

August 17, 2005

**Public Notice for 401 Water Quality Certification
and/or
Waste Discharge Requirements (Dredge/Fill Projects)**

**Angelo Associates
Big "O" Tires Bank Stabilization Project
WDID No. 1B04153WNSO
Sonoma County**

On November 17, 2004, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Mark Denton of Big "O" Tires (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the installation of rock riprap within the bank of Foss Creek in Healdsburg, Sonoma County. The proposed project will cause disturbances to the waters of the state associated with Foss Creek, Geyserville Hydrologic Subarea No. 14.25, Middle Russian Hydrologic Area No. 114.20, Russian River Hydrologic Unit No. 114.00.

The proposed project involves the placement of approximately 40 cubic yards, (65 lineal feet), of ¼ ton rock riprap within the banks of Foss Creek located at 1115 Healdsburg Avenue, Healdsburg, Sonoma County. The Applicant proposes to install the riprap for the purpose of stabilizing an eroding bank that is threatening to undermine a portion of the parking lot of Big "O" Tires.

The project involves the removal of eroded material from the creek bed at the downstream end of the project reach, as well as the excavation of a keyway trench 5 feet wide and 1.5 feet deep in which to place the rock. The project further involves the installation of ¼ to ½-ton quarry rock approximately 8 feet up the bank, compacted gravel backfill, and filter fabric on a proposed 1:3 slope. Topsoil is proposed for placement at a 1.5:1 slope from the top of the rock riprap to the top of the bank, and willow sprigs and other native riparian plant species are proposed for placement in the gaps between the rock of the revetment, and in the topsoil.

In the event that flowing water is present during construction, the creek bed would be dewatered using a temporary sandbag cofferdam structure installed upstream of the site, and a bypass pipe sufficiently sized to convey any discernable flow downstream of the worksite.

The project permanently affects 0.018 acres of jurisdictional Waters of the State as verified by the Army Corps of Engineers in a letter dated July 22, 2005 (File No. 292740N). These waters include a discharge of 20 cubic yards of fill into federal jurisdictional waters below the ordinary high water mark of the channel, and a discharge of 90 cubic yards of fill into state jurisdictional waters above the ordinary high water mark of the channel, for a total fill area of 65' X 12'.

The Applicant is requesting that the water quality certification and/or waste discharge requirements be issued so that work may commence before October 15th, 2005. Construction is projected for a duration of approximately 2 weeks. Any construction projected to occur during the rainy season of October to April will be subject to additional conditions to ensure winterization techniques are implemented, and to safeguard water quality.

Compensatory Mitigation is required for this project. Regional Water Board staff made recommendations, during a field visit and subsequent discussions, to Mr. Denton and/or Mr. Kurt Kelder, of Atterbury and Associates, to ensure that an enhancement proposal is designed and submitted which at minimum will enhance a section of Foss Creek equal to 0.018 acres. This proposal will enhance existing riparian buffer zones, remove non-native plant species and replace them with native species, and/or reslope the banks as necessary.

Non-compensatory mitigation measures will include the use of Best Management Practices (BMPs) for sediment and erosion control, relocation of visible aquatic species (if present) by a certified biologist prior to maintenance, and conducting work during low-flow or dry.

The North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, is currently reviewing this project pursuant to CEQA.

The Applicant has obtained coverage with the U.S. Army Corps of Engineers under Nationwide permits 13-*Bank Stabilization*, and 33-*Temporary Construction, Access, and Dewatering* (USACE File No. 292740N). Application approval is also pending with the California Department of Fish and Game (CDFG) for a Lake or Streambed Alteration Agreement (application signed November 11, 2004). The National Marine Fisheries Service (NMFS) was contacted on the Applicants behalf, to determine potential impacts to salmonid fish species and designated critical habitat. In a letter dated July 1, 2005, the NMFS concurred with the determination that the project was not likely to adversely affect threatened species if preformed in accordance with timing restrictions to avoid the principal migratory period for salmonids and with restrictions to preclude any work in flowing water. These timing and work restrictions have been incorporated into the Special Conditions section of the applicants USACE coverage letter.

Regional Water Board staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and Porter-Cologne Water Quality Control Act Authority. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this notice. If you have any questions or comments, please contact staff member Andrew Jensen at (707) 576-2683 or at AJensen@waterboards.ca.gov within 21 days of the posting of this notice.

The related documents and comments received are on file and may be inspected or copied at the Regional Water Board office, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220.