



**California Regional Water Quality Control Board  
North Coast Region  
Bob Anderson, Chairman**



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold  
Schwarzenegger**  
Governor

December 5, 2008

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In the Matter of

**Water Quality Certification**

for the

**Sonoma Luxury Resort, LLC**

**Saggio Hills Development Project**

**WDID No. 1B06169WNSO**

APPLICANT: Sonoma Luxury Resort, LLC  
RECEIVING WATER: Foss Creek and Seasonal Wetlands  
HYDROLOGIC UNIT: Geyserville Hydrologic Sub Unit No. 114.25,  
Russian River Hydrologic Unit No. 114.00  
COUNTY: Sonoma  
FILE NAME: Saggio Hills Development, WDID No. 1B06169WNSO

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BY THE EXECUTIVE OFFICER:

1. On November 30, 2006, Mr. Tony Korman, on behalf of Sonoma Luxury Resort, LLC (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 related to the Saggio Hills Development Project (Project). The project causes permanent impacts to 2.08 acres of wetlands and 0.1 acres of unnamed ephemeral tributary within the Geyserville Hydrologic Unit No. 114.25. Fee payment totaling \$10,472 was completed on December 3, 2008 b. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 21, 2008, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The Project is on an unincorporated 258.5-acre parcel located at 16840 Healdsburg Avenue in the northeastern corner of the City of Healdsburg's urban boundary area in Sonoma County, California. The latitude and longitude is 38.64688°N and 122.86785°W. The purpose of the project is to build a mixed-use development project. The project includes a combination of land uses including; residential, resort, private open space, a fire substation, and a public park.

**California Environmental Protection Agency**

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3. The Project consists of a 43-acre site for a 130 key hotel resort, 37 acres for a public park and fire substation, 14.3 acres for up to 150 units of affordable housing, and 22 acres for construction of 70 privately owned residences within a 142-acre private open space network that would be owned and maintained by a homeowners association. Implementation of the Project shall occur in several phases, with each phase to include grading, selective removal of trees and other vegetation, construction of streets, other paved areas, utilities and buildings, and drainage improvements. Healdsburg Avenue will be improved and widened, beginning south of the Project site at the Foss Creek road crossing and extending northward approximately 585 feet past the Pasalacqua Drive entrance. The Project site contains approximately 3.8 acres of wetlands and other waters of the United States and State, subject to regulation under Sections 404 and 401 of the Clean Water Act. The Project will permanently fill approximately 2.08 acres of seasonal wetlands and permanently impact 1,100 lineal feet of linear watercourse, resulting in the placement of up to 1,200 cubic yards of fill material into waters of the United States and State.
  
4. Compensatory mitigation for the project will consist of wetland creation at a 1.2:1 compensatory replacement ratio provided that the replacement wetland area is constructed before the impacted wetlands are filled, (excepting one small wetland fill area along Healdsburg Avenue that will be filled before creation of the mitigation wetlands), and that the created wetland is functioning and providing the same or better beneficial uses as the wetlands to be filled. If, for any reason, adequate functioning is impaired, additional mitigation such as the purchase of credits from a suitable in kind mitigation bank or other equivalent mitigation would be required. One wetland mitigation area will be adjacent to and northeast of the main preserved wetland meadow in the Community Park, and the second mitigation area would be located immediately off-site to the west in the Barbieri Brothers Park. Wetland creation work will involve the excavation of upland soils to create a series of shallow basins averaging 1.5 feet in depth to establish suitable hydrological conditions for wetland plant establishment via seeding and other means. All wetland work and planting will be supervised by a qualified biologist. In addition, approximately 2 acres of existing onsite wetlands will be preserved and protected. Annual maintenance and monitoring of created and preserved wetlands will be performed for a minimum 5 year period or until specific performance criteria have been attained. Specifics on wetland and creekbed mitigation, monitoring, and construction, are included in the two volumes of the "Saggio Hills Wetland and Creekbed Mitigation and Monitoring Plan", dated November 2008, prepared by Carlile Macy Engineers. The wetland preservation and mitigation areas have been agreed to be protected in perpetuity by the City of Healdsburg and approved by the Healdsburg City Council on October 14, 2008.

In addition, the overall Project will require 21 creek crossings to accommodate road construction and access; at these locations, all undersized culverts will be replaced with appropriate size culverts and rock energy dissipaters, sufficiently sized to withstand a range of high flow events and to minimize future undercutting and channel erosion. Finally, to compensate for the loss of approximately 1,100

lineal feet of linear water course associated with road realignment and resort construction work, approximately 3,500 lineal feet of creek bed, including portions of Foss Creek in the vicinity of the Community Park, will be restored by stabilizing or back-grading the banks, installing check dams in the channel where the thalweg was excessively steep, and extensive replanting disturbed slopes with appropriate riparian and other native vegetation. The use of bioengineering techniques will be used to the maximum extent and permanent hardening of the channels by use of riprap or concrete will be avoided. Details of the construction and restoration areas are detailed in the 11x17 inch (volume 2 of 2) set of plans entitled "Saggio Hills Wetland and Creekbed Mitigation and Monitoring Plan", dated November 2008.

