



State Water Resources Control Board

Executive Office

Linda S. Adams
Secretary for
Environmental Protection

Charles R. Hoppin, Chairman
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Arnold Schwarzenegger
Governor

OCT 13 2009

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

Dear Mr. Batchelder:

CLEAN WATER ACT (CWA) SECTION 401 WATER QUALITY CERTIFICATION FOR NORTH SLOPE SONOMA MOUNTAIN RIDGE TRAIL PROJECT (File No. SB09003IN)

Sonoma County Agricultural and Open Space District has requested that the State Water Resources Control Board issue a CWA section 401 Water Quality Certification (Certification) for the North Slope Sonoma Mountain Ridge Trail Project. For this Certification, staff consulted with staff from the North Coast Regional Water Quality Control Board and San Francisco Bay Regional Water Quality Control Board, as well as the U.S. Army Corps of Engineers.

Pursuant to Title 23, Section 3838 of the California Code of Regulations, I have made the Certification determination for this project as described in the Enclosure. The Certification also includes the following attachments:

- A. Signatory Requirement;
- B. Project Information Sheet;
- C. Receiving Waters Table, and;
- D. Project Location Maps.

If you require further assistance, please contact Darren Bradford, the staff person most knowledgeable on the subject, at (916) 341-5558 (dbradford@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).

Sincerely,

Dorothy Rice
Executive Director

Enclosure: Certified Order

cc: (See next page)

California Environmental Protection Agency

Mr. Kim Batchelder

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cc: (Continuation page)

cc: (all w/enclosure)

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.Dave Smith, Chief
Wetlands Regulatory Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Mr.Dan Wilson, Habitat Conservation Manager
Department of Fish and Game
Region 3 Headquarters
P.O. Box 47
Yountville, CA 94599

Ms.Catherine Kuhlman, Executive Officer
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Mr.Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

ENCLOSURE

**WATER QUALITY CERTIFICATION
FOR THE
NORTH SLOPE SONOMA MOUNTAIN RIDGE
TRAIL PROJECT
FILE NO. SB09003IN**

Attachment A: Signatory Requirement

Attachment B: Project Information Sheet

Attachment C: Receiving Waters Table

Attachment D: Project Location Maps



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Arnold Schwarzenegger
Governor

ENCLOSURE

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

PROJECT: North Slope Sonoma Mountain Ridge Trail 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, on behalf of Sonoma County Agricultural and Open Space District for a water quality certification (Certification) for the subject project.

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 |

STANDARD CONDITIONS:

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.
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, Title 23 of the California Code of Regulations, 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, Title 23 of the California Code of Regulations and owed by the applicant.

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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).
- 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 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.

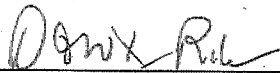


WATER QUALITY CERTIFICATION:

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 enclosed Project Information Sheet (Attachment B), and (b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan.

If you have any questions, please contact State Water Board Environmental Scientist Darren Bradford at (916) 341-5558 (dbradford@waterboards.ca.gov). You may also contact Bill Orme, Chief of the 401 Certification and Wetlands Protection Unit, at (916) 341-5464 (borme@waterboards.ca.gov).



Dorothy Rice, Executive Director
State Water Resources Control Board

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Date

- Attachments:
- A. Signatory Requirement
 - B. Project Information Sheet
 - C. Receiving Waters Table
 - D. Project Location Maps

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