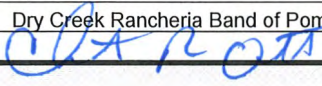


ROILING PERMIT APPLICATION

Please see list of requirements below.

By placing my contact information (name, address, phone number, email address, etc.) on this application form and submitting it to the Sonoma County Permit and Resource Management Department (Permit Sonoma), I understand and authorize Permit Sonoma to post the application to the internet for public information purposes, including my contact information.

Submittal Date June 11, 2020		Permit Number ROI	
INFORMATION WITHIN HEAVY LINE TO BE COMPLETED BY APPLICANT			
SITE LOCATION INFORMATION—PRINT CLEARLY			
Site Address(es) 3152 HWY 128		City Geyserville	
APN 131-050-004		River or Stream Name Russian River, Rancheria Creek	
Anticipated Work Start Date June 15, 2020		Estimated Completion Date	
Type of Work (check one)			
☐ To protect riparian property adjacent to a river or stream		☒ To perform construction work on riparian property	
☐ To construct recreational dams		☐ To construct temporary bridges, dikes, dams and settling ponds	
APPLICANT: CHECK ALL THAT APPLY			
☒ Owner ☐ Engineer ☐ Architect ☐ Contractor ☐ Other			
Name Christopher Ott, P.E.		Company Dry Creek Rancheria Band of Pomo Indians	
Mailing Address P.O Box 607			
City Geyserville		State CA	Zip 95441
Phone (707) 486-7199	Fax	E-mail chris.ott@riverrockcasino.com	
Company Dry Creek Rancheria Band of Pomo Indians		Phone (707) 486-7199	
Signature 			
MAIN CONTACT PERSON			
☒ Same as Applicant ☐ Owner ☐ Engineer ☐ Architect ☐ Contractor ☐ Other			
Name		Mailing Address	
City		State	Zip
Phone	Fax	E-mail	
Company		Phone	
APPLICATION REQUIREMENTS			
☒ A detailed statement describing the work or operations to be done and the manner in which they will be carried out to avoid unreasonably decreasing the clarity of the river or stream, including any proposed monitoring or mitigation measures.			
☒ A location/vicinity map (8 1/2 in. X 11 in.) showing where the project is located in relation to nearby lots, streets, highways and/or major natural features (e.g., locator maps & road maps).			
☒ A copy of the Fish and Wildlife permit or waiver.			
☒ A copy of the California Regional Water Quality Control Board water quality certification, if required.			
☐ Reference to last roiling permit, if any.			
☐ A check payable to "Permit Sonoma" (see current fee schedule). This fee includes any requested extensions for the calendar year.			
☒ A copy of the California Environmental Quality Act (CEQA) document.			
☐ A copy of any approved County permit conditions (e.g. mining approval).			
TO BE COMPLETED BY PERMIT SONOMA STAFF			
Proposed Board Meeting Date		Fees	

Revised: 03/16/2018



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 26, 2019

Chris Ott
Dry Creek Rancheria Band of Pomo Indians
P.O. Box 607
Geyserville, CA 95441

Dear Mr. Ott:

Final Lake or Streambed Alteration Agreement, Notification No. 1600-2018-0160-R3, Rancheria Creek Restoration Project

Enclosed is the final Streambed Alteration Agreement (Agreement) for the Rancheria Creek Restoration Project (Project). Before the California Department of Fish and Wildlife (CDFW) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, CDFW acting as a responsible agency filed a Notice of Determination (NOD) within five working days of signing the Agreement. The NOD was based on information contained in the Mitigated Negative Declaration prepared by the lead agency.

Under CEQA, the filing of an NOD triggers a 30-day statute of limitations period during which an interested party may challenge the filing agency's approval of the Project. You may begin the Project before the statute of limitations expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

If you have any questions regarding this letter, please contact James Hansen, Environmental Scientist at (707) 576-2869 or by email at James.Hansen@Wildlife.ca.gov.

Sincerely,

Craig J. Weightman
Environmental Program Manager
Bay Delta Region

cc: California Department of Fish and Wildlife
Lieutenant J. Jones
Wildlife Officer Reed

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
BAY DELTA REGION
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534
(707) 428-2002



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2018-0160-R3
Rancheria Creek and Russian River

DRY CREEK RANCHERIA BAND OF POMO INDIANS
RANCHERIA CREEK RESTORATION PROJECT

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Dry Creek Rancheria Band of Pomo Indians (Permittee) or as represented by Chris Ott.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on May 23, 2018 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to Fish and Game Code section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located at 3152 CA-128, Geyserville, on Rancheria Creek and the Russian River, in the County of Sonoma, State of California; Latitude 38° 41' 54", Longitude -122° 51' 18".

PROJECT DESCRIPTION

The project is a restoration project limited to enhancements along the west bank of the Russian River; Arundo removal at the confluence of Rancheria Creek and the Russian River; excavation of sediment transport channel, creation of an inset floodplain, and realigning the Rancheria Creek channel; and restoration of riparian vegetation in the Vineyard Reach of Rancheria Creek. (Exhibit A)

A portion of the western bank of the Russian River is eroding and has cut off sediment transport from the Rancheria Creek sediment delta to the River. Biotechnical bank enhancements will be conducted on the west bank to arrest bank erosion and redirect the mainstem of the Russian River towards the historic sediment delta of Rancheria Creek. Throughout the west bank enhancement project area, the banks will be laid back to reduce erosive pressures. Soil lifts will be used to stabilize over-steepened and eroding slopes, and beaver dam analogs will be used as spurs to deflect flows away from the eroding west bank.

In order to access the western bank, a crossing of the Russian River is required. This will be accomplished by laying five 24-inch culverts and five 36-inch culverts across the main channel with a native river gravel surface laid over the top to create a temporary road surface (Exhibit B). All materials associated with the crossing will be removed before October 15 of the year they are installed.

The project site contains 8.9 acres of invasive Arundo, which are outcompeting native riparian vegetation, and are preventing the natural sediment transport regime of Rancheria Creek and the Russian River, as well as directing the flow towards the west bank and causing bank destabilization. All 8.9 acres of Arundo will be removed as part of this project. The first phase of removal will involve cutting and spraying of Arundo stalks by hand. After two weeks of monitoring the Arundo stalks, the second phase will begin. In the second phase of removal an excavator will be used to mechanically remove Arundo root balls and subsurface root masses.

Approximately 3,300 linear feet of Rancheria Creek from CA-128 downstream to the confluence with the Russian River will be realigned and a multi-stage channel will be excavated within the existing Rancheria Creek corridor. Deposition of sediment in the active channel of Rancheria Creek from previous upstream landslides issues have disconnected surface flow. In order to re-establish hydraulic surface connection, this reach of the channel will be excavated an average of four feet and a bench will be constructed adjacent to the low flow channel. The confluence of Rancheria Creek and the Russian River will be realigned as well to connect with the Russian River floodplain through a sediment delta. Secondary channels will be excavated in the engineered sediment delta. The active channel area in this reach covers 2.2 acres. All existing trash debris, tires, and concrete rubble that line Rancheria Creek will be removed. Minor riprap will be necessary.

The Vineyard Reach of Rancheria Creek will be revegetated with native riparian plants to improve water quality and habitat. The riparian buffer will occupy 1.2 acres of both sides of Rancheria Creek from CA-128 downstream approximately 1,600 feet to the existing riparian corridor at the end of the vineyard. Vegetation planting in the Vineyard Reach will also include revegetation of the engineered fan at the confluence with the Russian River.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include:

- Steelhead trout
- California giant salamander
- Western pond turtle
- other aquatic organisms
- nesting birds
- common aquatic and terrestrial species
- loss of wetlands and emergent wetland vegetation
- riparian habitat

The adverse effects the project could have on the fish or wildlife resources identified above include:

- change in floodplain composition
- loss of floodplain hydrologic roughness
- loss of bank stability during construction and operation
- increase of bank erosion during construction
- change in composition of channel materials (large woody debris and substrate particle size)
- soil compaction or other disturbance to soil layer
- restriction or increase in sediment transport
- Increased turbidity
- disruption to nesting birds and other wildlife
- dewatering

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of

Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Notify CDFW Prior to Work. The Permittee shall notify CDFW by email at least five working days prior to commencement of covered activities. See contact information below.
- 1.6 No Trespass. To the extent that any provisions of this Agreement provide for activities that require the Permittee to traverse another owner's property, such provisions are agreed to with the understanding that the Permittee possesses the legal right to so traverse. In the absence of such right, any such provision is void.
- 1.7 Unauthorized Take. The Permittee is required to comply with all applicable State and Federal laws, including the California Endangered Species Act (CESA) and Federal Endangered Species Act. This Agreement does not authorize the take of any State or Federal endangered or threatened species. Liability for any take or incidental take of such listed species remains the responsibility of the Permittee for the duration of the project. Any unauthorized take of such listed species may result in prosecution and nullification of the Agreement.
- 1.8 Fish Passage. The project shall be in compliance with Fish and Game Code section 5901 and shall not install or maintain any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream.
- 1.9 Designated Representative. Before initiating ground-disturbing project activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this Agreement. The Permittee shall notify CDFW in writing 5 days prior to commencement of project activities of the Designated Representative's name, business address, and contact information. Permittee shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this Agreement.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

- 2.1 Work Period. All work shall begin on or after June 15 and all work shall be completed by October 15. Revegetation work is not limited to this work window but must be completed within the same season as project activities. If more time is needed to complete Project activities, the work period may be modified in writing on a week-by-week basis by a CDFW representative. Requests for a work period extension shall: 1) describe the extent of work already completed or a justification why the work needs to be conducted early; 2) detail the activities that remain to be completed or must be completed early, including any work in the wetted channel; 3) detail the time required to complete each of the activities; 4) provide photographs of both the current work completed and the proposed site for work; and 5) include an assessment of additional biological impacts as a result of the work extension.
- 2.2 Conduct Work During Daylight Hours. Work is restricted to daylight hours (one hour after sunrise to sunset).
- 2.3 Work According to Documents. Except as they are contradicted by measures required by this Agreement, all work shall be conducted in conformance with the project description above and the avoidance, minimization, and mitigation measures provided in the notification package.
- 2.4 Work according to plans. All work shall be completed according to the plans submitted to CDFW entitled *Dry Creek Rancheria Stream Flow Enhancement Project*, prepared by Flow West, dated April 2019 (Exhibit A). If the Permittee finds it necessary to update project plans prior to construction, the updated plans will be submitted to CDFW at least 30 days prior to beginning project activities to determine if an Amendment to this Agreement is required. Project activities shall not proceed until CDFW has accepted the updated plans in writing. At the discretion of CDFW, minor plan modifications may require an amendment to this Agreement. At the discretion of the CDFW, if substantial changes are made to the original plans this Agreement becomes void and the Permittee shall submit a new notification.
- 2.5 Final Construction Plans. While design drawings were prepared by Flow West, dated April 2019, the Permittee shall submit final construction plans, designs and specifications, for CDFW review and written acceptance at least 15 days before work can begin. Final construction plans shall include construction ready designs for all aspects of the project, including the design, installation process, and removal process for the temporary crossing of the Russian River. Final construction plans

must be sent to CDFW for review and approval at least 15 days prior to initiation of construction activities.

