

July 15, 2009

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

Rohnert Park Stadium Area Master Plan
WDID No. 1B07023WNSO

Sonoma County

On March 13, 2007, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Barry Anderson, of North Fork Associates, on behalf of Mr. Dennis Hunter, Redwood Equities Investments, L.L.P. (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities associated with construction of a five phase project, including commercial and residential uses, at several parcels located north of Rohnert Park Expressway and south of Business Park Drive, at 5870 Labath Avenue, in the City of Rohnert Park, latitude 38.35307°N, 122.71982 °W, Sonoma County. The application was resubmitted on June 22, 2009, by Mr. Kenneth Blackman, on behalf of Applicant, to update the application information. The proposed project will cause permanent impacts to approximately 0.46 acres of seasonal wetlands, and additional area of Creek bank for the storm drain outfall associated with Hinebaugh Creek, in the Laguna de Santa Rosa Hydrologic Subarea No. 114.21, Russian River Hydrologic Area 114.00.

The proposed project is the Rohnert Park Stadium Area Master Plan Project (Project), a mixed use project, with approximately 15 acres to be used for commercial development and parking, and the remaining area to be used for mixed use commercial and 338 residential units, totaling approximately 30 acres. The current/past land use included agricultural fields, former baseball stadium, and sewage treatment ponds. The Project is proposed to be built in five phases over approximately two years. The five phases include: decommissioning of existing sewage treatment ponds and filling of existing wetlands, construction of public roads and primary utilities, construction of high density residential portion, construction of commercial portion of project, and construction of the public safety complex. The sewage treatment ponds will be decommissioned by demolishing the pond berm and capping the existing pond bottoms with resulting soils. The abandoned pond areas will be redeveloped into a high density residential project and a public safety facility. Regional Water Board staff have examined the laboratory analytical results from the pond areas and there appear to be no threats to water quality from chemicals sampled for. The Department of Toxic Substances Control, Human and Ecological Risk Division (HERD) issued a memorandum, dated July 2, 2009, that states, "The HERD concludes that the currently available data suggest that chemicals of potential concern are not present at levels that would be considered significant in a human health risk evaluation. However, the HERD recommends that any soil used to bring the site up the grade be certified as clean."

The Project will impact the bank of Hinebaugh creek by installation of a new storm drain outfall, and associated bank protection. Outfall construction will minimize use of bank hardening, and will employ bioengineering techniques approved by the Sonoma County Water Agency, and the City of Rohnert Park.

Post-construction storm water treatment features will be incorporated to treat the increase in stormwater runoff as well as pollutants created by the increase in impervious surface and other activities associated with development and future use of the site. Landscape-based treatments such as bio-retention beds, vegetated swales, and several proprietary bio-retention systems (Filterra[®] and Modular Wetland Systems[®]) will be employed to treat and detain storm water before it is discharged to Hinebaugh Creek. The maintenance of the post-construction stormwater treatment features within the public right-of-way will be done by the City of Rohnert Park, and the maintenance of treatment systems on private parcels will be the responsibility of the individual owners.

Compensatory mitigation for impacts to wetlands consists of the purchase of wetland creation and preservation credits from several mitigation banks. Additionally, impacts to Hinebaugh Creek will be mitigated through improvement of the riparian zone by planting of native riparian trees and vegetation. The site will be seeded with native grasses and forbs and will include the removal of non-native weedy plants. The trees and shrubs will be irrigated as necessary and the site will be maintained and monitored for a minimum of 5 years, with a 85% survival rate of thriving vegetation. Annual monitoring reports shall be submitted to the Regional Water Board.

The City of Rohnert Park, as lead California Environmental Quality Act (CEQA) agency, issued a Notice of Determination for the adopted Stadium Area Master Plan Final Environmental Impact Report (State Clearinghouse No. 2005062046) on June 11, 2008, pursuant to California Environmental Quality Act (CEQA) guidelines.

The California Department of Fish and Game determined that a Lake or Streambed Alteration Agreement is not necessary for the wetland fill portion of the project. Applicant will obtain the necessary agreement for the Hinebaugh outfall.

Applicant has applied to US Army Corps of Engineers (File No. 279670N), for a Clean Water Act Section Nationwide 404 permit.

Regional Water Board staff are 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, please contact staff member Stephen Bargsten at (707) 576-2653 within 21 days of the posting of this notice.