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GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

OCT 14 2011

Mr. Kim Batchelder
Sonoma County Agricultural Preservation and Open Space District
747 Mendocino Avenue, Suite 100
Santa Rosa, CA 95401-4850

Dear Mr. Batchelder:

AMENDMENT TO CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY
CERTIFICATION FOR THE SONOMA COUNTY AGRICULTURAL AND OPEN SPACE
DISTRICT NORTH SLOPE SONOMA MOUNTAIN RIDGE TRAIL PROJECT
(FILE #SB09003IN)

On June 13, 2011, the Sonoma County Agricultural Preservation and Open Space District (SCAPOS) submitted a request to the State Water Resources Control Board (State Water Board) for a Clean Water Act Section 401 Water Quality Certification (Certification) amendment to change the design of two creek crossings and extend the work activity deadline for the North Slope Sonoma Mountain Ridge Trail Project (Project). On September 16, 2011, SCAPOS submitted a revised request with additional design changes and the elimination of three bridges originally included in the Project.

By this amendment, the revised Project specifications and a time extension from October 15, 2011 to October 31, 2011 will be covered by the Certification for the Project. The Certification for the 2011 Project Amendment contains the most current Project requirements, activities, and BMPs. State Water Board staff has evaluated the changes to the original application information submitted by SCAPOS describing the Project activities and water quality protection measures. Consultations regarding this amendment were also conducted with the North Coast, San Francisco Bay, Regional Water Quality Control Boards, and the U.S. Army Corps of Engineers.

Pursuant to Title 23, section 3838 of the California Code of Regulations, I hereby issue an amendment to the Certification determination described in the Enclosure for the Project. Attachments A through D of this Enclosure are also part of this Certification.

If you require further assistance, please contact Catherine Woody the staff person most knowledgeable on the Certification, at (916) 341-5785 (CWoody@waterboards.ca.gov).

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

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You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

Sincerely,



Thomas Howard
Executive Director

Enclosures: Amended Water Quality Certification Order
Attachment A: Signatory Requirement
Attachment B: Amended Project Information Sheet
Attachment C: Amended Receiving Waters Table
Attachment D: Project Location Maps

cc: See next page.

cc: Ms. Jane Hicks
Chief, Regulatory Branch
San Francisco District
U.S. Army Corps of Engineers
1455 Market Street, 16th floor
San Francisco, CA 94103-1398

Mr. Carl Wilcox
Regional Manager
Department of Fish and Game
7329 Silverado Trail
Napa, CA 94558

Mr. Jason A. Brush
Chief, Wetlands Regulatory Office (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Ms. Catherine Kuhlman
Executive Officer
North Coast Regional Water Quality Control Board

Mr. Bruce Wolfe
Executive Officer
San Francisco Bay Regional Water Quality Control Board

State Water Resources Control Board

ORDER FOR TECHNICALLY-CONDITIONED WATER QUALITY CERTIFICATION
AMENDMENT FOR NORTH SLOPE SONOMA MOUNTAIN RIDGE TRAIL PROJECT
File No. SB09003IN

All changes to the water quality certification (Certification) (FILE NO. SB09003IN) issued on October 13, 2009 are shown below as additions in **bold underline**, and deletions in **~~bold strikethrough~~**. This does not include minor grammatical edits.

PROJECT: North Slope Sonoma Mountain Ridge Trail Project (Project)

APPLICANT: Mr. Kim Batchelder, Natural Resources Planner (Agent)
Sonoma County Agricultural Preservation and Open Space District (Applicant)
747 Mendocino Avenue, Suite 100
Santa Rosa, CA 95401-4850

This Order responds to your request, received on ~~April 3, 2009~~ **June 13, 2011**, on behalf of Sonoma County Agricultural and Open Space District for a water quality certification (Certification) **amendment** for the subject Project. **A revised request was received on September 16, 2011.**

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 |

AMENDMENT:

This amendment request was initiated to change the construction of two of the 17 creek crossings from bridges to armored ford crossings (wet crossings). In addition, a six-foot bridge over a small wetland at the east end of the trail in the Jack London State Historic Park was eliminated from the project description.

The armored ford crossings are in drainages 9 and 10 on the Wilroth property. The rationale for the change from bridge to an armored ford is that the proposed armored ford crossings will allow the stream to function naturally while avoiding the need for

concrete bridge abutments. U.S. Army Corps of Engineers is regulating the Project with Nationwide Permits (NWP# 33 and 42) which expire by the end of 2011. The construction of two wet crossings will result in increased permanent impacts of 0.001 acres and 0.89 cubic yards of fill to both drainages 9 and 10. No changes in impacts to waters result from the elimination of the three bridges since these bridges did not impact waters as originally designed.

This amendment covers the additional permanent impacts of 48 sq.ft. (0.001 acre) and the volume of 24 cubic ft. (0.89 cubic yards) of fill to each of the two drainages, 9 and 10. In addition this amendment covers an extension of the annual Project activity deadline for construction within waters of the State from October 15 to October 31.