Any modifications to the above-referenced project, submitted in the original notification packet to CDFW, may require an amendment to this Agreement. At the discretion of the CDFW, if substantial changes are made to the original plans, this Agreement becomes void and the Permittee shall submit a new notification.

- 2.6 Best Management Practices. All Best Management Practices (BMPs) and other conditions as submitted in the Notification shall be implemented as part of this project, unless otherwise conditioned herein.
- 2.7 No Excavation in Stream. No excavation shall occur in the portion of the stream bed where surface water is present or anticipated during the term of this agreement.
- 2.8 Work Only During Dry Weather. The work period for completing the work within the riparian zone shall be restricted to periods of low or no water flow and dry weather. Herbicide use and other project-related activities shall cease 24 hours prior to a 40 percent or greater forecast of rain from the National Weather Service. Activities may continue 24 hours after the rain ceases and there is no precipitation in the 24 hour forecast. Seventy-two-hour weather forecasts from the National Weather Service shall be consulted prior to the startup of any phase of the project. This forecast shall be documented and provided to CDFW upon request.

Wildlife Protection and Prevention

- 2.9 Biological Monitor On-site. The Permittee shall designate a person to monitor on-site compliance with all conditions of this Agreement. The monitor shall have the authority to halt project activities in order to comply with the terms of this Agreement and otherwise avoid impacts to species and or habitats.
- 2.10 Qualified Biologist Present During In-Water Work. A Qualified Biologist shall oversee all in-water work, including the installation and removal of the temporary crossing.
- 2.11 CDFW-Approved Qualified Biologist(s) and Monitor(s). Permittee shall submit to CDFW for written approval, the names and resumes of all qualified biologists and biological monitors involved in conducting surveys and/or monitoring work.
 - A qualified biologist is an individual who shall have a minimum of five years of academic training and professional experience in biological sciences and related resource management activities with a minimum of two years conducting surveys for each species that may be present within the project area.

- A biological monitor is an individual who shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project, experience with construction-level biological monitoring, be able to recognize species that may be present within the project area, and be familiar with the habits and behavior of those species.

- 2.12 Training Session for Personnel. Permittee shall ensure that a CDFW-approved qualified biologist conducts an education program for all persons employed on the project prior to performing covered activities. Instruction shall consist of a presentation by the designated qualified biologist that includes a discussion of the biology and general behavior of any sensitive species that may be in the area, how they may be encountered within the work area, and procedures to follow when they are encountered. The status of CESA-listed species including legal protection, penalties for violations and project-specific protective management measures provided in this Agreement shall be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site project activity. Copies of the Agreement for this project shall be maintained at the worksite with the project supervisor. Permittee or designated biologist shall prepare and distribute wallet-sized cards or a factsheet handout containing this information for workers to carry on-site. Upon completion of the program, employees shall sign an affidavit stating they attended the program and understand all protection measures. These forms shall be filed at the Permittee's office and be available to CDFW upon request.
- 2.13 Cease Operations. All work in the immediate area shall cease if any wildlife is encountered during project activities. Said wildlife shall be allowed to leave the project site on their own.
- 2.14 Trenching. At the end of each workday all trenches and holes greater than one foot deep shall be covered to prevent wildlife from entering. When trenches cannot be fully covered, an escape ramp shall be placed at each end of any constructed open trench to allow any wildlife that may have become entrapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees.
- 2.15 Pipes, Hoses, and Similar Structures. All pipes, hoses, or similar structures less than 12 inches in diameter shall be closed or covered to prevent animal entry. All construction pipes or similar structures greater than 2 inches in diameter stored at the project site overnight shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.
- 2.16 Special Status Species Encountered During Work. If Permittee encounters special status species during the conduct of Project Activity, work shall be suspended, CDFW notified, and conservation measures shall be developed in agreement with CDFW prior to re-initiating the activity.

- 2.17 Allow Wildlife To Leave Unharmd. Permittee shall allow any wildlife encountered during the course of construction to leave the construction area unharmd. This authorization does not allow for the trapping, capture, or relocation of any state or federally listed species.
- 2.18 Refueling of Equipment. Refueling of project related equipment and vehicles may not occur within 175 feet of any water body, or anywhere that spilled fuel could drain to a water body. Tarps or similar material shall be placed underneath the project related equipment and vehicles, when refueling, to capture incidental spillage of fuels. Equipment and vehicles operating in the project area shall be checked and maintained daily to prevent leaks of fuels, lubricants, or other liquids.

Temporary Crossing of the Russian River

- 2.19 Notification of Temporary Crossing Installation and Removal. Permittee shall notify CDFW at least 5 days before crossing installation and removal events.
- 2.20 Temporary Crossing Installation. The temporary crossing shall not be installed prior to August 1.
- 2.21 Temporary Culvert Design. The culvert design shall be:
- Properly aligned within the channel and otherwise engineered, installed and maintained, to resist washout and erosion of the stream bed, stream banks and/or fill;
 - Embedded below the natural channel grade to facilitate substrate deposition on the culvert floor; and
 - Passable to fish as required under Fish and Game Code section 5901.
- 2.22 Culvert Backfill. Backfill material shall be free of rocks, limbs or other debris that could dent the pipe or allow water to seep around the pipe. The crossing backfill base and sidewall material shall be compacted before the pipe is placed in its bed. A minimum amount of fill material shall be used for the bed to reduce seepage into and along the fill.
- 2.23 Culverts shall be kept open. Culverts shall be maintained and kept open. The Permittee is responsible for such maintenance as long as the culvert remains in the stream. Substantial changes to the bed, channel or bank necessary for maintenance may require separate notification under Fish and Game Code section 1602(a).

- 2.24 Temporary Crossing Removal. All culverts, gravel, and any other material associated with the temporary crossing of the Russian River shall be removed before October 15 of the year they are installed. The temporary crossing shall only be in place for one season.
- 2.25 River Gravels. Only locally sourced river gravels that are clean, sorted, and rinsed shall be placed in the wetted channel.
- 2.26 Gravel Placement. The river gravels shall be slowly pushed into the water edge. The speed of placement shall be slow enough to herd/haze aquatic organisms out of the way. The gravel placement and speed of placement shall be directed and overseen by Qualified Biologist
- 2.27 Clean Equipment. All equipment used to extract and place gravel shall be in proper working condition to prevent leaks. All equipment shall arrive onsite clean and free of soil or debris that could introduce or spread nonnative or invasive organisms.
- 2.28 Monitor River Stage. The work period within the riparian zone shall be limited to periods of low flow when the project site is not in danger of becoming inundated by high flow events. Permittee shall monitor the river stage forecast for the project area to ensure that equipment is removed from the site prior to becoming inundated. If river stage indicates that the culverts are in danger of washing out, Permittee shall remove the culverts at least 48-hours before the forecasts indicate the culverts will be overwhelmed. All erosion control measures shall be initiated prior to all storm events.
- 2.29 Rest Between Turbidity Incidents. As gravel is slowly pushed into the edge of flowing river, Permittee shall take precautions to avoid increasing the turbidity of the water. After each incident of gravel entering the river that causes a plume of turbidity above background levels, the work area shall be allowed to "rest" for a minimum of 10 (ten) minutes to allow the water to clear. Work shall resume only after the stream has reached the original background turbidity levels, and these levels are maintained for a minimum of 10 (ten) minutes.

Rock Armoring

- 2.30 Rock Slope Protection - Limitations. Rock slope protection (i.e. riprap) shall not be used for armoring/protecting the bank if any of the following criteria apply:
- Rock slope protection could transfer erosive forces to the opposite bank or another area downstream;
 - Rock slope protection would narrow or otherwise constrain the stream channel, limiting passage of peak flows and debris; or

- Installation of the rock would require removal of woody vegetation and/or trees over 4" DBH, unless otherwise permitted in this Agreement.

2.31 Rock Slope Protection. Permittee shall install angular, energy dissipating rock slope protection that is properly sized to withstand wash out during peak flows. Only clean material such as rock riprap that is free of trash, debris and deleterious material shall be used as bank stabilization. Asphalt shall not be considered an acceptable material.

2.32 Fill Voids in Rock Slope Protection. Permittee shall ensure that the all voids and spaces within the riprap are filled with smaller rock, gravels, and native soil material, and/or willow cuttings. Cementitious grouts or geotextile linings shall not be used.

Nesting Bird Surveys, Prohibitions, and Buffers

2.33 Nesting Bird Surveys. If construction, grading, vegetation removal, or other project-related improvements are scheduled during the nesting season of protected raptors and migratory birds, January 31 to September 1, a focused survey for active nests of such birds shall be conducted by a qualified biologist within 7 days prior to the beginning of project-related activities. The results of the survey shall be sent to James Hansen, Environmental Scientist by email (James.Hansen@Wildlife.ca.gov) prior to the start of project activities. Refer to Notification Number 1600-2018-0160-R3 when submitting the survey to CDFW. If an active nest is found, Permittee shall consult with the United States Fish and Wildlife Service (USFWS) and CDFW regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and Fish and Game Code. If a lapse in project-related work of 7 days or longer occurs, another focused survey and if required, consultation with CDFW and USFWS, shall be required before project work can be reinitiated.

2.34 Breeding Bird Nest Take Prohibition. Permittee shall avoid active nests occurring near the project site. Permittee is responsible to comply with the Migratory Bird Treaty Act of 1918 and the Fish & Game Code of California, section 3503.

2.35 Active Nest Buffers. If an active nest is found during surveys, Permittee or the qualified biologist shall consult with CDFW and USFWS regarding appropriate action to comply with State and federal laws. Active nest sites shall be designated as "Ecologically Sensitive Areas" (ESA) and protected (while occupied) during project work by demarking a "No Work Zone" around each nest site.

- Buffer distances for bird nests should be site specific and an appropriate distance, as determined by a qualified biologist. The buffer distances should be specified to protect the bird's normal bird behavior to prevent nesting failure or abandonment. The buffer distance recommendation should be developed after

field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

- The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist.
- 2.36 Nesting Habitat Removal or Modification. No habitat removal or modification shall occur within the ESA-fenced nest zone until the young have fully fledged and will no longer be adversely affected by the project. Any trees or shrubs that are removed shall be "downed" in such a manner as to minimize disturbance to stable soil conditions.

Vegetation Protection, Prevention, and Restoration

- 2.37 Arundo Removal and Monitoring. All 8.9 acres of Arundo shall be removed as part of this project. Arundo root balls and subsurface root masses shall be removed and moved outside of the floodplain and burned or cut with a flail mower (or equivalent). Monitoring of Arundo eradication shall be conducted for at least five years and at least 90% of the Arundo shall eradicated by area. If the 90% eradication criteria is not met at the end of five years, additional Arundo removal and monitoring may be required by CDFW.
- 2.38 Habitat Protection. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project. Vegetation outside the construction corridor shall not be removed or damaged without prior consultation and approval of a CDFW representative.
- 2.39 Protect Banks and Vegetation. Care shall be taken during placement or movement of materials on the stream banks to prevent any damage to stable stream banks and to minimize damage to any streamside vegetation.
- 2.40 Vegetation Marked for Protection. Prior to project activities, the Permittee shall clearly mark all vegetation within the project area that shall be avoided during project activities.

