail grade will be less than 5 percent, rendering it compliant with American with Disabilities Act (ADA) and California Access Code title 24 standards. There will be a 140-foot long section of rock aggregate trail at the southern trail terminus. This trail section will connect the trail to the existing unpaved footpath that extends from the Bodega Bay Community Center to the Nicholas Green Bell Tower. Project is scheduled to start August 2013, and take approximately 60-75 days to complete. In-stream work should be completed by October 15, or by date determined by resource agencies.
3. Compensatory mitigation for impacts to waters of the state is designed to enhance existing areas that have become compromised by non-native vegetation. The plan includes planting of native trees and shrubs at a 3:1 ratio, based on trees removed from riparian areas with a diameter of 6 inches or greater; seeding of impacted areas with a mix of native grasses, forbs and flowers; enhancement of existing wetlands at a 3:1 ratio resulting in a minimum of 4.17 acres of wetland enhancement; removal of non-native/invasive species within wetland areas; removal of non-native and planting of native species within riparian areas. Mitigation will be done within three separate areas.

All mitigation will be monitored for a minimum of 5 years to achieve an 85 percent survivability of planted vegetation. Annual monitoring reports shall be submitted to the Regional Water Board by December 31.

4. The Applicant has applied to the California Department of Fish and Wildlife for a Lake and Streambed Alteration Agreement. The Applicant has applied to US Army Corps of Engineers, for a Clean Water Act Section 404 Permit.
5. The Sonoma County Regional Parks Department, as lead California Environmental Quality Act (CEQA) agency, completed a Mitigated Negative Declaration and filed it with the State Clearinghouse, (SCH No. 2011042095) and recorded a Notice of Determination on June 23, 2011, pursuant to CEQA guidelines.
6. 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.  
[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)

Receiving Water: Bodega Head Hydrologic Subarea No. 115.21,  
Bodega Hydrologic Area 115.00

Filled or Excavated Area: Permanent impacts to approximately 1.4 acres of  
seasonal wetland and creek  
Temporary impact to 3.7 acres of seasonal wetland and  
creek

Latitude/Longitude: Northern end 38.350163°N/123.061069°W  
Southern end 38.33975°N/ 123.051188°W

Expiration: March 4, 2018

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County Regional Parks Coastal Prairie Trail Project (WDID No. 1B12018WNSO) 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 shall be notified annually and 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 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.
6. All mitigation will be monitored and maintained for a minimum of 5 years to achieve an 85 percent survivability of planted vegetation. Annual monitoring reports shall be submitted to the Regional Water Board by December 31.
7. Applicant shall use wildlife-friendly 100% biodegradable erosion control products/BMPs. 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. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.

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.
9. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
10. 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.
11. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
12. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, 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.
13. 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).
14. 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.
15. 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.

16. The Applicant shall implement 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.
17. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
18. 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 shoreline. 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.
19. 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.
20. 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.
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 March 4, 2018. 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 Stephen Bargsten at (707) 576-2653.

Original Signed By

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Matthias St. John  
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 to: Mr. Mark Cleveland, Sonoma County Regional Parks, 2300 County Center Dr., Suite A120, Santa Rosa, CA 95403
- Copy to: Ms. Amanda McCarthy, WRA, Inc. 2169-G East Francisco Blvd., San Rafael, CA 94901