California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Dan Skopec
Acting Secretary

Arnold Schwarzenegger
Governor

April 17, 2006

Ms. Jessica Martini-Lamb
Sonoma County Water Agency
P.O. Box 11628
Santa Rosa, CA 95406

Dear Ms. Martini-Lamb:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Matanzas Creek Detention Reservoir Sediment Removal Project, Sonoma County

File: Sonoma County Water Agency, Matanzas Creek Detention Reservoir Sediment Removal Project, Sonoma County, WDID No. 1B05145WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). It is being issued in response to the Sonoma County Water Agency's November 3, 2005 request for a Clean Water Act, Section 401, Water Quality Certification. On November 3, 2005, the Regional Water Board received an application and processing fee in the amount of $500.00 from Ms. Jessica Martini-Lamb, on behalf of the Sonoma County Water Agency (SCWA), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Matanzas Creek Detention Reservoir Sediment Removal Project located on Bennett Valley Road in Sonoma County. Additional processing fees in the amount of $23,628.50 were received on January 6, 2006. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received. The proposed project causes disturbances to 10.85 acres of Waters of the United States associated with seasonal wetland habitat and Matanzas Creek in the Santa Rosa Hyrologic Sub Area No. 114.22, Russian River Hydrologic Unit No. 114.00.

Project Description: The proposed project is located at the Matanzas Creek Reservoir located in the foothills of Taylor Mountain, approximately two miles southeast of Santa Rosa, southwest of Bennett Valley Road and north of Grange Road in Sonoma County. The purpose of the project is to conduct a dredging operation within the Matanzas reservoir, restore floodwater storage capacity within the reservoir and to maintain the structural integrity and hydraulic capacity of the reservoir as specified in the terms of a cooperative agreement with the U.S. Soil Conservation Service (now the Natural Resources Conservation

Service) under the Watershed Protection and Flood Prevention Act (Public Law 566).

Matanzas Reservoir is approximately 2,000 feet in length, extending from north to south and has a design capacity of 1,500 acre-feet, with a 200 acre-feet sediment pool and 1,300 acre-feet flood detention pool. Approximately 10.85 acres of jurisdictional wetlands and waters of the United States will be permanently impacted by this project. This includes 7.09 acres of open waters in the reservoir, 3.19 acres of riparian habitat along the reservoir's edge, and 0.55 acres of seasonal wetland.

To further restore floodwater capacity within the Matanzas Reservoir, SCWA will change operation of the reservoir. The dam was originally designed to operate with the bottom valve open. However, the SCWA has been operating the dam as a floodwater detention structure, with the bottom valve closed. Changing the operation of the reservoir to the original design will be achieved by allowing the valve to remain open and creating a low-flow channel to run its course within the footprint of the existing reservoir, mimicking a natural stream course system. In addition, the change in operation is anticipated to increase bedload movement to the downstream reaches of Matanzas Creek, thus reducing downcutting within the creek channel.

The project consists of the following activities: dewatering the reservoir, removal and disposal of approximately 120,000 cubic yards of sediment from the reservoir, removal of vegetation, construction of permanent access ramps into the reservoir, construction of a road downstream of the dam to facilitate these activities, and construction of a low flow channel within the existing footprint of the reservoir. During dewatering activities, the SCWA will retrieve fish within the reservoir, primarily by electrofishing as well as with beach seines. Fish will be relocated in a transport truck equipped with temperature and oxygen controls to Lake Ralphine and/or Spring Lake in Santa Rosa, Sonoma County.

A temporary gravel filter dam will be placed in Matanzas Creek, below the dam, to filter suspended sediment from the outflows. Sediment removed from the reservoir will be placed northeasterly of the dam on SCWA property against an existing hillside, graded with up to 2:1 slopes, and with compaction rates at 90 percent or better.

Erosion control Best Management Practices (BMPs) will be submitted in the Storm Water Pollution Prevention Plan (SWPPP) prior to the commencement of the project and will include hydroseeding and installation of erosion control fabric on exposed slopes. A Dewatering Plan will be submitted and reviewed prior to the commencement of the

proposed dewatering procedures. Turbidity monitoring shall be implemented as part of the monitoring requirements for this project.