- 2.41 Vegetation Success. To ensure a successful revegetation effort, all plants shall be monitored and maintained as necessary for five years. All planting shall have a minimum of 85% survival at the end of five years.
- 2.42 Irrigation. When supplemental watering is used to establish and maintain plant growth in order to meet success criteria, irrigation shall be done in the most water efficient manner possible, such as using hand watering, drip/microirrigation or through the use of a time release system.
- 2.43 Revegetation Remediation. If revegetation survival and/or cover requirements do not meet established goals, Permittee is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting.
- 2.44 Native Plant Materials Required. Revegetation shall include only local plant materials native to the project area, unless otherwise approved by CDFW in writing.
- 2.45 Prohibited Plant Species. Permittee shall not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Exotic Pest Plant Council's database, which is accessible at: www.cal-ipc.org/paf/.
- 2.46 Phytophthora. Permittee shall implement measures to avoid using plant stock that may be infected with the plant pathogen *Phytophthora* sp. Measures to avoid contamination with *Phytophthora* sp. may include, but are not limited to, avoiding collection of propagules from 1) known or likely infected areas; 2) during wet conditions; 3) when soil is muddy; or 4) from within 0.5 meters of the soil surface. Measures may also include implementing heat or chemical treatments to collected seeds prior to installation.
- 2.47 Treat Exposed Areas. All exposed/disturbed areas and access points within the riparian zone left barren of vegetation as a result of the construction activities shall be restored by seeding with a blend of native erosion control grass seed. Seeded areas shall be mulched. Landscape fabric shall not be used. Revegetation shall be completed as soon as possible after construction activities in those areas cease. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket.
- 2.48 Control Invasive Species. Permittee is responsible for monitoring and if needed, eradication of invasive exotic species that may occur within the project area for a minimum of two years following construction. All revegetation efforts shall include local plant materials native to the project area.

- 2.49 Remove Cleared Material from Stream. All trimmed or cleared material/vegetation shall be removed from the Project area and deposited where it cannot re-enter jurisdictional waters.

Erosion and Sediment Control

- 2.50 Erosion control. At no time shall silt-laden runoff be allowed to enter a river, stream, or lake or directed to where it may enter a river, stream, or lake. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter a river, stream, or lake. Erosion control measures, such as, silt fences, straw hay bales, gravel or rock lined ditches, water check bars, and broadcasted straw shall be used wherever sediment has the potential to leave the work site and enter the river, stream, or lake.
- 2.51 Monofilament. Permittee shall not use erosion control materials containing plastic monofilament netting (erosion control matting) or similar material containing netting within the project area due to documented evidence of amphibians and reptiles becoming entangled or trapped in such material. Acceptable substitutes include coconut coir matting or similar.
- 2.52 Erosion Control Monitoring. Permittee shall monitor erosion control measures during and after each storm event and repair and/or replace ineffective measures immediately.
- 2.53 Disposal and Removal of Materials. All removed spoils and construction debris shall be moved outside the work area prior to inundation by water. Spoil sites shall not be located within the stream channel or areas that may be subjected to stream flows, where spoil may be washed back into a stream, or where it may impact streambed habitat, aquatic or riparian vegetation. All removed material shall be disposed of according to State and local laws and ordinances.

Material Handling, Debris, and Waste

- 2.54 Remove Trash and Debris. All existing trash debris, tires, and concrete rubble that line Rancheria Creek shall be removed.
- 2.55 Stockpiled Materials. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when measurable rain is forecasted.
- 2.56 No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.

- 2.57 Pick Up Debris. Permittee shall pick up all debris and waste daily.
- 2.58 Wash water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

Toxic and Hazardous Material

- 2.59 Toxic Materials. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into the stream or its tributaries shall be contained in watertight containers or removed from the project site.
- 2.60 Hazardous Materials. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from the project related activities shall be prevented from contaminating the soil and/or entering the Waters of the State.
- 2.61 Herbicides. Permittee shall use caution to apply the least practicable amount of herbicide necessary to effectively control nuisance plants. Only herbicides registered with the California Department of Pesticide Regulation (DPR) shall be used. All herbicides shall be used in accordance with regulations set by DPR and Environmental Protection Agency (EPA) shall apply and in accordance with labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request.

Spills and Emergencies

- 2.62 Spill Kits. Prior to entering the work site, all field personnel shall know the location of spill kits and trained in their appropriate use.
- 2.63 Spill of Material Deleterious to Fish and Wildlife. In the event of a hazardous materials spill into a stream (e.g., concrete or bentonite), Permittee shall immediately notify the California Office of Emergency Services State Warning Center by calling 1-800-852-7550 and immediately provide written notification to CDFW by email at R31600Program@wildlife.ca.gov. Permittee shall take all reasonable measures to document the extent of the impacts and affected areas including photographic documentation of affected areas, injured fish and wildlife. If dead fish or wildlife are found in the affected area, Permittee shall collect carcasses and immediately deliver them to CDFW. Permittee shall meet with CDFW within ten days of the reported spill in order to develop a resolution including: site clean-up, site remediation and compensatory mitigation for the harm caused to fish, wildlife and the habitats on which they depend as a result of the

spill. The Permittee shall be responsible for all spill clean-up, site remediation and compensatory mitigation costs. Spill of materials to waters of the state that are deleterious to fish and wildlife are in violation of Fish and Game Code section 5650 et. seq. and are subject to civil penalties for each person responsible. CDFW reserves the right to refer the matter to the District Attorney's Office if a resolution cannot be agreed upon and achieved within a specified timeframe, generally six months from the date of the incident.

- 2.64 Spill Containment. All activities performed in or near a river, stream, or lake shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the cleanup activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.

3. Compensatory Measures

To compensate for adverse impacts to fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement each measure listed below.

- 3.1 Restoration and Planting According to Plans: All restoration and planting work shall be completed according to Sheet C9 of the plans, submitted to CDFW entitled *Dry Creek Rancheria Stream Flow Enhancement Project*, prepared by Flow West, dated April 2019 (Exhibit A). Restoration shall include:
- Riparian plantings of at least 3.1 acres
 - Emergent wetland plantings of at least 1.0 acre
 - Russian River bank enhancement lower bank plantings of at least 0.6 acre
 - Russian River bank enhancement upper bank plantings of at least 0.1 acre
 - Native seeding of 3.1 acres

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Notification Prior to Work. As per measure 1.5, at least 5 days prior to the start of Project activities, Permittee shall notify CDFW that work will commence.
- 4.2 Notification of Designated Representative. As per Measure 1.9, at least 5 days prior to the start of Project activities, Permittee shall submit to CDFW the name, business address, and contact information of the Designated Representative.
- 4.3 Final Construction Plans. As per Measure 2.5, at least 15 days before construction commences, Permittee shall submit final construction plans, designs and

specifications, for CDFW review and written approval. Final construction plans shall include construction ready designs for all aspects of the project, including the design, installation process, and removal process for the temporary crossing of the Russian River.

- 4.4 Qualified Biologist and Monitor Approval. Per Measure 2.11, at least 14 days prior to the start of Project activities, Permittee shall submit to CDFW for approval the name, resume, and contact information of the proposed Qualified Biologist and Monitor.
- 4.5 Notification of Temporary Crossing Installation and Removal. As per Measure 2.15, at least 5 days before crossing installation and removal events, Permittee shall notify CDFW.
- 4.6 Nesting Bird Survey Reports. Survey results for nesting birds shall be submitted to CDFW prior to the start of work.
- 4.7 Re-vegetation Annual Report. The Permittee shall submit an annual status report on the monitoring of planting to CDFW by January 31st of each year for five (5) years. This report shall include the survival, percent cover, and height of both tree and shrub species. The number by species of plants replaced, an overview of the revegetation effort, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included.
- 4.8 Site Stability Annual Report. The Permittee shall submit an annual status report on the monitoring of site stability to CDFW by January 31st of each year for five (5) years. This report shall include an analysis of the entire site stability and site function, including the success of Arundo removal efforts.
- 4.9 Notification to the California Natural Diversity Database. If any listed, rare, or special status species are detected during project surveys or on or around the project site during project activities, the Permittee shall submit CNDDDB Field Survey Forms to CDFW in the manner described at the CNDDDB website (http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp) within five working days of the sightings. Copies of such submittals shall also be submitted to the CDFW regional office as specified below.
- 4.10 Photographic Documentation of Work. Prior to commencement of work a minimum of four (4) vantage points that offer representative views of the project site and work areas shall be identified. The Permittee shall photograph the project area from each of the vantage points, noting the direction and magnification of each photo. Upon completion of work, the Permittee shall photograph post-project conditions from the vantage points using the same direction and magnification as pre-project photos. A reference key shall be submitted with the photos describing the location of the photo, the direction of the view, and whether the photo is pre- or

post-construction. All photos shall be submitted within 30 days of project conclusion.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Chris Ott
Dry Creek Rancheria Band of Pomo Indians
P.O. Box 607
Geyserville, CA 95441
Chris.ott@riverrockcasino.com

To CDFW:

Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Rd, Suite 100
Fairfield, CA 94534
Attn: Lake and Streambed Alteration Program – James Hansen
Notification #1600-2018-0160-R3
James.Hansen@Wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees,

representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with Fish and Game Code section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the

applicable Fish and Game Code section 711.4 filing fee listed at
<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall expire on December 31, 2023, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

- A. *Dry Creek Rancheria Stream Flow Enhancement Project*, prepared by Flow West, dated April 2019
- B. *Temporary Stream Crossing*, prepared by Flow West, dated May 2019

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

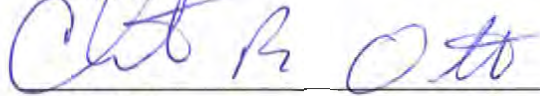
AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with Fish and Game Code section 1602.

