

February 23, 2009

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

**Charles Evans Trust
Evans/Drew Industrial Subdivision,
Sonoma County (WDID No. 1B04128WNSO)**

On September 10, 2004, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Charles Evans acting on behalf of Charles Evans Trust (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Evans/Drew industrial subdivision project (Project) in Windsor, Sonoma County. The proposed Project is located at 900 Mitchell Lane (APN 164-014-008). The project is bounded to the north by Mitchell Lane, to the east by Conde Lane, to the west by Northwestern Pacific Railroad tracks, and to the south by wetlands that were created as mitigation for a different project. The latitude and longitude is 38.532016°N and 122.800593° W. The proposed project causes permanent impacts to approximately 0.7 acres of seasonal wetlands, within the Mark West Creek Hydrologic Sub Area No. 114.23, Russian River Hydrologic Unit No. 114.00.

The proposed Project will involve the clearing and grading of 8 lots intended for the sale and use by future industrial developers. Lot 8 will include a 3.9 acre wetland mitigation preserve that will be created and maintained in order to mitigate for the impacts to the wetlands. The total size of the project will cover an area of approximately 20.6 acres.

The Project is proposed to be constructed in 2 phases. Phase 1, which has already been constructed, consisted of the grading of lots 1 and 2 and the construction of a portion of an access road. Construction was allowed on this portion of the property because there was no indication of the presence of wetlands, and under the premise that there would be no negative impacts to water quality resulting from grading or construction. Phase 2 of construction will include the grading of the remaining lots for future sale (lots 3-8), the construction of the remainder of the access road, and the construction of the American Way public road, beginning at Mitchell Lane, running through the property between lots 3 and 4, continuing south and also separating lots 7 and 8, the road will continue south off the property and connect to Conde Lane. The remainder of the access road will also be completed, creating an east-west stretch from the newly constructed American Way, and connecting with the section of the road that was previously completed in phase 1.

The wetland mitigation preserve in the southwestern portion of the property consisted originally of a small pond that received water from a system of wetland swales that drained south-westward across the property. In precipitation events, the water drained into the pond from the property and would fill the shallow depression, the flow would then continue by shallow swale off the property. To mitigate for the effects of filling the wetlands on lots 3-8, the applicant proposed to designate most of lot 8 (3.9 acres) to be a wetland mitigation preserve. To fulfill the requirements deemed acceptable to the Regional Water Board in order to protect water quality the applicant has agreed to

create 1.2 acres of wetlands next to already existing wetlands and to preserve the existing 0.5 acres of wetlands in the designated preserve. The wetland creation methods were carried out by gradually grading upland areas to create shallow depressions that would create the right hydrological conditions for the depressions to become saturated and/or inundated long enough for the certain species of wetland plants to grow. This grading was completed in the fall of 2004, and so far the wetlands, according to the monitoring reports, have been functioning well and seem to be in good condition and have established the right vegetation and hydrology to be deemed established and functioning wetlands.

As part of Phase 2, SUSMP (Standard Urban Storm Water Mitigation Plan) features will be incorporated to treat the increase in onsite runoff as well as pollutants created by the increase in impervious surface and other activities associated with development and future use of the lots. There will be an element of detention time associated with these SUSMP features as well, to lower the peak flow exiting the property during storm events. A series of drop inlets will be created and will connect with an underground storm drain system to channel the onsite runoff, after being initial treatment by SUSMP features, from the lots. Offsite runoff flowing toward the property will be routed into a pair of 48 inch storm drains whose inlets will be on the just north of the intersection of American Way and Mitchell Lane. These dual underground pipes will allow the runoff to traverse the property while collecting the onsite runoff from the drop inlets that will flow to these pipes. The offsite runoff, and the SUSMP treated onsite runoff will all discharge at virtually the same point into a forbay in the northeastern portion of the mitigation preserve. Here the water will have time to settle out additional sediments before flowing southwest through the wetlands and finally exiting the property through a weir that will be constructed with a 21 inch diameter outflow pipe to restrict flow for hydromodification purposes. Once flow reaches a point beyond the 21 inch diameter out flow pipe, the stormwater will flow freely over the weir structure.

The 3.9 acre wetland preserve will be protected by deed restrictions and/or easements or other methods so that there will be mechanisms in place to protect the mitigation site in perpetuity and make sure that it maintains all of the original ecological functions and beneficial uses for which it was created. Similar easements and/or deed restrictions or other methods shall be used to maintain, and keep in good working condition, the bio-swales along American Way and any other SUSUMP features deemed necessary by the Regional Water Board or the Town of Windsor, to protect water quality.

At a minimum, the following construction Best Management Practices (BMPs) will be incorporated into the final project plans in order to reduce and control soil erosion: Silt fences or other sediment containment methods will be placed around and/or down slope of disturbed areas prior to construction. Most importantly, silt fencing shall be placed around wetlands and swales that drain to water courses. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of Phase 2 construction activities.

The Department of Fish and Wildlife will regulate the project consistent with Endangered Species Act and may or may not require the purchase of credits at a mitigation bank, if the Department determines that such a purchase is required it will be

to mitigate for impacts to Burke's goldfields, Sonoma Sunshine, and Sebastopol meadow foam.

The Town of Windsor, as the lead California Environmental Quality Act (CEQA) agency, has filed a Negative Declaration, with the Office of Planning and Research, (State Clearinghouse), pursuant to California Environmental Quality Act (CEQA) guidelines.

Phase 2 of the Evans/Drew industrial subdivision project is scheduled to begin in 2009. 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 submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions or comments, please contact staff member Stephen Bargsten at (707) 576-2653, or at sbargsten@waterboards.ca.gov, or Brian Lindell at (707) 576-6732, blindell@waterboards.ca.gov, within 21 days of posting of this notice.

This is a brief summary of this project; all related documents and comments received are on file and may be inspected or copied at the Regional Water Board office, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220.