

## State Water Resources Control Board

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REISSUANCE OF THE CLEAN WATER ACT SECTION 401  
WATER QUALITY CERTIFICATION FOR THE SONOMA COUNTY AGRICULTURAL  
PRESERVATION AND OPEN SPACE DISTRICT NORTH SLOPE SONOMA MOUNTAIN  
RIDGE TRAIL PROJECT, SONOMA COUNTY, CALIFORNIA, (FILE NO. SB09003IN)

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**PROJECT:** Sonoma County Agricultural Preservation and Open Space District  
(SCAPOS D) – North Slope Sonoma Mountain Ridge Trail Project (Project)

**APPLICANT:** Mr. Kim Batchelder  
Sonoma County Agricultural Preservation and Open Space District  
747 Mendocino Avenue, Suite 100  
Santa Rosa, CA 95401

This Clean Water Act section 401 water quality certification (Certification) responds to your request on behalf of SCAPOS D (applicant) for a Certification of the subject Project. Your application was received on April 12, 2012, and was determined to be complete on May 14, 2012.

**ACTION:**

- |   |   |
|---|---|
| <input type="checkbox"/> Order for Standard Certification                           | <input type="checkbox"/> Order for Denial of Certification                |
| <input checked="" type="checkbox"/> Order for Technically Conditioned Certification | <input type="checkbox"/> Order for Waiver of Waste Discharge Requirements |

**AUTHORIZATION:**

This Certification authorizes the Project with additional conditions for water quality protection. This Project was originally certified on October 13, 2009. On October 14, 2011 the State Water Resources Control Board (State Water Board) issued an amendment to the Certification due to minor Project changes. This Certification expired with the U.S. Army Corps of Engineers (Corps) permit on November 9, 2011. On April 12, 2012, the State Water Board received an application from SCAPOS D, requesting Certification to complete the previously authorized project activities that remained to be completed. The State Water Board issued a public notice on June 15, 2012, regarding SCAPOS D's request for Certification. This Certification includes all the Project modifications that have occurred since the first Certification issued on October 13, 2009.

The Project involves the creation of a multi-use trail for low-impact recreational access. The proposed remaining activities include the redistribution of river rock for the creation of 10 armored ford crossings (wet crossings) and the replacement of an existing wooden vehicle bridge which spans the South Fork of Matanzas Creek, connecting to the Jacobs Ranch driveway. The bridge replacement activities involve the demolition of the existing concrete abutments up to an elevation approximately 10 feet from the bridge deck and replacement of the deck with a modified railroad flatcar with a wood deck.

The Project is located approximately 60 miles north of San Francisco in Sonoma County on the north slope of Sonoma Mountain. The trail extends from Jacobs Ranch located south of Sonoma Mountain Road in an easterly direction towards Jack London State Park. More details about the Project and Project impacts are described and shown in Attachments B, C, and D of this Certification.

**STANDARD CONDITIONS:**

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to the Water Code, section 13330, and the California Code of Regulations (Cal. Code Regs.), title 23, section 3867 and following.
2. This Certification action is not intended and shall not be construed to apply to 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 Cal. Code Regs., title 23, 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 Cal. Code Regs., title 23, and owed by the applicant.

**ADMINISTRATIVE CONDITIONS:**

1. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to SCAPOSD and/or responsible contractor/sub-contractor, if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
2. A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Certification must also be provided to the contractor and all subcontractors who will work at the Project site. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site.
3. SCAPOSD shall grant State Water Board and Regional Water Quality Control Board (Regional Water Board) staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the Project may have on waters of the state.

**ADDITIONAL CONDITIONS:**

1. Best Management Practices (BMPs)

- a. Appropriate BMPs shall be implemented throughout Project activities to help minimize sediment disturbance and suspension within surface waters as described in this Certification, and also in the Mitigated Negative Declaration (MND) (November 2007) for the SCAPOSD Project. All BMP materials shall be onsite prior to construction activity and ready for use. BMPs shall be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such management practices.
- b. No work shall be conducted during the winter period (November 1-April 15), unless prior written approval has been obtained from the State Water Board 401 Program Manager.
- c. Substances resulting from Project-related activities that could be harmful to aquatic life, including but not limited to petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, Portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to waters of the state.
- d. Vehicles shall not be driven or equipment operated in waters of the state on the Project site, except as necessary to complete the proposed Project.
- e. Equipment shall not be maintained or parked within or near any stream crossing, channel, or water body margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be outside of waters of the state, and shall not result in a discharge or a threatened discharge to waters of the state.
- f. A daily log shall be maintained to note the presence and absence of waste releases from vehicles and equipment within or adjacent to waters of the State. Copies of the daily log shall be available on site. Daily visual inspections for waste releases of all vehicles and equipment parked or operating within or adjacent to waters of the State shall be conducted before the vehicles or equipment begin conducting work for the day. Spillage and leaks shall be reported in the daily log during any point that they occur during the day. Presence of any spillage from leaks shall be reported in the daily log and contaminated soils shall be immediately removed from the site and disposed of at an approved area or facility. State Water Board staff may request this information at any time. Any waste releases shall be reported to State Water Board and Regional Water Board staff within 24 hours with an explanation of how the problem was resolved.
- g. All work areas shall be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. The diverted stream flow shall not be contaminated by construction activities. Structures for isolating the in-water work area and/or diverting the stream flow (e.g., coffer dam, geo-textile silt curtain) shall not be removed until all disturbed areas are cleaned and stabilized.



the implementation of the Mitigation Monitoring and Reporting Program (MMRP) as described in the *Comments and Responses For Mitigated Negative Declaration: North Slope Sonoma Mountain Ridge Trail Project* (February, 2008) – Section 5. A five year monitoring plan will be implemented with an 85 percent survival rate of all proposed plant species. Yearly reporting will be required for a minimum of five years. If vegetative cover does not meet the survival rate performance standard, SCAPOSD shall consult with the State Water Board regarding remedial actions. Remedial actions might include additional planting of appropriate species. SCAPOSD will submit monitoring reports by November 1st of each monitoring year to the 401 Program Managers of the State Water Resources Control Board (State Water Board) and the appropriate Regional Water Board(s).