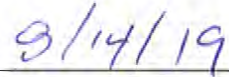
CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR DRY CREEK RANCHERIA BAND OF POMO INDIANS



Chris Ott
Environmental Director

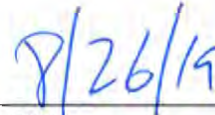


Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Craig J. Weightman
Environmental Program Manager



Date

Prepared by: James Hansen, Environmental Scientist
Date Draft Sent: July 19, 2019

DRY CREEK RANCHERIA

STREAM FLOW ENHANCEMENT PROJECT

PHASE 1 65% DESIGN



VICINITY MAP
NOT TO SCALE



PHASE 1 PROJECT LOCATION MAP

SCALE: 1" = 250'
0 125 250 500

SHEET INDEX

- C1: COVER SHEET
- C2: PROJECT OVERVIEW
- C3: RANCHERIA CREEK PLAN AND PROFILE
- C4: VINEYARD REACH PLAN AND PROFILE
- C5: CONFLUENCE REACH SITE GRADING PLAN
- C6: RUSSIAN RIVER BANK ENHANCEMENT
- C7: CONFLUENCE REACH SECTIONS
- C8: WINDROW REMOVAL PLAN
- C9: PLANTING PLAN

ABBREVIATIONS

AB	AGGREGATE BASE	L	LENGTH
APN	ASSessor's PARCEL NUMBER	LF	LINEAR FEET
BMP	BEST MANAGEMENT PRACTICE	MIN	MINIMUM
CMP	CORRUGATED METAL PIPE	N	NEW
CO	CONCRETE	NTS	NOT TO SCALE
CY	CUBIC YARD	R	RADIUS
DIA	DIAMETER	RD	ROAD
EG	EXISTING GROUND	RSP	ROCK SLOPE PROTECTION
E	ELEVATION	SHT	SHEET
ETP	EDGE OF PAVEMENT	STA	STATION
ESM	ENGINEERED STREAMBED MATERIAL	TBD	TO BE DETERMINED
FG	FINISHED GRADE	TEMP	TEMPORARY
H	HORIZONTAL	TYP	TYPICAL
ID	INSIDE DIAMETER	V	VERTICAL

LEGEND

- EXISTING GROUND CONTOURS = 10' - 20'
- FINISHED GRADE CONTOURS = 10' - 20'
- EXISTING EDGE OF ROAD = 10' - 20'
- SURVEYED POINT = 10' - 20'
- PARCEL LINE = 10' - 20'

DETAIL REFERENCE CONVENTION

- 2-10-20 DETAIL IDENTIFICATION
- 2-10-20 SHEET ON WHICH DETAIL IS SHOWN
- 2-10-20 SHEET FROM WHICH DETAIL IS TAKEN

REVISION NO.	DATE	DESCRIPTION

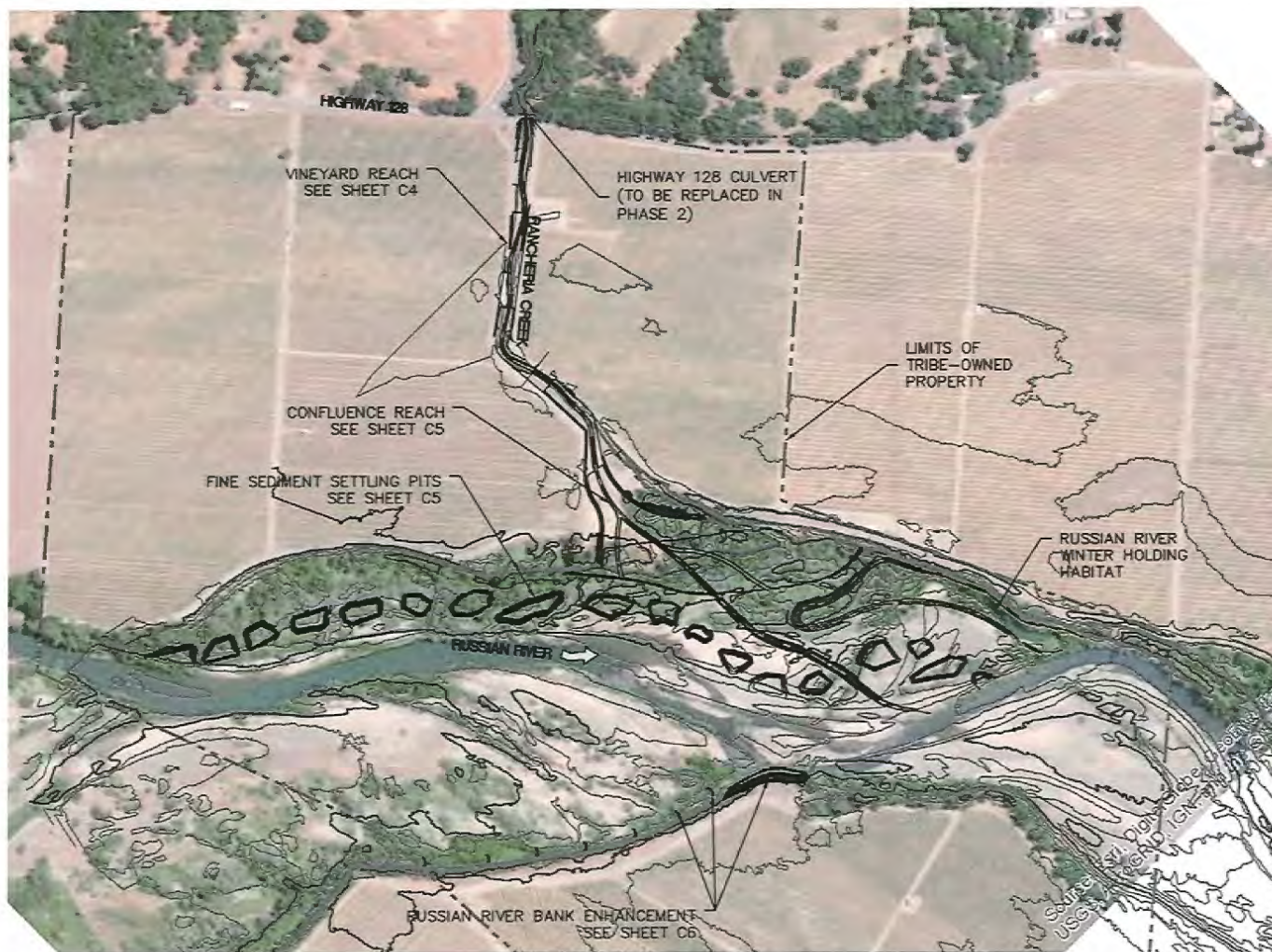
PRELIMINARY
DESIGN:
FOR REVIEW
ONLY

FlowWest
1624 FRANKLIN STREET
OAKLAND, CA 94612
510.842.0538

PREPARED FOR:
DRY CREEK RANCHERIA

COVER SHEET
DRY CREEK RANCHERIA
STREAM FLOW ENHANCEMENT PROJECT
PHASE 1 65% DESIGN

PRELIMINARY
NOT FOR CONSTRUCTION
DRAWN BY: HANLEY
DATE: 04/24/2019
SHEET:
C1



PROJECT OVERVIEW

SCALE: 1" = 200'
0 100 200 400

REVISION NO.	DATE	DESCRIPTION

PRELIMINARY
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ONLY



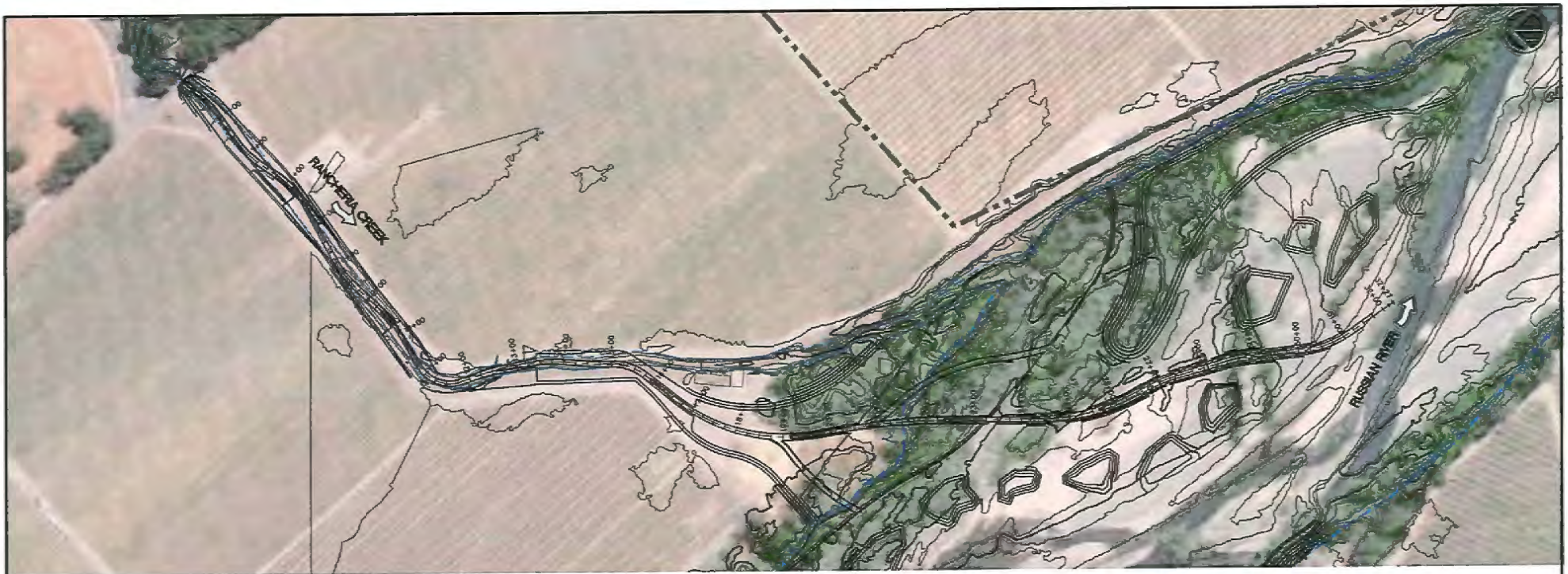
1624 FRANKLIN STREET
OAKLAND, CA 94612
510.842.0538

PREPARED FOR:
DRY CREEK RANCHERIA

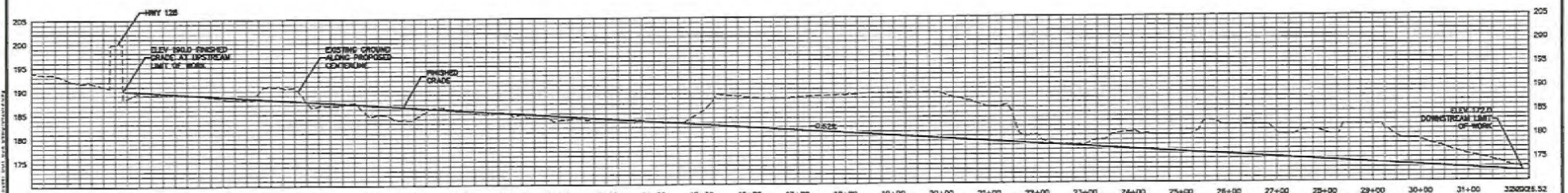
PROJECT OVERVIEW
DRY CREEK RANCHERIA
STREAM FLOW ENHANCEMENT PROJECT
PHASE 1 65% DESIGN

PRELIMINARY
NOT FOR CONSTRUCTION

DATE: 04/24/2019	DRAWN BY: HANLEY
	SHEET: C2



SITE PLAN
SCALE: 1" = 100'
0 50 100 200'



RANCHERIA CREEK PROFILE - PROPOSED ALIGNMENT
HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 10'

REVISION NO.	DATE	DESCRIPTION

**PRELIMINARY
DESIGN:
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ONLY**

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OAKLAND, CA 94612
510.842.0538