No special status fish species, amphibians, or plant species will be impacted by the project. Dewatering and sediment removal activities are proposed to begin in May 2006 and are expected to be complete by November 2006. Riparian vegetation removal has already begun to avoid nesting birds.

Receiving Water: Matanzas Creek in the Santa Rosa Hyrologic Sub Area No. 14.22, Russian River Hydrologic Unit No. 114.00

Federal Permit: U.S. Army Corps of Engineers, Individual Clean Water Act Section 404 Permit (File Number 26223N)

State and Local Approvals: California Department of Fish and Game, Streambed Alteration Agreement (Notification No. 1600-2005-0233-3, revised January 24, 2006)

Excavated Area:

Total Seasonal Wetland Area Impacted: 0.55 acres
Temporarily Impacted: 0.00 acres
Permanently Impacted: 0.55 acres

Total Riparian Area Impacted: 3.19 acres
Temporarily Impacted (Restored): 1.70 acres
Permanently Impacted (Not Restored): 1.49 acres

Total Open Water Area Impacted: 7.09 acres
Temporarily Impacted: 0.00 acres
Permanently Impacted: 7.09 acres

Compensatory Mitigation Overview:

Total Seasonal Wetland Mitigation Area: 0.86 acres
Wetland Created: 0.86 acres
Wetland Enhanced: 0.00 acres
Wetland Existing (Avoided): 4.04 acres

Total Riparian Mitigation Area: 2.6 acres
Riparian Area Restored: 1.70 acres
Riparian Area Enhanced: 0.9 acres

Compensatory Mitigation: In order to compensate for the permanent impacts to 0.55 acres of seasonal wetland habitat, 3.19 acres of riparian habitat, 7.09 acres of open water in the reservoir, and other oak woodland habitat, the *Matanzas Creek Detention Reservoir Sediment Removal Project*

Mitigation and Monitoring Plan (Mitigation and Monitoring Plan) was drafted (SCWA, October 2005, Revised via email on March 27, 2006). In order to compensate for the temporal loss of all impacted aquatic habitat, SCWA will implement an off-site restoration project at nearby Copeland Creek (Enclosure 3).

Seasonal Wetland Habitat Mitigation

Compensatory mitigation for the loss of 0.55 acres of seasonal wetland habitat will be achieved through the creation of 0.86 acres of wetland habitat at a 1.56:1 mitigation ratio in the southeast section of the head of the current reservoir footprint, contiguous to the created low-flow channel. The soils in the wetland area will be over-excavated, replacement soils will be compacted, and then up to 0.6 m of topsoil will be placed for final grading. The created seasonal wetland habitat will be of a higher habitat quality than the impacted features. Wetland vegetation will be planted, including 100 plugs of Pale spikerush and 100 plugs of Brown-headed rush, as well as a broadcast seeding of species such as annual Hair-grass. All plant species will be native and non-invasive. Construction of the wetland will take place following the sediment removal activities.

The created seasonal wetland habitat will not be negatively impacted during routine maintenance activities within the constructed low-flow channel or from an episodic hydrologic overflow from the low-flow channel. If impacts do occur, the Regional Water Board shall be notified, within 15 days of the event, about the proposed remediation and implementation schedule.

Riparian Habitat Mitigation

In order to compensate for the loss of 3.19 acres of riparian habitat, 1.7 acres of riparian habitat will be restored along the southeastern bank of the existing reservoir footprint, 0.6 acres will be enhanced along a northern area adjacent to Matanzas Creek, and 0.3 acres will be enhanced along an unnamed tributary to Matanzas Creek for a total of 2.6 acres of riparian habitat enhanced and/or restored. Re-vegetation on-site will consist of the replacement of the existing tree density at a 1:1 ratio. A total of 3,688 trees will be planted within the 1.7 acres including: Big-leaf maple, White alder, Oregon ash, Red willow, and Shining willow. Trees will be planted in various growth stages as seedlings and 3- to 15-gallons. An additional 700 understory shrubs of California rose and California blackberry will be planted in combination with a seeding of native grass mixes. All planted vegetation will be native to the Russian River watershed. Additional offsite mitigation will occur, to offset temporal loss impacts, as discussed below.

