August 29, 2005

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

Anderson 48 Mitigation Project
WDID#1B04058WNSO
Sonoma County

On May 19, 2004, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Ted Winfield, of Ted Winfield and Associates, on behalf of Mr. Kevin Pohlson and Vast Oak Properties (Vast Oak) requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Anderson 48 Mitigation Project in Rohnert Park, Sonoma County (APNs 045-263-04, -06; 047-132-09, -10, -28, -33, -39). The proposed project causes disturbances to waters of the state associated with Hinebaugh Creek and the Russian River Hydrologic Unit 114.21.

On June 2, 2005, the Regional Water Board issued a Denial without Prejudice (DWOP) for the proposed project due to a lack of a detailed description of the proposed project, including revised mitigation design plans, and final California Environmental Quality Act (CEQA) documents.

On June 2, 2005 the Regional Water Board received the requested information from Mr. Ted Winfield, representing Mr. Kevin Pohlson and Vast Oak, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Anderson 48 Mitigation Project. The received information contained a copy of the final CEQA document for the proposed project, and an updated and finalized mitigation plan, as requested in the June 2, 2005 DWOP.

The proposed project is approximately 48 acres and is located approximately 1,400 feet east of Petaluma Hill Road, between its intersections with Rohnert Park Expressway to the south and Keiser Avenue to the north, just below the headwaters of Hinebaugh Creek, Sonoma County, California. The project will involve the restoration and construction of vernal pools, and the connecting of swales and other seasonal wetlands. The land use designation and zoning for this site are the same, DA-20, “Diverse Agriculture” with one dwelling unit permitted per 20 acres. Currently the site is used solely to graze cattle and the western pasture has been used to produce agricultural crops in the past. The purpose of the proposed project is to perform seasonal wetland and riparian restoration efforts on the 48-acre site, in order to mitigate for project impacts resulting from the development of the Vast Oaks Project (WDID No. 1B03004WNSO).

Vast Oaks Project site is an approximately 224.41 acre site bounded by Rohnert Park Expressway, Keiser Avenue and Petaluma Hill Road in Rohnert Park. It will consist of the development of a full range of housing types, a compact commercial center and a trail network that will link the City’s new and existing neighborhoods to SSU, Rancho Cotate High School, Creekside Middle School and open space areas east of Rohnert Park. The Vast Oaks project will result in impacts to approximately 17.25 acres of seasonal, artificial and farmed wetland, 0.02

acres of Hinebaugh Creek and 0.26 acre of jurisdictional ditch subject to the U.S. Army Corps of Engineers (ACOE) jurisdiction. In addition the Vast Oaks project will result in impacts to 6.22 acres of jurisdictional waters of the State of California (Regional Water Quality Control Board). Mitigation for the Vast Oaks Project will also occur on-site in the Scenic Buffer Mitigation Area by constructing approximately 9.40 acres of wetland habitat. Any shortfall in mitigation acreage will be made up in the form of credits purchased at an approved wetland mitigation bank.

The Anderson 48 project affects approximately 3.81 acres of jurisdictional waters. A wetland delineation is yet to be completed by ACOE. Existing jurisdictional habitat on the Anderson 48 site includes 0.67 acre of Hinebaugh Creek including seasonal wetlands below the top of the bank, 0.26 acre of tributaries to Hinebaugh Creek, and 9.31 acres of seasonal wetlands as delineated by Dr. Larry Stromberg, Wetlands Consultant, June 2005. The sole special-status species observed on the site is Lobb's aquatic buttercup (*Ranunculus lobbii).*

The total area of jurisdictional waters to be permanently filled and/or altered during the project is approximately 3.81 acres including the filling of 1.282 acre of Hinebaugh creek, its tributaries and seasonal wetlands and the excavation of 2.53 acres of low-quality seasonal wetlands. Enhancement will include excavating the 2.53 acres of the existing low-quality seasonal wetlands and improving hydrology in approximately 2.58 acres of the existing seasonal wetlands. The proposed project will result in the creation of approximately 8.60 acres of vernal pools, seasonal wetlands and connecting swales in existing upland habitat as well as restoring approximately 2.03 acres of wetland habitat and 0.72 acres of channel bank. In addition, restoration of 10.86 acres of riparian habitat along Hinebaugh Creek will result in enhancement of the 9.16 acres of the existing riparian habitat along Hinebaugh Creek. Mitigation credits will be calculated for the amount of wetland created or restored minus the amount of wetlands filled.

Swales will be reestablished within the alignments of existing incised channels by backfilling upstream of an energy dissipater constructed in Hinebaugh Creek just above the western end of the project site. The structure will be constructed of rock and concrete in such a manner as to permit establishment of willow and other riparian species within the structure. It will span the channel and be approximately 90 – 100 feet long. The spillway elevation will be 164.0 ft. Approximately 150 cubic yards of rock material will be imported to construct the energy dissipater.

The channel will be backfilled immediately behind the energy dissipater. The soil used to backfill the channel will be soil excavated from the site, similar in texture (clay loam to clay) and will be compacted to bring the rough grade of the surface to an elevation of approximately 163.0 ft. Topsoil salvaged prior to construction from the channel and the terraces will be re-spread over the rough grade soils to bring the final swale surface elevation to 163.5 ft. Two terraces that currently stand between the main channel and the pair of tributaries would be lowered in conjunction with the swale restoration to produce a broad flat seasonal wetland that spans the area into which the tributaries extend. A soil cement water-restricting horizon will not be used.
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 of 8.60 acres and restoration of 2.75 acres of seasonal wetland habitat. 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.

Sonoma County, as the lead CEQA agency, has determined that this project qualifies for a Mitigated Negative Declaration pursuant to the CEQA (November 2, 2004, File No. ZPE04-0130).

The nearest receiving water is Hinebaugh Creek and its tributaries.

An application was submitted to the ACOE for Nationwide Permit #27 (File No. 28185N) and a final map is yet to be received. An application for a Lake or Streambed Alteration Agreement was submitted to the California Department of Fish & Game on May 17, 2004 (Notification No. 1600-2004-0344-3).

The Anderson 48 Mitigation Project is scheduled to begin July 2005 and end in October 2005. If construction does not commence this year it will begin in June 2006 and end in October 2006. Staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or 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 letter. 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.

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