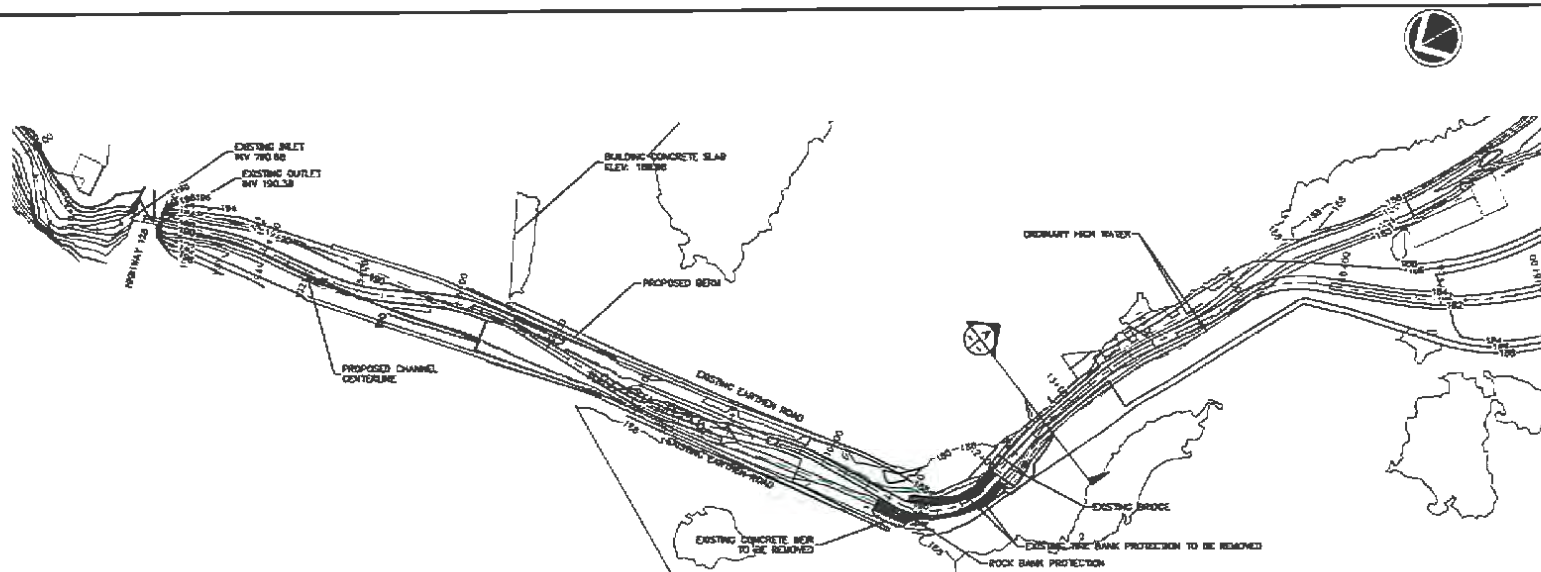
PREPARED FOR:
DRY CREEK RANCHERIA

RANCHERIA CREEK OVERVIEW PLAN & PROFILE

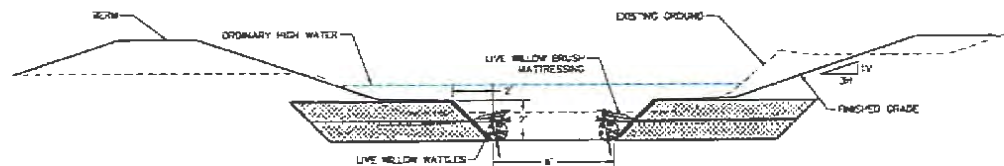
**DRY CREEK RANCHERIA
STREAM FLOW ENHANCEMENT PROJECT
PHASE 1 65% DESIGN**

**PRELIMINARY
NOT FOR CONSTRUCTION**

DATE: 04/24/2019
DRAWN BY: HANLEY
SHEET: C3



SITE PLAN
SCALE: 1" = 50'
0 30 60 120'



TYPICAL VINEYARD REACH SECTION
SCALE: 1" = 3'

REVISION NO.	DATE	DESCRIPTION

PRELIMINARY
DESIGN:
FOR REVIEW
ONLY

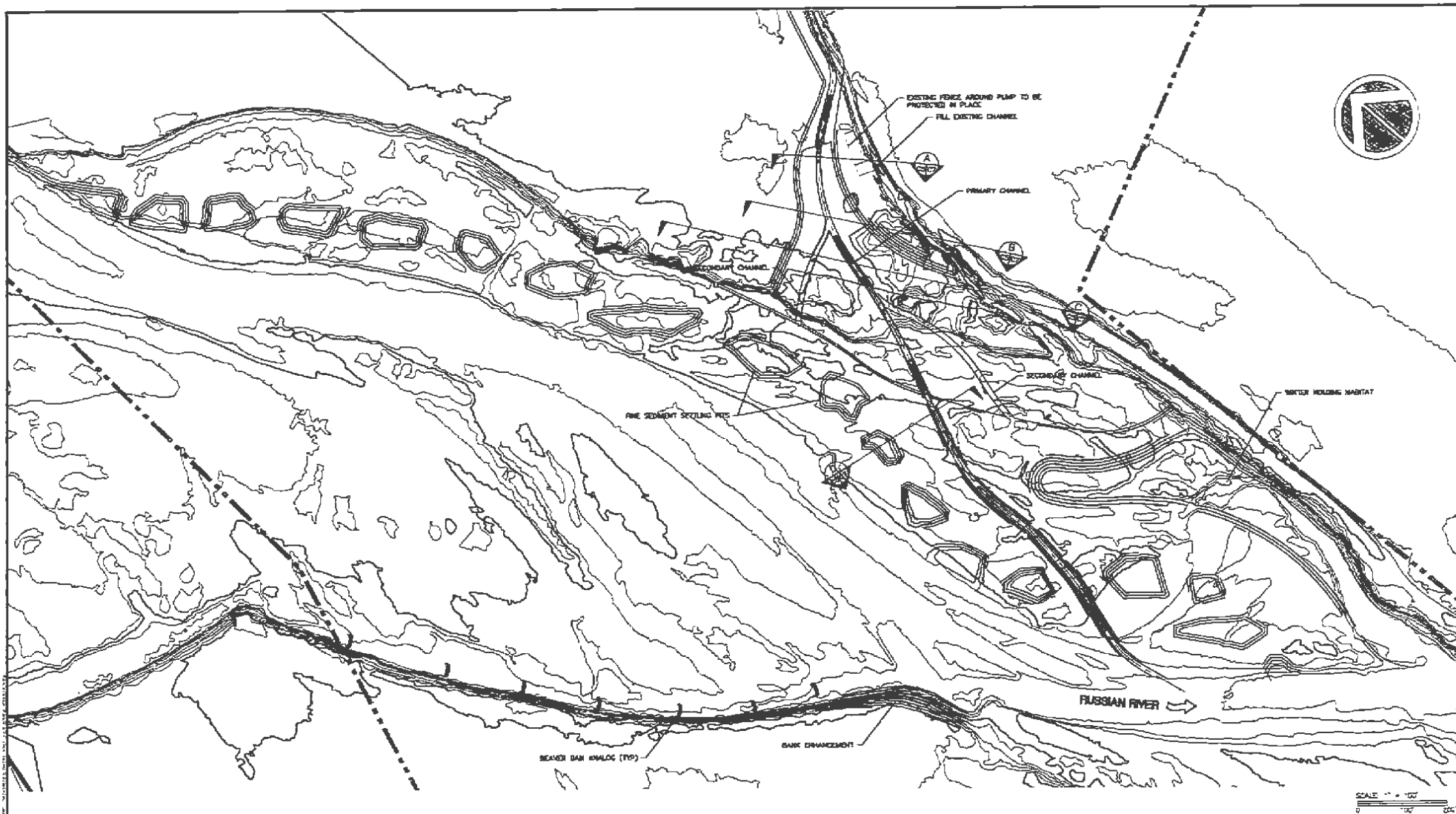
FlowWes:
1624 FRANKLIN STREET
OAKLAND, CA 94612
510.842.0538

PREPARED FOR:
DRY CREEK RANCHERIA

VINEYARD REACH PLAN AND TYPICAL
SECTION
DRY CREEK RANCHERIA
STREAM FLOW ENHANCEMENT PROJECT
PHASE 1 65% DESIGN

PRELIMINARY
NOT FOR CONSTRUCTION

DATE: 04/24/2019	DRAWN BY: HANLEY
	SHEET: C4



REVISION NO.	DATE	DESCRIPTION

**PRELIMINARY
DESIGN:
FOR REVIEW
ONLY**

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1624 FRANKLIN STREET
OAKLAND, CA 94612
510.842.6538

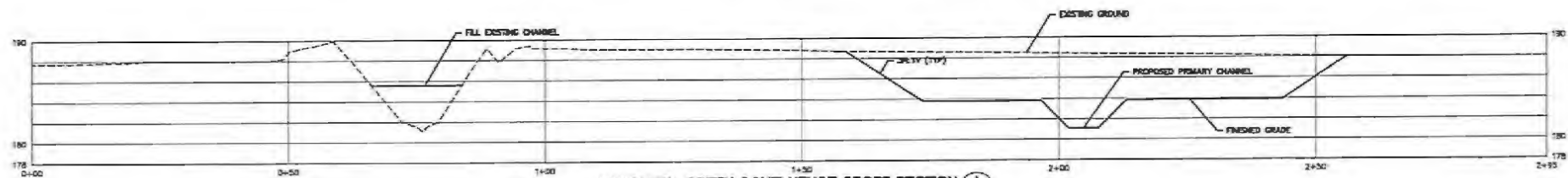
PREPARED FOR:
DRY CREEK RANCHERIA

RANCHERIA CREEK CONFLUENCE PLAN

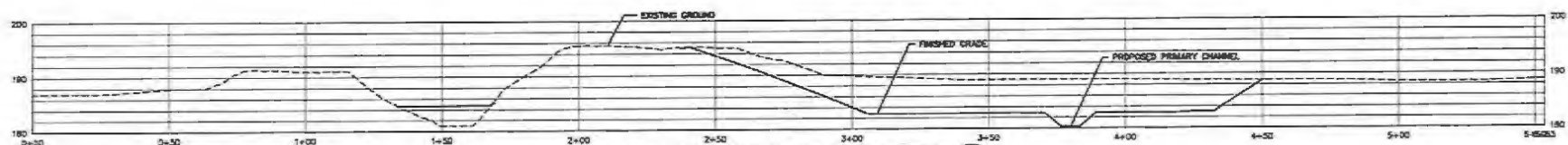
**DRY CREEK RANCHERIA
STREAM FLOW ENHANCEMENT PROJECT
PHASE 1 65% DESIGN**

**PRELIMINARY
NOT FOR CONSTRUCTION**

DATE: 04/24/2018	DRAWN BY: HANLEY
SHEET: C5	



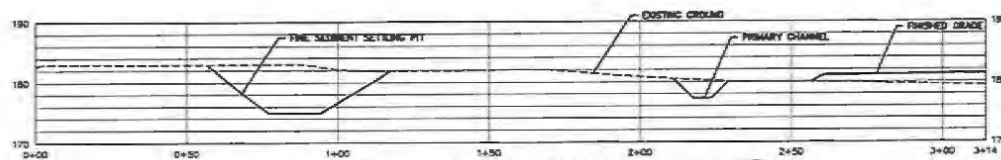
RANCHERIA CREEK CONFLUENCE CROSS SECTION A
 HORIZONTAL SCALE: 1" = 10'
 VERTICAL SCALE: 1" = 5'



