

February 2, 2005

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

**Ryder Companies  
Vintana Subdivision, Phase VI  
WDID No. 1B04109WNSO  
Sonoma County**

On August 4, 2004 the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Marco Waaland, on behalf of Mr. David Bradley and Ryder Companies, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the permanent fill of 0.12-acres of seasonal wetland habitat associated with a single family residential development in Windsor, Sonoma County. The proposed project will cause disturbances to the waters of the state associated with Starr Creek Hydrologic Unit No. 14.23.

The proposed project involves the construction of 9 single-family homes on the west side of Starr Creek, as well as the construction of associated driveways, sidewalks, etcetera (APN 164-030-060). This proposal is for phase six of the Vintana project site, which totals approximately 118 acres and is located at Starr Road in southwest Windsor. Phase VI is located west of Starr Creek, between Starr Road and the Creek. Previously, phases four and five have been constructed on the east side of Starr Creek.

The proposed project includes the construction of a storm water outfall for the Phase VI subdivision. The development will discharge storm water runoff to Starr Creek through one 18" storm drain pipe which will drain into a rip-rap apron area approximately 20' x 30', impacting approximately 250 square feet of Starr Creek's bed and bank. The rip-rap area will be covered with native soils and re-vegetated with native plant species.

The Army Corps of Engineers issued a Clean Water Act (CWA) Section 404 Nationwide Permit No. 7 and 33. The Town of Windsor, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Negative Declaration pursuant to the CEQA, Resolution No. 236-99. The applicant has also applied for a streambed alteration agreement with the California Department of Fish and Game.

The nearest receiving water is Starr Creek located in the Mark West Hydrologic Unit No. 114.23, which flows through Windsor Creek and ultimately into the Russian River.

The project affects 0.12-acres of jurisdictional Waters of the U.S., as delineated by Mr. Marco Waaland, Golden Bear Biostudies, and confirmed by the United States Army Corp of Engineers (USACE File #22263N). Additionally, impacts will affect approximately 250 feet of creek bank along Starr Creek at the outfall construction site.

Compensatory Mitigation is required for this project. Regional Water Board staff are currently working with the Applicant to finalize a Mitigation and Maintenance Proposal which compensates for all loss as a result of this project. The current proposal has been found inadequate. Prior to issuing a Water Quality Certification, the Regional Water Board will ensure that there is No Net Loss of wetland habitat or beneficial uses. All efforts will be made to minimize, avoid, and mitigate the proposed disturbance. The applicant will also be required to re-vegetate all disturbed bank areas with native riparian vegetation.

Non-compensatory mitigation measures include an approved Storm Water Pollution Prevention Program (SWPPP) that will be enforced during the construction phase to prevent excess siltation from runoff leaving the site. To the extent possible, the applicant proposes all excavation be done from the top of the east bank of Starr Creek. Post-construction measures will be utilized to prevent discharge of pollutants during the life of the project.

Ryder Construction is requesting that the water quality certification and/or waste discharge requirements be issued before their proposed start date of April 15, 2005. Construction within the creek bed and bank is projected for the summer of 2005 and the nine single-family homes are projected for completion in October of 2005. In the event that unforeseeable events cause any portion of construction to fall into the rainy season of October to April, said construction will be subject to additional conditions to ensure winterization techniques are implemented, and to safeguard water quality.

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 Andrew Jensen at (707) 576-2683 or at [ajensen@waterboards.ca.gov](mailto:ajensen@waterboards.ca.gov) within 21 days of the posting of this notice.