

May 10, 2011

**Public Notice for Water Quality Certification and/or Waste  
Discharge Requirements (Dredge/Fill Projects)**

Gallo Vineyards Inc. Porter Creek Fish Barrier Removal Project  
WDID No. 1B10133WNSO  
Sonoma County

On December 28, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Kara Heckert of Sotoyome Resource Conservation District (agent), on behalf of Mr. Robert Weinstock of E&J Gallo Vineyards, Inc. (applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Porter Creek Fish Barrier Removal Project (Project). The proposed project is located on Porter Creek, 9015 Westside Road, latitude 38.519329°N, longitude 122.892728°W, in Sonoma County. The proposed Project will cause permanent impacts to 0.018 acres of streambed and bank within the Russian River Hydrologic Unit 114.00, Guerneville Hydrologic Sub Unit No. 114.11.

The Project is a Supplemental Environmental Project (SEP) proposed for compliance with the State Water Resources Control Board Order (WR 2010-0014-EXEC). This project will be financed by the E&J Gallo Winery Inc. (Gallo) as mitigation for the operations along Porter Creek. The Porter Creek Barrier Removal Project is designed to address a habitat limiting factor for salmonids resulting from a bridge support structure which is a flat 20-foot long concrete slab installed across the bottom of Porter Creek. The structure acts to support two 12-foot tall concrete buttresses which support a wood and steel bridge across Porter Creek. The current configuration of the barrier impedes migration of salmonids.

The purpose of the Project is a habitat restoration or enhancement Project. The Project will improve salmonid passage to upstream habitat by removing a stream barrier and the creation of two refugia pools.

The Project includes: (1) the creation of an 8-foot wide by 22-foot long by 3-foot deep trench through the center of the in-stream concrete slab bridge support; (2) reinforcement of the trench with concrete and steel rebar; the bottom of the trench will be below the natural grade of the stream channel to allow for natural material deposition; (3) three pairs of notches, will be cut into the new concrete channel to allow for three flashboards to be placed at 10-foot intervals to control stream flow if necessary; (4) installation of a concave rock weir, 24 feet down stream of the concrete bridge support structure; (5) placement of the excavated concrete under the bridge footings and along the wall for erosion control and, (6) revegetation of the temporary access road.

If any stream flow or ponding in the channel is encountered, a dewatering approach will be implemented. Dewatering would be accomplished by installing temporary coffer dams/sumps at the upstream end of the project, and pumping or using gravity flow

pipng of any nuisance water around the worksite to re-enter the channel below the downstream end of the project. Fish screening shall be conducted at the intake that meets all NOAA Fisheries fish screen criteria. Large sediment filtering bags will be incorporated into the outlet end of the discharge line to minimize turbidity. The dewatering system will be removed following project completion.

Compensatory mitigation is not required for this Project; the Project will improve habitat and enhance the beneficial use of waters of the State.

Non-compensatory mitigation will include, at a minimum, the following construction Best Management Practices (BMPs) to be incorporated into the final project plans as appropriate in order to reduce and control soil erosion: work in and around waterways will be conducted during the dry season; installation of construction barrier fencing to preclude equipment entry into sensitive areas; installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area; vegetation that is disturbed by equipment will be replanted with native plants and grasses; access to the site will be via an existing under-vegetated road bed down the stream bank immediately adjacent to the site, this area will be revegetated after construction.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project pursuant to Clean Water Act section 404. The applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement. Sotoyome Resource Conservation District has submitted a Notice of Determination with the State Clearinghouse for a Mitigated Negative Declaration for the project in order to comply with the California Environmental Quality Act (SCH No. 2010122064). The Regional Water Board will consider the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.

The Fish Barrier Removal Project is expected to take 12 days to complete and in stream work will not begin until after June 15<sup>th</sup>. Staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act Authority. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 P.M. on the last day of the comment period. If you have any questions, please contact staff member Stephen Bargsten at (707) 576-2653, within 21 days of posting of this notice.

This is a brief summary of this project; all related documents and comments received are on file and may be inspected or copied at the Regional Water Board office, 5550 Skylane Blvd., Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220.