RANCHERIA CREEK CONFLUENCE CROSS SECTION B
 HORIZONTAL SCALE: 1" = 20'
 VERTICAL SCALE: 1" = 10'



RANCHERIA CREEK CONFLUENCE CROSS SECTION C
 HORIZONTAL SCALE: 1" = 30'
 VERTICAL SCALE: 1" = 15'



RANCHERIA CREEK CONFLUENCE CROSS SECTION D
 SCALE: 1" = 20'
 VERTICAL SCALE: 1" = 10'

REVISION NO.	DATE	DESCRIPTION

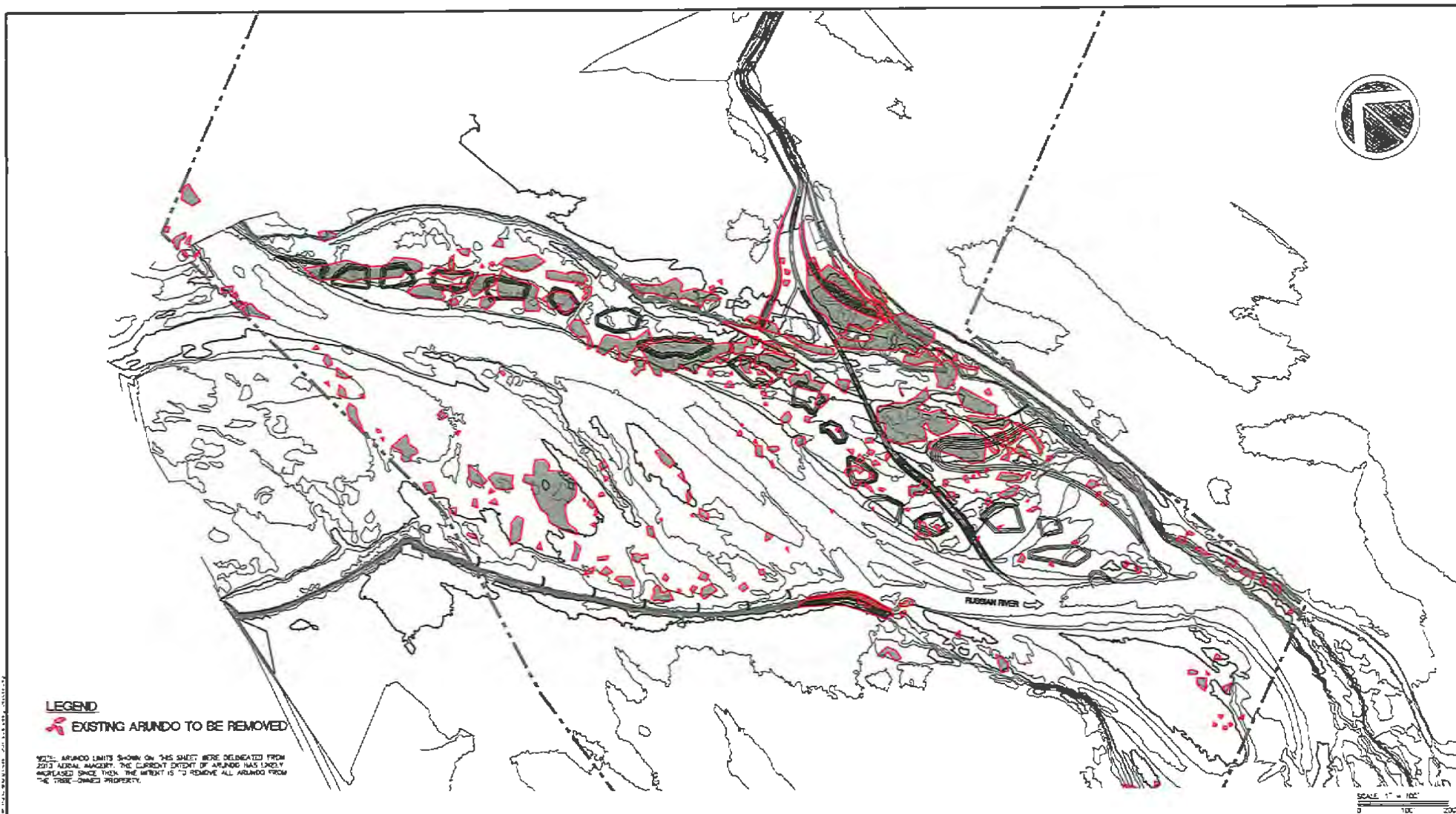
**PRELIMINARY
 DESIGN:
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 1624 FRANKLIN STREET
 OAKLAND, CA 94612
 510.842.0538

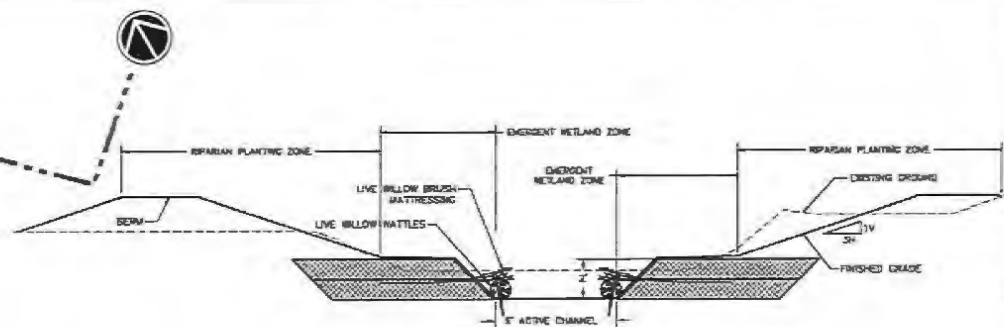
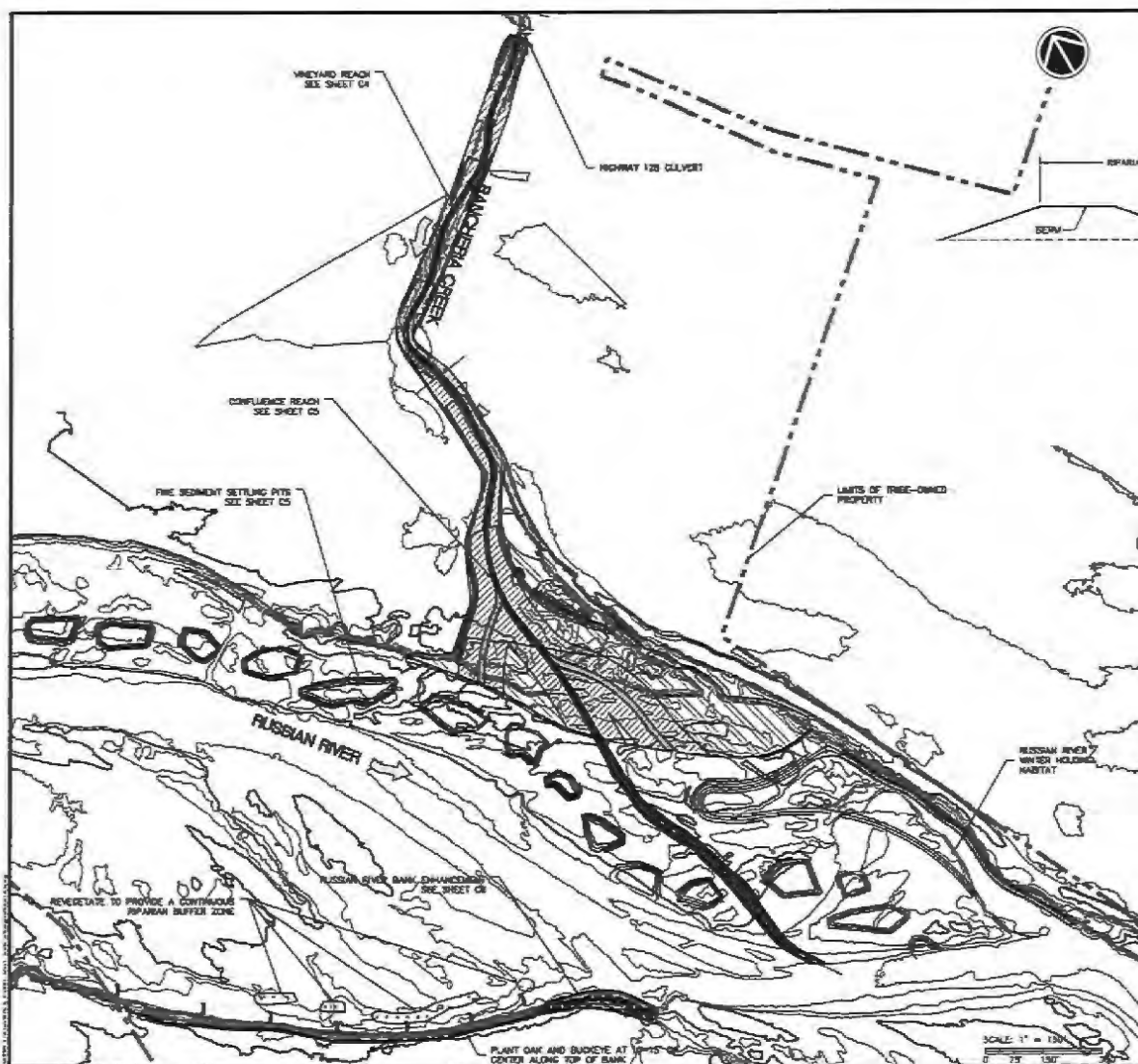
PREPARED FOR:
 DRY CREEK RANCHERIA

CONFLUENCE REACH SECTIONS
 DRY CREEK RANCHERIA
 STREAM FLOW ENHANCEMENT PROJECT
 PHASE 1 65% DESIGN

**PRELIMINARY
 NOT FOR CONSTRUCTION**
 DATE: 04/24/2019
 SHEET: C7



REVISION NO.	DATE	DESCRIPTION	PRELIMINARY DESIGN: FOR REVIEW ONLY	FlowWest 1624 FRANKLIN STREET OAKLAND, CA 94612 510.842.0538	PREPARED FOR: DRY CREEK RANCHERIA	ARUNDO REMOVAL PLAN	PRELIMINARY NOT FOR CONSTRUCTION	
						DRY CREEK RANCHERIA STREAM FLOW ENHANCEMENT PROJECT PHASE 1 65% DESIGN	DATE: 04/24/2019	DRAWN BY: HANLEY SHEET: C8



TYPICAL VINEYARD REACH TYPICAL PLANTING SECTION
SCALE: 1" = 5'