Reports shall be directed to: Program Manager, Certification and Wetlands Program, at the following State and appropriate Regional Water Board office(s):

State Water Resources Control Board  
Division of Water Quality  
1001 "I" Street, 15<sup>th</sup> Floor  
Sacramento, CA 95814

North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

#### **VIOLATIONS:**

1. SCAPOSD or its contractor and subcontractors shall verbally report any non-compliance to the 401 Program Manager of the appropriate Regional Water Board where the Project is located within 24 hours from the time when SCAPOSD or its contractor and subcontractors become aware of the circumstances.
2. SCAPOSD or its contractor and subcontractors shall report all violations of any terms or conditions of this Certification in writing to the State Water Board and appropriate Regional Water Board within seven (7) consecutive days from the time SCAPOSD becomes aware of the violation. The written report shall contain:
  - a. A description of the violation and its cause;
  - b. The period of the violation event, including dates and times, and if the violation has not been corrected, the anticipated time the violation is expected to continue; and;
  - c. Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.
3. In the event of any violation or threatened violation of the conditions of this Certification, the violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State law. For purposes of the Clean Water Act (CWA) section 401(d), the applicability of any State law authorizing remedies, penalties, processes, 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 Certification Order.

4. In response to a suspected violation of any condition of this Certification Order, the State Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including the cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
5. In response to any violation of the conditions of this Certification Order, the State Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

**STATE WATER BOARD CONTACT PERSON:**

If you have any questions, please contact State Water Board Environmental Scientist Catherine Woody at (916) 341-5785, via e-mail at [CWoody@waterboards.ca.gov](mailto:CWoody@waterboards.ca.gov), or by mail at:

State Water Resources Control Board  
401 Certification & Wetland Program  
P.O. Box 100, Sacramento, CA 95812-2000 (by mail)  
1001 I Street, 15th Floor, Sacramento, CA 95814 (by hand delivery)

You may also contact Bill Orme, Chief of the Water Quality Certification Unit, at (916) 341-5464 or via e-mail at [borme@waterboards.ca.gov](mailto:borme@waterboards.ca.gov)

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

SCAPOS is the Lead Agency responsible for compliance with the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) The SCAPOS approved a MND for the project on November 15, 2007. In making its determinations and findings, the State Water Board must presume that the MND comports with the requirements of CEQA and is valid (Pub. Resources Code, § 21167.3, subd. (b).) As such, the State Water Board has reviewed and considered the environmental documents and all proposed mitigation measures.

The State Water Board makes the following findings:

The State Water Board reviewed and evaluated the significant and potentially significant impacts to water quality identified in the MND. The various APMs and MMs discussed in the MND were adopted to avoid and minimize Project impacts. The various MMs related to water quality include development of a Construction Stormwater Pollution Prevention Plan (SWPPP) with accidental spill control procedures, maintenance and training practices implementation of flood and erosion structure damage protection measures, implementation of compensatory mitigation for impacts to special status species, invasive species controls, and cessation of construction during heavy precipitation. The State Water Board finds that these mitigation measures for significant and potentially significant water quality impacts as identified in the MND, along with the measures proposed in the application for Certification and supplemental

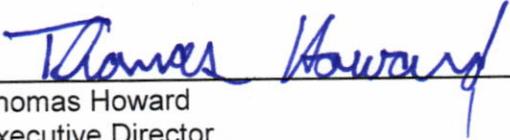
application materials, the conditions in the Certification, and the compensatory mitigation described in this Certification and *Attachment B – Project Information Sheet* to be adequate to reduce water quality impacts to less than significant levels.

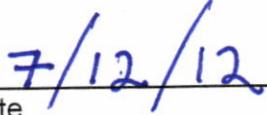
The State Water Board previously determined that the conditions requiring the amendment to the Project Certification on October 14, 2011 did not require a subsequent or supplemental CEQA document. The State Water Board has determined that none of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or Cal Code of Regs, title 4, sections 15162 and 15163, exist as a result of this modification. The State Water Board concludes this re-issuance is not a change in the Project that (1) has the potential to create a new significant effect not previously analyzed, or that (2) will be undertaken under a substantial change in the circumstances requiring major revisions to previous CEQA document, or that (3) will be undertaken without consideration of any new information of substantial importance previously unknown at the time of the original MND.

### **WATER QUALITY CERTIFICATION:**

I hereby reissue the Certification for Sonoma County Agricultural Preservation and Open Space District (FILE NO. SB09003IN) certifying that as long as all of the conditions listed in this Certification are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act § 13000 et seq.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Project Information Sheet (Attachment B) and the tables in Attachment C, and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and the MND for the SCAPOSD Project.

  
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Thomas Howard  
Executive Director

  
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Date

- Attachments (4):
- A. Signatory Requirements
  - B. Project Information Sheet
  - C. Project Tables
  - D. Project Maps