Coast Live Oak Mitigation

Compensatory mitigation for the loss of five Coast live oaks from the sediment disposal location will be achieved through the planting of fifty oak trees within 0.2 acres adjacent to the riparian re-vegetation site along Matanzas Creek.

Low Flow Channel Enhancement

In order to compensate for the impacts to vegetation and waters within the open reservoir footprint, 700 linear feet of the created low flow channel will be planted with native riparian tree and shrub species (Appendix A). Naturally recruited vegetation will be selectively removed, particularly non-native species.

Temporal Loss of Aquatic Habitat Off-site Mitigation

Mitigation for the temporal loss of aquatic habitat will be achieved through the implementation of a restoration project along nearby Copeland Creek on private property in an unincorporated area of Sonoma County, adjacent to the City of Rohnert Park (Appendix B). Approximately 780 feet of streambank that was eroded during the New Year's Eve 2005 storm event, will be restored by bank recontouring, willow sprigging, and installation of willow baffles and stands.

Non-compensatory Mitigation: Non-compensatory mitigation measures have been incorporated into the project to reduce the potential impacts to water quality from the project. Mitigation measures include the preparation and submittal of a Storm Water Pollution Prevention Plan (SWPPP) by SCWA's hired contractor, prior to the commencement of construction activities. Pre- and post-construction storm water erosion control Best Management Practices (BMPs) will be utilized in order to ensure that sediment will not discharge to Waters of the United States.

CEQA Compliance: The Sonoma County Water Agency, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Mitigated Negative Declaration pursuant to CEQA. (SCH# 2001062092)

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water

Code and article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).

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 subsection 3855(b) of Chapter 28, CCR 23 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 Chapter 28, CCR 23 and owed by the applicant.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

1) The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, and to answer any public inquiries that may arise regarding the project.

2) 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 permit, 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. No rubbish shall be deposited within 150 feet of the high water mark of any stream or other Waters of the State.

3) A Storm Water Pollution Prevention Plan (SWPPP) outlining BMPs for sediment and turbidity control shall be prepared, submitted to the Regional Water Board, implemented, and in place prior to, during, and after construction in order to prevent silt and sediment from entering surface waters.

4) All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials, if required for the project, shall be provided to the Regional Water Board prior to the commencement of grading work.

5) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.

6) If, at any time, a discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.

7) Monitoring Requirements – Construction and mitigation work will be implemented as proposed in the application and the following monitoring shall occur:

   A. On-site Wetland Mitigation: Yearly monitoring reports shall be prepared assessing the required compensatory mitigation, and shall be provided to the Regional Water Board by July 15 during each calendar year, for a total of five years. Reports shall include photo documentation of the seasonal wetland mitigation area and attainment of success criteria. After five years have passed, the mitigation will be evaluated for successful attainment of the final wetland success criteria, and attainment of wetland criteria, as outlined in the U.S. Army Corps of Engineers 1987 Delineation Manual. A decision will be made whether additional mitigation measures are necessary to ensure that no net loss of wetland habitat occurs. Reports shall be prepared by a professional consultant with in-depth experience in wetland ecosystem creation and function, as well as wetland mitigation monitoring techniques. Reports shall be submitted to the attention of John Short.

   B. On-site Riparian and Oak Woodland Re-vegetation: The applicant shall monitor the riparian and oak re-vegetation sites on a semi-annual basis, and prepare an annual report including photo documentation, and attainment of success of the re-vegetation. It is expected that at the end of the monitoring period, in this case 3 years, there will be at least an 80% plant survival rate. Reports shall be submitted to the attention of John Short.

