

December 16, 2005

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

**Conde Associates  
Conde Lane Business Park Project  
WDID No. 1B04073WNSO  
Sonoma County**

On June 15, 2004, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Justin Witt of Brelje and Race Consulting, on behalf of Mr. Patrick Imbimbo of Conde Associates (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Conde Lane Business Park Project, Windsor, Sonoma County. The proposed project will cause disturbances to approximately 0.82 acres of Waters of the United States associated with the Russian River Hydrologic Unit No. 114.0, Mark West Hydrologic Sub Area No. 114.23.

The proposed project is located in the Town of Windsor, approximately 1,000 feet north of Shiloh Road on the west side of Conde Lane. The 26.28-acre parcel is bound by Pool Creek to the south, the Northwest Pacific Railroad to the west, an unimproved parcel to the north, and Conde Lane to the east. The purpose of the project is to develop the parcel into an eight-lot commercial business park subdivision in conformance with the Town of Windsor General Plan land use and zoning designation.

The project site includes a 6.64-acre wetland preserve area along the westerly side adjacent to the railway. This portion of the site was established a number of years ago as a mitigation measure for impacts to wetlands from a separate project and location (County of Sonoma, Grant of Wetlands Site Easement, File No. 1990-0118624), having no relation to the Conde Lane Business Park site. The installation of a maintenance access road will occur within a small upland area of the wetland preserve in order to gain access to the sanitary sewer. According to the Applicant, this roadway will not impinge on any wetlands within the wetland easement.

The project includes site grading, installation of utility and storm drainage systems, construction of a single street, grading for the creation of a trapezoidal flood capacity channel along the northern bank of Pool Creek, construction of an all weather surfaced maintenance road, and installation of a 36-inch storm drain outfall on the north bank of Pool Creek, approximately 150 feet upstream of the railroad bridge. The graded lots will be sold individually or in aggregate in the future for development.

Construction is projected for June through October 2006. Construction is not proposed for the rainy season between October 15th and May 15th. 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.

Approximately 0.82 acres of seasonal wetlands will be permanently filled as a result of the project, due to the placement of 32 cubic yards of rock rip rap in the proposed bypass channel and an additional 3 cubic yards placed at the storm drain outfall. In order to compensate for the loss of Waters of U.S., the applicant has purchased 0.82 acres of preservation credits from the Wright Preservation Bank as well as a sum total of 0.82 acres of conservation credits from the Sonoma County Airport Consolidated Wetlands Mitigation Area. Additional temporary impacts will occur within an additional 0.05 acres of jurisdictional wetlands that are located within the wetland preserve area due to the excavation of a trench and placement of a new sewer line. All disturbed soils will be restored to the original contours and will be reseeded with local plant species.

In order to mitigate for impacts to riparian vegetation, and upland habitat within the existing wetland preserve area, the Applicant has submitted a Riparian Restoration and Enhancement Plan for the Conde Lane Business Park Subdivision (Restoration Plan). The Restoration Plan includes two zones which will be planted with native riparian and oak woodland tree and shrub species in order to enhance and expand the width of the existing Pool Creek riparian corridor along the southern edge of the proposed bypass channel. In order to mitigate for impacts to the upland areas within the wetland easement, the Applicant is proposing to plant upland species, including oak trees and native bunchgrasses, between the access road and the adjacent preserved wetland.

Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) for sediment and erosion control including, but not limited to, native grass cover crop, straw rolls, silt fencing, straw bales, jute netting, and erosion control blanketing. All disturbed soils will be returned to their natural contours and replanted. Post-construction storm water treatment BMPs will not be installed as a part of this project. On June 17, 2004, Regional Water Board staff received a letter from Mr. Paul Wade, Senior Engineer with the Town of Windsor, stating that the Town of Windsor will commit to requiring the installation of storm water treatment BMPs at the time of individual lot entitlement processing. Therefore, each individual lot will be required to gain approval from the Regional Water Board and the Town of Windsor to ensure adequate treatment of storm water runoff prior to lot development. The constructed bypass channel will be vegetated in order to sufficiently treat storm water runoff from the maintenance road during the 85<sup>th</sup> percentile/24 hour storm event prior to discharging into the main channel of Pool Creek.

The Town of Windsor, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Mitigated Negative Declaration, pursuant to CEQA (SCH No. 2002052073).

Conde Lane Associates has filed applications with the U.S. Army Corps of Engineers for Nationwide Permits 13 as well as a Streambed Alteration Agreement with the California Department of Fish and Game.

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](mailto: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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