February 7, 2006

Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)
Hazel Wetland Mitigation Bank Project
Sonoma County (WDID# 1B05057WNSO)

On April 26, 2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Harvey Rich, Hazel Mitigation Preserve, LLC (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Hazel Wetland Mitigation Bank Project in Sonoma County. On December 13, 2005, the Regional Water Board received revised documents from Mr. Larry Stromberg, Wetlands Consultant, on behalf of Mr. Rich. The application was deemed complete on January 13, 2006. The proposed project causes disturbances to waters of the state associated with seasonal wetland habitat and the Laguna de Santa Rosa Hydrologic Sub Area 114.21 and the Russian River Hydrologic Unit No. 114.00.

Project Location

The proposed project consists of 101.0 acres in the southwest part of the Santa Rosa Plain on the east side of Arlington Avenue, at 4589 and 4645 Arlington Avenue, between Scenic and Wilfred Avenues, both of which terminate at Arlington Avenue (Bank Site). The Scenic Avenue right-of-way, which has been eliminated from the deed, once crossed the Bank Site just within the northern property line.

The Hazel Mitigation Bank Site comprises portions of six parcels, 22 tracts, and 21 lots. The assessor's parcel numbers, area, and ownership of the tracts and lots are shown below:

Parcels Included in the Hazel Mitigation Bank Site

Tract	Lot	A. P. No(s).	Area (ac)
1	265	134-241-012 (portion)	5.25
2	264	134-241-012 (portion)	5.25
3	263	134-241-012 (portion)	5.25
4	262	134-241-012 (portion)	5.25
5	261	134-241-013 (portion)	5.00
6	255	134-241-013 (portion)	4.85
7	260	134-241-013 (portion)	5.00
8	257 (part)	134-241-013 (portion)	1.42
9	259	134-241-013 (portion)	6.81

Tract	Lot	A. P. No(s).	Area (ac)
11	287	134-241-060 (portion)	5.00
13	288	134-241-037, -054 (portions)	4.99
15	289	134-241-037 (portion)	5.76
16	294	134-241-037 (portion)	5.59
17	290	134-241-054 (portion)	4.21
18	295	134-241-054 (portion)	4.23
19	291	134-241-054 (portion)	4.99
20	296	134-241-054 (portion)	5.00
21	297	134-241-054 (portion)	4.98
22	299	134-241-054 (portion)	3.39
23	298	134-241-054 (portion)	5.62
24	393	134-251-014 (portion)	3.15
			101.0

Historical Land Uses

The Bank Site has been used agriculturally since the 1950s. No information is available about land use prior to the 1950s, but information provided by the past and current owners and a review of historic aerial photographs indicate that the site was probably used to produce walnuts and as pasture to graze and produce hay for dairy cattle. The Bank Site has also been irrigated with reclaimed wastewater supplied by the City of Santa Rosa.

Beginning in the early 1950's, the lands forming the Bank Site were leased to tenants that ran a dairy operation. The operation had cows graze the pastures, a different type of operation that has been used in recent years. A walnut orchard was installed but production was poor, the trees declined, and eventually the trees were abandoned and later removed.

The Moretti family currently uses the proposed Bank Site to run a family dairy operation, but the cows graze the property only a few days each year following annual cuttings, when they are released to feed on cut grass that did not get baled. Except for those few days, they are confined to corrals, pens, a freestall barn, and other associated non-pasture areas.

Primary Object of Project

The Applicant has the primary objective of the sale of credits for wetlands that have been enhanced and created at the Bank Site and for California tiger salamander (CTS) breeding and estivation habitat. The wetland enhancement and creation have been planned and will be undertaken adhering to two important principles. First, the Bank Site ecosystem should emulate a natural ecosystem. Second, the Bank Site should be an ecologically sound preserve with a self-sustaining ecosystem.

Project Description

The proposed Bank Site consists of approximately 4.07 acres of existing wetland habitat, which will be within the limits of constructed vernal pools, swales, and seasonal wetlands. The 4.07 acres of existing habitat will be enhanced. The Applicant will also create an additional 27.18 acres of wetland habitat, including 23.30 acres of vernal pools, 3.64 acres of swales, and 0.24 acres of other seasonal wetland habitat.

On the Bank Site, 34.64 [(27.18 acres created + 7.12 existing acres (excluding the main drainage) - 0.36 acres of filled wetland)] acres of wetland would be present following creation. Approximately 34.2 percent of the Bank Site would therefore be wetland.