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.CodeRegs.), 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 Reg., title 23, and owed by the applicant.

ADDITIONAL CONDITIONS:

1. Best Management Practices (BMPs)
 - a. Appropriate BMPs shall be implemented throughout the Project activities to help minimize sediment disturbance and suspension within the water. All BMP materials shall be on site and ready for use prior to Project implementation. 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 approval has been obtained from the 401 Program Manager of the appropriate Regional Water Quality Control Board(s) (Regional Water Board). **No phase of the Project may be started if that phase cannot be completed prior to the onset of a storm event. Seventy-two hour weather forecasts from the National Weather Service shall be consulted prior to startup of any phase of the Project. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.**
 - c. In the event of rain, the disturbed area shall be temporarily stabilized.

- d. Areas disturbed by Project activities shall be protected from washout and erosion.
- e. No debris, soil, silt, sand, cement, concrete, or washings thereof, other construction related materials or wastes, oil or petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into jurisdictional wetlands or waters. Upon completion of construction, all construction-related materials shall be removed from the work area and any areas adjacent to the work area.
- f. For Projects requiring re-vegetation of disturbed areas, native species shall be used.
- g. Complete routine maintenance if observations show that structures are not performing properly to reduce erosion.
- h. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be outside of waters of the State. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State.
- i. Stream diversion activities shall occur only between April 1st and October 15th.
- j. Prior to dewatering and diversion activities, the Applicant shall ensure a biologist is on site to ensure no sensitive aquatic species are stranded in areas of dewatering and diversion.
- k. The Applicant shall immediately remove stream diversion structures when diversion is no longer necessary. All diverted streams shall be returned to their original condition.

2. Monitoring

The Applicant is responsible for 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, the Applicant shall consult with the appropriate Regional Water Board regarding remedial actions. Remedial actions might include additional planting of appropriate species. The Applicant 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, 15th 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

ADMINISTRATIVE CONDITIONS:

- a. This Certification shall expire upon the expiration or retraction of the Clean Water Act section 404 permit issued by the U.S. Army Corps of Engineers, or five (5) years from the date of issuance of this Certification, whichever comes first.
- b. This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any of the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
- c. As required by National Pollutant Discharge Elimination System regulations, the Project Applicant shall apply for coverage under the State Water Board General Construction Permit, and subsequently prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall contain the construction dewatering plans. The SWPPP shall be sent to the State Water Board and appropriate Regional Water Board(s) at least 30 days prior to construction.
- d. No later than 60 days from Project construction completion, final trail alignment drawings and as-built plans for the wooden driveway bridge on the South Fork of Matanzas Creek shall be submitted to the State Water Board.
- e. The Applicant shall notify the State Water Board and appropriate Regional Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the State. The notification shall include the volume and type of materials discharged and recovered, measures used to stop and contain the discharge, and measures implemented to prevent future discharges.
- f. Permitted activities shall not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species unless the activity is authorized by the California Department of Fish and Game pursuant to a

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permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.

- g. Permitted activities must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Water Quality Control Plan (Basin Plan) by a Regional Water Board or the State Water Board.
- h. 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. 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.
- i. The Applicant shall grant State Water Board and 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.

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, or by mail at State Water Board, Certification & Wetland Program, 1001 I St., 15th Floor, Sacramento, CA 95814. You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 or via e-mail at borme@waterboards.ca.gov.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Sonoma County Agricultural Preservation and Open Space District (SCAPOS) is the Lead Agency responsible for compliance with the California Environmental Quality Act (CEQA); Pub. Resources Code, § 21000 et seq.). The SCAPOS certified the Mitigated Negative Declaration (MND) on November 15, 2011 (State Clearinghouse Number 2007102071). In making its determinations and findings, the State Water Board must presume that the MND comport with the requirements of CEQA and are valid (Pub. Resources Code, § 21167.3, subd. (b)). As such, the State Water Board has reviewed and considered these environmental documents and all proposed mitigation measures.

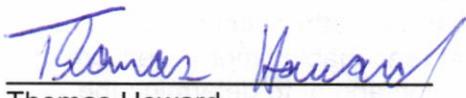
The State Water Board reviewed and evaluated the impacts to water quality identified in the MND covering the Project for SCAPOS. Impacts to water quality were determined to be less than significant and are in compliance with water quality standards. The State Water Board finds that the MND along with the conditions in the Certification, to be adequate to reduce water quality impacts to less than significant levels.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all of the conditions listed in this Certification action 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 (Wat. Code, § 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 conditions of this Certification, and (b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan and the MND.



Thomas Howard
Executive Director

10/14/11
Date

- Attachments (4):
- A. Signatory Requirement
- B. **Amended** Project Information Sheet
- C. **Amended** Receiving Waters Table
- D. Project Location Maps