RIPARIAN PLANTING (3.1 AC)					
SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	QUANTITY
	RED WILLOW	<i>SALIX LADYDATA</i>	LIVE WATTLES	N/A	5,500 LF
	SPICEBUSH	<i>CALECANATHUS OCCIDENTALIS</i>	1-GAL	10-15 FT	175
	CALIFORNIA BLACKBERRY	<i>RUBUS URSINUS</i>	1-GAL	10-15 FT	175
	CALIFORNIA ROSE	<i>ROSA CALIFORNICA</i>	1-GAL	10-15 FT	175
	ELDERBERRY	<i>SAMBUCUS MEXICANA</i>	1-GAL	10 FT	125
	SANTA BARBARA SEDGE	<i>CAREX BARBARIANA</i>	1-GAL	10-15 FT	175

EMERGENT WETLAND (1.0 AC)					
SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	QUANTITY
	SANTA BARBARA SEDGE	<i>CAREX BARBARIANA</i>	1-GAL	10-15 FT	170
	WIRE RUSH	<i>JUNCUS BALTICUS</i>	1-GAL	10-15 FT	170
	CALIFORNIA GRAY RUSH	<i>JUNCUS PATENS</i>	1-GAL	10-15 FT	170
	BLUISH	<i>SCIRPUS SPP.</i>	1-GAL	10-15 FT	170

RUSSIAN RIVER BANK ENHANCEMENT LOWER BANK (0.6 AC)					
SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	QUANTITY
	RED WILLOW	<i>SALIX LADYDATA</i>	LIVE CUTTINGS	10-15 FT	150

RUSSIAN RIVER BANK ENHANCEMENT UPPER BANK (0.1 AC)					
SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	QUANTITY
	CANYON LIVE OAK	<i>Q. CHRYSOLEPS</i>	3-GAL	10-15 FT	43
	CALIFORNIA BUCKEYE	<i>AEOLUS CALIFORNICUS</i>	3-GAL	10-15 FT	43

NATIVE SEEDING (3.1 AC)					
SYMBOL	COMMON NAME	SCIENTIFIC NAME	APPLICATION RATE	QUANTITY (LB)	
	NATIVE SEED MIX	MIX TBD	LB/ACRE	TBD	

REVISION NO.	DATE	DESCRIPTION

PRELIMINARY DESIGN: FOR REVIEW ONLY

FlowWest

1624 FRANKLIN STREET
OAKLAND, CA 94612
510.842.0533

PREPARED FOR:
DRY CREEK RANCHERIA

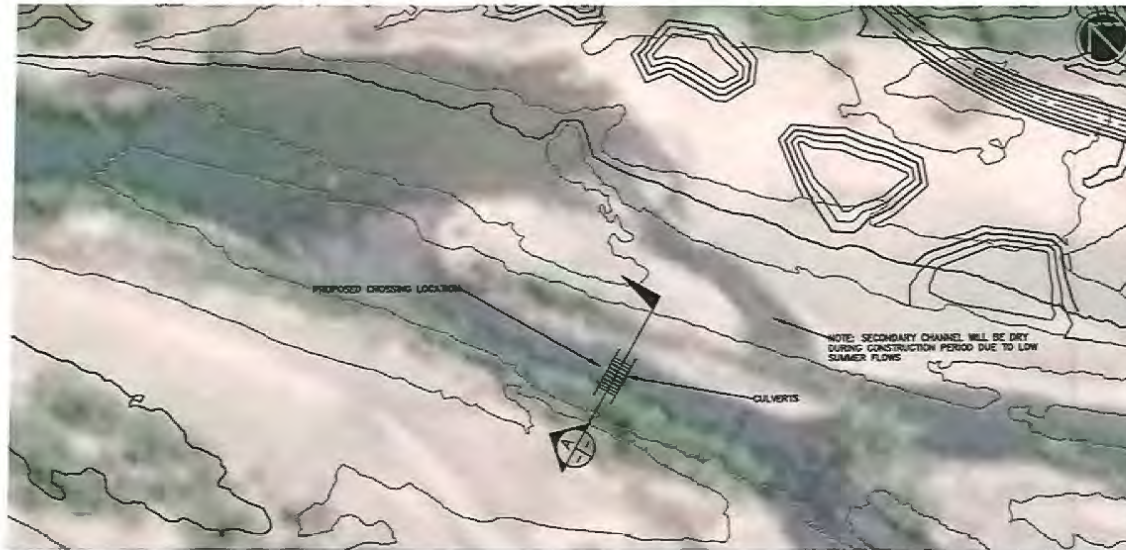
PLANTING PLAN

**DRY CREEK RANCHERIA
STREAM FLOW ENHANCEMENT PROJECT
PHASE 1 65% DESIGN**

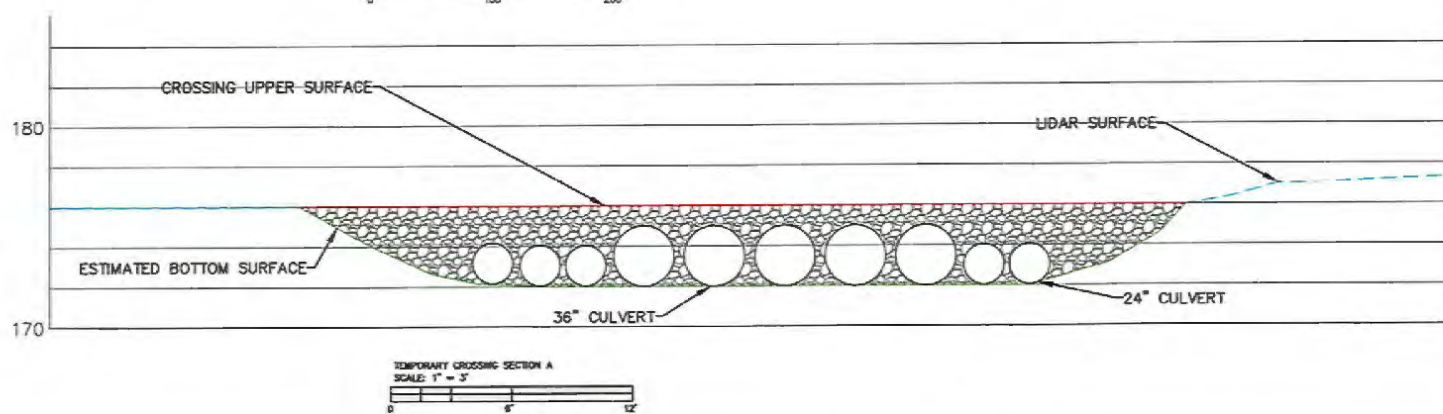
PRELIMINARY NOT FOR CONSTRUCTION

DATE: 04/24/2019

SHEET: **C9**



TEMPORARY CROSSING PLAN
SCALE: 1" = 50'



TEMPORARY CROSSING SECTION A
SCALE: 1" = 3'

Healdsburg Gage - 11464000		From 1988-2019	
		Exceedance Probability (cfs)	
Dates	P = 0.1	P = 0.2	P = 0.5
Jun15-30	359	273	196
Jul	251	239	213
Aug	226	218	204
Sept	246	221	201
Oct1-15	224	199	171

Circular Culvert w/ smooth inlet throat and 0.15% slope n = 0.012			
Pipe Diameter	Max Discharge Prior to Pressure Flow (cfs)	Design Quantity	Combined Flowrate (cfs)
24"	34	5	70
36"	38	5	190
Total			260

NOTES:
1. TEMPORARY CROSSING SHALL BE INSTALLED AFTER JULY 15, AND REMOVED PRIOR TO OCTOBER 15.
2. SITE PERSONNEL WILL MONITOR THE CULVERTS FOR DEBRIS WHEN THE TEMPORARY CROSSING IS INSTALLED. IF THE CULVERTS BECOME BLOCKED, DIVERSION DEFLECTORS WILL BE INSTALLED UPSTREAM OF THE CULVERTS.

DIVISION NO.	DATE	DESCRIPTION	PRELIMINARY DESIGN: FOR REVIEW ONLY	 1624 FRANKLIN STREET OAKLAND, CA 94612 510.842.0538	PREPARED FOR: DRY CREEK RANCHERIA	TEMPORARY STREAM CROSSING		PRELIMINARY NOT FOR CONSTRUCTION	
						DRY CREEK RANCHERIA STREAM FLOW ENHANCEMENT PROJECT PHASE 1 65% DESIGN		DATE: 05/22/2019	DRAWN BY: HANLEY SHEET: C10



2nd Revised

FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
5/23/18	\$ 4460-	\$ 1.50	6-4-19	1600-2018-0160 - R3
Assigned to: James Hansen		Lt. Jones		

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Chris Ott				Fish & Wildlife
Business/Agency	Dry Creek Rancheria Band of Pomo Indians				
Mailing Address	P.O. Box 607				MAY 29 2019
City, State, Zip	Geyserville, CA, 95441				
Telephone	(707) 486-7199	Fax			
Email	chris.ott@riverrockcasino.com				

2. CONTACT PERSON (Complete only if different from applicant)

Name	Mike Urkov			
Street Address	2510 J St, Suite 210			
City, State, Zip	Sacramento, CA 95816			
Telephone	(916) 712-0150	Fax		
Email	murkov@flowwest.com			

3. PROPERTY OWNER (Complete only if different from applicant)

Name				
Street Address				
City, State, Zip				
Telephone		Fax		
Email				

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Rancheria Creek Restoration Project		
B. Agreement Term Requested		☒ Regular (5 years or less)		
		☐ Long-term (greater than 5 years)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	
2019	2023	June 15	October 15	42



5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, E, or F is checked, complete the specified attachment.

A.	☒ Standard (Most construction projects, excluding the categories listed below)	
B.	☐ Gravel/Sand/Rock Extraction (Attachment A)	Mine I.D. Number: _____
C.	☐ Timber Harvesting (Attachment B)	THP Number: _____
D.	☐ Water Diversion/Extraction/Impoundment (Attachment C)	SWRCB Number: _____
E.	☐ Routine Maintenance (Attachment D)	
F.	☐ Remediation of Marijuana Cultivation Sites (Attachment E)	
G.	☐ Department Grant Programs	Agreement Number: _____
H.	☐ Master	
I.	☐ Master Timber Operations	

6. FEES

See the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. **Note: The Department may not process this notification until the correct fee has been received.**

A. Project		B. Project Cost	C. Project Fee
1	Rancheria Creek Restoration Project	\$ 300,000.00	\$ 4,198.00
2			
3			
4			
5			
6			
7			
8			
9			
10			
Calculator also available at: https://www.wildlife.ca.gov/Conservation/LSA/Forms		D. Base Fee (if applicable)	
		E. TOTAL FEE*	\$ 4,198.00

* Check, money order, and Visa or MasterCard payments are accepted. When payment is made by credit card, CDFW shall assess a separate credit card processing fee of 1.6% to the Total Fee. Credit card payment must be submitted with a completed Credit Card Payment Authorization Form (DFW 1443b (Rev. 8/15)) available online at: <https://www.wildlife.ca.gov/Conservation/LSA/Forms> or at a Department regional office.