Three of the vernal pools, with a combined area of approximately 2.63 acres, are considered potentially suitable breeding habitat for the CTS. These pools would have the capacity to pond at least 15 inches of water and would provide the duration of continuous inundation necessary to allow larval California tiger salamanders to metamorphose and develop sufficiently to allow them to enter the terrestrial phase of their life cycle. Past disturbance has reduced the quality of estivation habitat but the discing and irrigation will be discontinued.

The proposed Bank Site consists of a mosaic of habitats, subject to the jurisdictional authority of the federal and/or state regulations, distributed within a larger, non-jurisdictional, planted ryegrass field. The total area of existing jurisdictional habitat is 8.02 acres and includes: a defined drainage (0.53 acres); swales (undefined drainages) (3.31 acres); and seasonal wetlands (4.18 acres). The seasonal wetland habitat includes Army Corps of Engineers (Corps) jurisdictional wetlands, as well as isolated wetlands that are not Corps jurisdictional under Section 404 of the Clean Water Act (CWA) pursuant to the U.S. Supreme Court decision, Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers, 33 U.S.C. section 1344. According to the delineation prepared by Mr. Stromberg and verified by the Corps, there are approximately 0.425 acres of isolated wetlands on the site, which will be regulated under Regional Water Board state authority.

The area of the defined drainage is approximately 0.53 acres. The sides of the defined drainage are relatively steep, the result of excavation, and the bottom is relatively flat. The gradient is also relatively continuous with no ponding. The width varies from 18 to 28 feet. The drainage has been cleaned out (vegetation removal) only once since 1990

and large areas of the bottom are unvegetated. Small stands of cattail and occur in the channel and perennial and annual species occur on the channel bottom, among them water smartweed, barnyard grass, curly dock, dallis grass, rabbitsfoot grass, and spiny clotbur.

The swales occur in the southern part of the Bank Site. The swales have a combined area of 3.31 acres and vary in width from 19 to 70 feet. Smaller tributary swales enter them from the sides but have become less well-defined because of the effects of past leveling and continuous discing over decades. The swales support primarily ryegrass, which is planted right across it, dallis grass, manna grass, spiny clotbur, water smartweed, and purple loosestrife.

The seasonal wetlands have a combined area of 4.18 acres. These wetlands range in area from 150 square feet to almost 1.58 acres. The largest are adjacent to the main drainage. The isolated seasonal wetlands range in size from the small, 150-square-foot wetland in the northern part of the Bank Site to the large, 58,156-square-foot wetland at the southern bank boundary.

The upland vegetation on the Bank Site is a ruderal habitat that reflects the long-term disturbance associated with agricultural operations and irrigation and the planting of ryegrass. The dominant species is ryegrass although weeds and other non-native species grassland are scattered through the field. These include hedge bindweed (*Convolvulus arvensis*), vetch (*Vicia sativa* and *V. cracca*), oats (*Avena fatua* and *A. barbata*), ripgut brome (*Bromus diandrus*), cat's ear (*Hypocheris radicans*), wild radish (*Raphanus sativus*), black mustard (*Brassica nigra*), dandelion (*Taraxacum officinale*), and bull mallow (*Malva nicaeensis*).

Special-status plant species surveys were conducted during several field visits to the Bank Site in the spring of 2002 and 2003. Although the site had been irrigated, extending the period over which standing water was present in the depressions and the soils remained moist enough to allow plant growth, the surveys were conducted within the "windows" during which target species were in flower at several reference sites on the Santa Rosa Plain. No special-status plant species were observed.

Larval surveys were conducted in the spring of 2004 for California tiger salamander. The results were negative. Some of the seasonal wetlands on the north side of the main drainage, and the large seasonal wetlands along the western boundary and in the southwest corner of the Bank Site may hold standing water long enough to provide suitable breeding habitat for the species. Although California tiger salamanders may survive in burrows below the plowed horizon, decades of discing and irrigation have reduced the suitability of the current upland conditions on the Bank Site for estivation.

Project Impacts

Existing seasonal wetlands would be affected by the proposed construction. Approximately 15,581 sf (0.358 ac) of seasonal wetland would be filled. Impacts would

result from the discharge of fill to raise grades, generally in areas where the current periods of inundation are too long, and from excavation to remove fill or lower grades to increase the period of inundation. A small area of seasonal wetland habitat would be converted to upland habitat.

Excavation is proposed in approximately 150,974 sf (3.47 ac) of seasonal wetland habitat (enhancement). Fill activities will result in the direct loss of 0.358 acres of wetland habitat, which will be mitigated for on-site, and are subtracted from the total wetland credits available for sale.

