January 11, 2006

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

Rivendale Communities
Wright Preservation Bank Project
WDID# 1B05123WNSO
Sonoma County

On September 7, 2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Chris Peterson on behalf of Rivendale Communities (Applicant) requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Wright Preservation Bank Project in Sonoma County. A letter requesting additional information was issued to the applicant on December 29, 2005. The proposed project causes disturbances to Waters of the U.S. associated with the Laguna Hydrologic Sub Area No. 114.21, Russian River Hydrologic Unit No.114.00.

The proposed project is located on the 11.8-acre southwest corner of the existing Wright Preservation Bank on Occidental Road, Santa Rosa, Sonoma County (APN 035-050-014, -023). The purpose of the project is to enhance existing seasonal wetland habitat in a network of swales to provide habitat for endangered Burke's Goldfields (*Lasthenia burkei*) as well as the creation of vernal pool habitat to be used for the mitigation of future Rivendale Communities projects. It is proposed that a total of approximately two acres of credited vernal pool and connecting swale habitat will be enhanced and created. Approximately one acre will receive full creation credits with the remaining acreage to receive 54-percent enhancement credit.

According to the Applicant, current research is being conducted by Drs. Steven Talley and Bruce Pavlik in cooperation with the California Department of Fish and Game (CDFG) to establish the exact design parameters according to which vernal pool habitat for Burke's Goldfields should be enhanced, restored, and created. Therefore, the exact acreage of impact due to the filling of seasonal wetland habitat has not been determined and lies between the range of 0.5 to 1.5 acres; approximately three to 12 cubic yards of fill (excavated topsoil from on-site origins) spread between 30 to 100 square feet. The proposed area of impact includes outlets where fill would be placed to raise the existing grades, downgradient swale sections where fill would be required to ensure gentle, non-erodible transitions between the raised outlets and downgradient points on the swales, and/or any areas where excavation is required to prevent oversteepening between downstream pools and the outlets of upstream pools.

California tiger salamander (*Ambystoma tigrinum californiense*) (CTS) larval surveys were performed in 2002-03 by David Cook. According to these surveys, none of the vernal pools in the proposed work area were found to support CTS. A passive relocation program began fall 2005 to allow breeding CTS to move out of the work areas until the

project has been completed. Excavation will occur 100 feet from known Sebastopol Meadowfoam (*Limnanthes vinculans*) populations. These colonies will be protected by ESA fencing throughout construction.

Construction will take place only during periods of dry soils and is proposed to begin spring or summer 2006. However, in the event that it becomes necessary for construction to occur during this rainy season, the project will be subject to additional conditions to ensure winterization techniques are implemented, and to safeguard water quality.

The project will involve the use of self-loading paddle wheel scrapers, scrapers, tracked bulldozers, front-end loaders, and trucks used to excavate and load excess material. The total wetland mitigation project involves fence removal, vine removal, construction of a water-restricting horizon, wetland construction, and disposal of excess subsoil. No soil importation, dewatering or disposal of waste will occur on the site.

Compensatory mitigation for this project will not be required as the project will be self-mitigating by resulting in a net increase of the existing wetland habitat through creation and enhancement of a total of two acres of seasonal wetland habitat. A Mitigation and Monitoring Plan has been proposed to offset the impacts to wetlands and monitor the success of the restoration and creation efforts. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site.

The Regional Water Board, acting as the lead agency under the California Environmental Quality Act (CEQA), has determined that this project qualifies for a categorical exemption Class 7 and 8 CCR 15307 and 15308- Actions by Regulatory Agencies for Protection of Natural Resources and Actions by Regulatory Agencies for Protection of the Environment, respectively.

The applicant has applied to the Army Corps of Engineers for a Nationwide Permit No. 27 (pending). A Lake and Streambed Alteration Agreement from the Department of Fish and Game is not required for this project.

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 Blvd., Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220.

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