5. The long term maintenance of all post-construction stormwater treatment measures within common areas within the residential portions of the property including private streets and common areas will be maintained by a collaboration of the Saggio Hills Resort/Sonoma Luxury Resort, LLC, and the Homeowners Association of the residential parcels. The creation of the Homeowners Association is a requirement of the City of Healdsburg for the long term maintenance of all common areas within the residential portions of the property including private streets and common areas.
6. The City of Healdsburg will maintain post-construction stormwater treatment measures within all public right-of-way, the public park, and other City owned parcels, and is commensurate with the City's adopted Storm Water Management Program.
7. The northern property boundary of the Project is contiguous with the County of Sonoma's property containing the Healdsburg Municipal Waste-Class III unlined Landfill, Refuse Transfer Station, Recycling Facility and the Old Healdsburg Burn Dump, which are managed by the County of Sonoma, Department of Transportation and Public Works. A minimum 50 foot buffer will be maintained between the landfill property line and new facilities. Access to monitoring wells by the landfill owner/operator will be maintained. Concrete/impermeable trench plugs will be placed in trenches to aid in prevention of the spread of landfill gases and groundwater into the Project. Structures or impervious surfaces in areas around a potential influence of landfill gas and groundwater from the landfill will have engineered controls that are properly designed, constructed, and ventilated to protect against landfill gas buildup.
8. The individual phases of the Project are all subject of this Water Quality Certification and include:
  - a. The Hotel resort, roads and infrastructure;
  - b. The 70 privately owned residences;
  - c. The public park and fire substation; and,
  - d. The affordable housing area and housing units.

The phases are scheduled to be constructed at different times, and in the case of the public park and fire substation, and the affordable housing area and housing units, may be constructed by a different entities other than the Applicant. This Water Quality Certification has the specific conditions for the hotel resort, roads and infrastructure, and the 70 privately owned residences.

The public park and fire substation, and the affordable housing area and housing units, will each require their own Amendments to this Water Quality Certification when the plans for each has been finalized, and before each phase begins construction. The agents responsible for development of these phases of the project are responsible to submit plans for review and comment for these projects in order to receive their respective Water Quality Certification Amendments. It is expected, and has been explained to the Applicant and to the City of Healdsburg, that these remaining phases will be required to provide appropriate post-construction stormwater treatment for these remaining phases, and work cooperatively with the Regional Water Board to achieve this. If any other water quality impacts become apparent during this process, they will also have to be adequately addressed before Water Quality Certification Amendments are issued.

9. Construction will incorporate post-construction stormwater treatment best management practices (BMPs) such as the use of vegetated swales, bioretention planters, infiltration galleries, bovine terraces, permeable paving to collect and treat runoff from rooftops, and vegetated and rock-lined swales placed in landscape areas to intercept and treat runoff from parking areas, roads, and other park hardscape areas before discharging into waters of the United States or the State.
10. The Applicant has applied for an individual permit from the United States Army Corps of Engineers, file number 246470N, to perform the project pursuant to Clean Water Act, section 404.
11. The Applicant has applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game, Agreement number 1600-2007-0031-3.
12. The City of Healdsburg, as the lead California Environmental Quality Act (CEQA) agency, has determined that this Project qualifies for an Environmental Impact Report, (State Clearinghouse number 20033062025), which was prepared by EDAW and the City of Healdsburg pursuant to CEQA.
13. 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.

Receiving Water: Foss Creek and Seasonal Wetlands, tributary to Geyserville Hydrologic Sub Unit No. 114.25, and Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: Area Permanently Impacted: 2.08 Acres of seasonal wetlands

Total Linear Impacts: Length Permanently Impacted: 1,100 lineal feet of ephemeral stream channel

Dredge Volume: None

Latitude/Longitude: 38.644372° N/122.869914° W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Saggio Hills Development Project (WDID No.1B06169WNSO), 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:

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. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. 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 Order (Enclosed).
5. The Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, total maximum daily loads (TMDLs) have not been established for this water body.

If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.

6. The Regional Water Board shall be notified 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.
7. 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. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
8. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground- clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
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. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. 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.
12. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
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.
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 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.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. In the event of any violation or threatened violation of the conditions of this certification, 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 constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional 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 certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
18. 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.

19. 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).

20. The authorization of this certification for any dredge and fill activities expires on December 5, 2013. 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.

If you have any questions or comments please call Stephen Bargsten at (707) 576-2653.

Sincerely,

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Catherine Kuhlman  
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original to: Mr. Tony Korman, Sonoma Luxury Homes LLC,

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Healdsburg, CA 95448  
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