   C. On-site Low-flow Channel: The applicant shall monitor the low-flow channel site on a semi-annual basis each year after the first major storm event, and prepare an annual report, including photo documentation, as to the success of the construction and re-vegetation of the low-flow channel. It is expected that at the end of the monitoring period, in this case 5 years, there will be at least an 80% plant survival rate and that the low-flow channel will mimic a natural stream system. Reports shall be submitted to the attention of John Short.

D. Off-site Copeland Creek Restoration: The applicant shall monitor the riparian restoration site on a semi-annual basis and prepare an annual report, including photo documentation, as to the success of the slope stability and re-vegetation project along Copeland Creek. It is expected that at the end of the monitoring period, in this case 5 years, bank erosion will be stabilized and the willow baffles, clumps, and toe plantings will be well established. Success will be attained through 1) the establishment of a diverse mixture of riparian shrubs, grass, and trees; 2) the stabilization of banks; and 3) mimicking a natural stream channel, corridor, and associated riparian habitat referenced from a healthy reach of Copeland Creek. Reports shall be submitted to the attention of John Short.

E. Turbidity Monitoring: Turbidity monitoring shall be conducted 50 feet upstream from the reservoir (background), and 50 feet downstream from the in-channel gravel filter dam, during dewatering, while work is being conducted within the footprint of the reservoir and active stream channel, and while flow is reintroduced into the created upstream channel. Four samples shall be collected during each working day and collected at two-hour intervals. In the event that the upstream reach of Matanzas Creek is dry, the applicant shall collect turbidity measurements at five locations over a five-day period, upstream of the reservoir in order to establish an average background turbidity level to be used for the duration of the project. Turbidity monitoring will cease only upon approval by the Regional Water Board. Turbidity monitoring frequencies may be adjusted at any time by order of the Executive Officer.

   Turbidity readings shall not exceed 20% over the background levels, as required by the North Coast Region Water Quality Control Plan (Basin Plan). The compliance point is 50 feet downstream from the gravel filter dam. In the event that turbidity measurements exceed 20% over background for two consecutive readings at the point of compliance, the Regional Water Board shall be contacted immediately, to discuss adaptive management techniques to abate turbidity releases.

F. Reports shall be prepared by a professional consultant, with in-depth experience in wetland ecosystem creation and function, riparian and oak woodland restoration, creek ecosystem creation, function and restoration, as well as the associated mitigation monitoring techniques. Reports shall be submitted to the attention of John Short.

8) A Construction Dewatering Plan shall be submitted to the Regional Water Board for approval, prior to the commencement of the

project. Work shall not commence until approval has been granted. Construction activities which include dewatering with discharges to surface waters are required to obtain coverage under Order No. 93-61, NPDES Permit No. CA0024902, "General National Pollutant Discharge Elimination System Permit/Waste Discharge Requirements for Discharges of Groundwater to Surface Water Related to Construction and Subsurface Seepage Dewatering Activities in the North Coast Region".

9) This Order is not transferable. 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, 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.

10) The Applicant shall provide photos of the completed work to John Short, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event, in order to ensure that erosion control has been successful.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Matanzas Creek Detention Reservoir Sediment Removal Project (WDID No. 1B05145WNSO) will comply with the applicable provisions of 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") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. 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 (Enclosed).

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 applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 15, 2008. 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.

Please notify Michelle Jensen of our staff at (707) 576-6711 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

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Enclosures:
1) 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
2) Appendix A: Email, March 13, 2006, Low Flow Channel Planting Plan
3) Appendix B: Email, March 27, 2006, Off-site Mitigation Plan

cc: Mr. Oscar Balaguer, SWRCB, 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program (w/o enclosures)

Mr. Liam Davis, Department of Fish and Game, Region 3, P.O. Box 47, Yountville, CA 94599

Mr. Philip Shannin, U.S. Army Corps of Engineers, Regulatory Branch, 333 Market Street, San Francisco, CA 94105

Mr. Dick Butler, NOAA Fisheries, 777 Sonoma Avenue, Suite 325, Santa Rosa, CA 95404

Sonoma County PRMD, 2550 Ventura Avenue, Santa Rosa, CA 95403