The defined drainage and most of the swale habitat on the Bank Site would remain physically unaltered. Except for a short swale section, the impacts would be restricted to the isolated and adjacent seasonal wetland habitat.

Three vernal pools with a total area of 2.63 acres have been designed to so that they can hold at least 1.25 ft (15 inches) of standing water and remain inundated continuously for 18 weeks, the criteria set by the U.S. Fish and Wildlife Service (FWS) for potentially suitable breeding habitat. According to the application, there are known CTS breeding ponds on the Gobbi Ranch on Todd Road and along Wilfred Avenue, 2,433 to 3,346 feet from the Bank Site. In addition, the Bank site is within the potential CTS range designated by the FWS and because it is near other areas in which CTS habitat conservation is desired, the FWS considers the Bank Site to be an integral element of CTS conservation.

Mitigation Measures

A Mitigation and Monitoring Proposal has been developed to offset the impacts to wetlands. As outlined in the *Bank Development Plan for the Hazel Mitigation Bank, dated November 30, 2005,* developed by Mr. Stromberg, monitoring and quantitative data collection will take place for a base period of five years. Remediation followed by an extension of monitoring will take place for wetland that does not function adequately and is not likely to meet the performance criteria. A report summarizing collected data and evaluating the progress of the compensation effort will be submitted annually over the full period of monitoring. Reports will be submitted by December 15 of each year.

Compensatory mitigation for this project will not be required as the project is designed to be self-mitigating. The impacts to 0.36 acres of wetland habitat will be replaced on-site through wetland creation and the 0.36 acres will be subtracted from the available wetland credits to be sold to the public.

The total number of credits that will be available through the Hazel Mitigation Bank is 101.0. Each credit represents an acre of land or habitat. The wetland credits are shown below. Full credit is sought for 27.18 acres of creation, including 23.30 acres of created vernal pools, 3.64 acres of swales, and 0.24 acres of seasonal wetlands. At 66 percent credit, 2.69 credits are sought for the 4.07 acres of enhanced habitat that would become part of the proposed vernal pool mosaic.

Wetland and CTS Credits Sought at Hazel Mitigation Bank

Habitat/Use	Acres	Credits
Wetland Enhancement	4.07	2.69
Wetland Creation	27.18	27.18
Total Wetland	**31.25**	**29.87**
California Tiger Salamander Habitat	101.0	71.13
Total	**101.0**	**101.0**

The Bank Site has an area of approximately 101.0 acres. At one credit per acre, 101.0 CTS credits would be available. As a result of an agreement with the Corps of Engineers, only 71.13 credits can be used for CTS mitigation; wetland credits can only be sold and used for wetland mitigation.

Upon completion of achieving success criteria and the monitoring period, Hazel Mitigation Preserve, L.L.C., will grant fee title ownership of the Hazel Mitigation Bank to the California Department of Fish and Game. An endowment will accompany the grant of ownership to cover long-term management cost.

Non-compensatory mitigation measures will be incorporated by the Applicant who will develop and implement a Storm Water Pollution Prevention Plan (SWPPP) with designed Best Management Practices (BMPs) to prevent impacts of wetland construction on existing habitat and waters of the state outside the work areas. The Applicant will also minimize disturbance of upland habitat during wetland construction. The length of access, haul roads and the area of stock piles will be minimized.

Project Schedule

The proposed wetland enhancement and creation activities are planned to begin no later than April 15, 2006. The choice of equipment will be left to the construction contractor. The rate at which construction proceeds will depend upon the type and amount of equipment used and the size and competence of the crews. The work may be completed in as few as five months but is expected to require six months. Work can occur only while the soils are dry and firm enough to support heavy equipment.

Other Permits

The Applicant has applied with the Army Corps of Engineers for a Clean Water Act Section 404 Permit.

CEQA Review

The Regional Water Quality Control Board (Regional Water Board), as the lead California Environmental Quality Act (CEQA) agency, will review this project pursuant to the California Environmental Quality Act (CEQA).

Receiving Waters

The nearest receiving water is seasonal wetland habitat and the Laguna de Santa Rosa Hydrologic Sub Area 114.21 and the Russian River Hydrologic Unit No. 114.00.

Comments

The Hazel Wetland Mitigation Bank project is scheduled to begin April 15, 2006 and end within 5-6 months. 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 jensa@rb1.swrcb.ca.gov within 21 days of the posting of this notice.

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