7. PRIOR NOTIFICATION AND ORDERS

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?		
☐ Yes (<i>Provide the information below</i>) ☒ No		
Applicant	Notification Number	Date
B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by the Department?		
☒ No ☐ Yes (<i>Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify the Department verbally rather than in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.</i>)		
☐ Continued on additional page(s)		

8. PROJECT LOCATION

A. Address or description of project location. (<i>Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway</i>)				
3152 CA-128, Geyserville, CA, 95441 From Highway 101 going north, take exit 510 toward CA-128 E/Geyserville/Dry Creek/Rancheria. Take CA-128 E for 5.1 miles to Dry Creek Ranch.				
☐ Continued on additional page(s)				
B. River, stream, or lake affected by the project.		Rancheria Creek		
C. What water body is the river, stream, or lake tributary to?		Russian River		
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?		☐ Yes	☒ No	☐ Unknown
E. County	Sonoma County			
F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Jimtown	10N	9W	Grant	
☐ Continued on additional page(s)				
K. Meridian (<i>check one</i>)	☐ Humboldt ☒ Mt. Diablo ☐ San Bernardino			
L. Assessor's Parcel Number(s)				
131-050-004, 131-040-001, 140-260-003				
☐ Continued on additional page(s)				



M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)

Latitude/Longitude	Latitude: 38° 41' 54"		Longitude: 122° 51' 18"	
	☒ Degrees/Minutes/Seconds	☐ Decimal Degrees	☐ Decimal Minutes	
UTM	Easting:	Northing:	☐ Zone 10 ☐ Zone 11	
Datum used for Latitude/Longitude or UTM		☐ NAD 27 ☐ NAD 83 or WGS 84		

9. PROJECT CATEGORY

WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR-MAINTAIN-OPERATE EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	☒	☐	☐
Bank stabilization – rip-rap/retaining wall/gabion	☐	☐	☐
Boat dock/pier	☐	☐	☐
Boat ramp	☐	☐	☐
Bridge	☐	☐	☐
Channel clearing/vegetation management	☐	☐	☒
Culvert	☐	☐	☐
Debris basin	☐	☐	☐
Dam	☐	☐	☐
Filling of wetland, river, stream, or lake	☐	☐	☐
Geotechnical survey	☐	☐	☐
Habitat enhancement – revegetation/mitigation	☐	☐	☒
Levee	☐	☐	☐
Low water crossing	☐	☐	☐
Road/trail	☐	☐	☐
Sediment removal: pond, stream, or marina	☐	☐	☒
flood control	☐	☐	☐
Storm drain outfall structure	☐	☐	☐
Temporary stream crossing	☐	☐	☐
Utility crossing: horizontal directional drilling	☐	☐	☐
jack/bore	☐	☐	☐
open trench	☐	☐	☐
Water diversion without facility	☐	☐	☐
Water diversion with facility	☐	☐	☐
Other (specify):	☐	☐	☐



Revised

10. PROJECT DESCRIPTION

A. Describe the project in detail. Include photographs of the project location and immediate surrounding area.

- Written description of all project activities with detailed step-by-step description of project implementation.
- Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
- Specify volume, and dimensions of all materials and features (e.g., rip rap fields) that will be used or installed.
- If water will be diverted or drafted, specify the purpose or use.
- Enclose diagrams, drawings, plans, and maps that provide all of the following: site specific construction details; dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.

The project is divided into 4 discrete restoration action designed to improve ecological conditions and geomorphic processes which have been described in detail in the additional pages attached to this application. To avoid impacts to fish, construction activities would occur from June through October during the summer low flow period. The lower reach of Rancheria Creek would be dry during this period and would have no impact on salmonids.

In addition, a temporary crossing will be constructed to reach the west bank on the Russian River. The temporary crossing will consist of a temporary 12 foot wide gravel roadway with 10 plastic (HDPE) culverts to convey the Russian River summertime low flows. Five culverts will be 36" diameter and five will be 24". The crossing will have a max depth of about 4 feet and a length of about 40 feet. During summer low flows the Russian River is confined to one main channel. The length of the active channel where the culverts will be placed is about 30 feet.

☒ Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

Backhoes, excavators, front-end loaders, sifter, dump trucks, and flatbed delivery trucks.

☐ Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

☐ Yes ☒ No (Skip to box 11)

D. Will the proposed project require work in the wetted portion of the channel?

☐ Yes (Enclose a plan to divert water around work site)
☒ No



11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

Please see additional pages

☒ Continued on additional page(s)

B. Will the project affect any vegetation?

☒ Yes (Complete the tables below) ☐ No (Include aerial photo with date supporting this determination)

Vegetation Type	Temporary Impact	Permanent Impact
Invasive arundo	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: 8.9
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)

☐ Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

☒ Yes (List each species and/or describe the habitat below) ☐ No ☐ Unknown

Please see the list on the additional pages attached to the application.

☒ Continued on additional page(s)

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.

U.S. Fish and Wildlife Services Species List
CNDDB
CNPS

☐ Continued on additional page(s)

E. Has a biological study been completed for the project site?

☒ Yes (Enclose the biological study) ☐ No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.



F. Has a hydrological study been completed for the project or project site?

☐ Yes (Enclose the hydrological study) ☒ No

Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.

G. Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?

☐ Yes (Enclose the mapped results) ☒ No

Note: Check "yes" if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. "'Wildlife' means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends." (Fish & G. Code, § 89.5.) If "yes" is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for the Department to deem your notification complete. If "no" is checked, or the resolution of the mapping or delineation is insufficient, the Department may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for the Department to deem the notification complete.

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.

Mitigation Measures BIO-3, GEO-3, and GEO-4 all list techniques to prevent sediment from entering watercourses during and after construction. A more detailed explanation of the measures are in the additional pages attached to this application.

☐ Continued on additional page(s)

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

Mitigation Measure BIO-1 is an avoidance and minimization measure designed to protect fish and wildlife. A more detailed explanation of the measures are in the additional pages attached to this application.

☐ Continued on additional page(s)

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

Mitigation Measure BIO-2 is a mitigation measure to protect fish, wildlife, and plant resources. A more detail explanation of the measures are in the additional pages attached to this application.

☐ Continued on additional page(s)



13. PERMITS

List any local, State, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

- A. USACE Section 404 Nationwide Permit ☒ Applied ☐ Issued
- B. EPA Section 401 Water Quality Certification ☒ Applied ☐ Issued
- C. NOAA Biological Opinion and Incidental Take Permit ☒ Applied ☐ Issued
- D. Unknown whether ☐ local, ☐ State, or ☐ federal permit is needed for the project. (Check each box that applies)

☐ Continued on additional page(s)

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA) and/or National Environmental Protection Act (NEPA)?

☒ Yes (Check the box for each CEQA or NEPA document that has been prepared and enclose a copy of each.)

☐ No (Check the box for each CEQA or NEPA document listed below that will be or is being prepared.)

☐ Notice of Exemption

☒ Mitigated Negative Declaration

☐ NEPA document (type):

☐ Initial Study

☐ Environmental Impact Report

☐ Negative Declaration

☒ Notice of Determination (Enclose)

☐ THP/ NTMP

☐ Mitigation, Monitoring, Reporting Plan

B. State Clearinghouse Number (if applicable) 2016112053

C. Has a CEQA lead agency been determined? ☒ Yes (Complete boxes D, E, and F) ☐ No (Skip to box 14.G)

D. CEQA Lead Agency Sonoma County Permit and Resource Management Department

E. Contact Person Georgia McDaniel

F. Telephone Number (707) 565-4919

G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14, § 15378).

The whole project is divided into 16 discrete restoration actions of which 4 are being proposed in this Agreement. The remaining 12 restoration actions that will be constructed at a later time include excavation of floodplain benches in an existing incised channel to restore floodplain function and hydrology conditions, replacement of culverts that restrict fish passage, planting of riparian vegetation along the channelized portion of the creek to create cover to shade the creek and create a riparian buffer from the existing vineyard operations.

☐ Continued on additional page(s)

H. Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4?

☒ Yes (Enclose proof of payment)

☐ No (Briefly explain below the reason a CEQA filing fee has not been paid)

Note: If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.



Revised

15. SITE INSPECTION

Check one box only.

- ☒ In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.
- ☐ I request the Department to first contact (*insert name*) _____ at (*insert telephone number*) _____ to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

- ☐ Yes (Please enclose the information via digital media with the completed notification form)
- ☐ No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

Signature of Applicant or Applicant's Authorized Representative

5/28/19
Date

Chris Ott

Print Name



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Colonel D. Peter Helminger
Division Engineer, South Pacific Division
U.S. Army Corps of Engineers
1455 Market Street
San Francisco, CA 94103-1398

Subject: Conditional Clean Water Act Section 401 certification of the 2017 U.S. Army Corps of Engineers Nationwide Permits on tribal lands

Dear Colonel Helminger:

The U.S. Environmental Protection Agency, Region 9 (EPA) has responsibility under section 401 of the Clean Water Act (CWA) to evaluate and certify water quality protections for federal permits or licenses issued for work on most tribal lands within the Pacific Southwest Region. EPA has reviewed the U.S. Army Corps of Engineers (Corps) January 6, 2017 Federal Register notice announcing the reissuance of the Corps' CWA Section 404 Nationwide Permits (NWP), and hereby transmits a conditional programmatic water quality certification of these general permits. The enclosed conditions become binding requirements of any NWP issued for work on tribal lands within EPA's geographic jurisdiction¹ in the states of Arizona, California, and Nevada. Please instruct your regulatory staff to provide this certification to anyone contacting the Corps with applicable projects.

Consistent with the *EPA Policy on Consultation and Coordination with Indian Tribes*, on November 14, 2016, EPA offered to consult with tribes on this certification. EPA did not receive any formal requests for consultation.

In summary, EPA is certifying 53 of the 54 proposed active permits with general conditions, 17 of which are further subject to permit-specific conditions. These requirements will protect water quality and help ensure that the NWP program minimizes adverse impacts on the aquatic environment on tribal lands, both individually and cumulatively, as required by CWA Section 404(e). A table summarizing types of conditions, notification requirements, impact limits, and additional information for each NWP is included in the attached certification. Some conditions of note include:

- Notification to EPA for use of any NWP on tribal lands (General Condition 01);
- Modifications to length, size and/or acreage limits on ten of the NWPs (12, 13, 14, 29, 40, 41, 45, 46, 48, and 49);

¹ This water quality certification does not apply to activities proceeding in the territories of the thirteen tribes in Region 9 that have been approved as Section 401 certifying authorities —the Navajo Nation, Hualapai Tribe, Paiute-Shoshone of the Bishop Community, Big Pine Paiute-Shoshone Tribe, Twenty-Nine Palms Band of Mission Indians, Hoopa Valley Tribe, Hopi Tribe, Pyramid Lake Paiute Tribe, Dry Creek Rancheria of Pomo Indians, Pala Band of Mission Indians, Cortina Band of Wintun Indians, Walker River Paiute Tribe, and White Mountain Apache Tribe. In limited circumstances some lands within tribal boundaries fall outside a tribe's Section 401 certifying authority and are subject to this certification.

- General prohibition of impact limit waivers under this programmatic certification, except where EPA approves a written determination that a waiver would result in minimal impacts to aquatic resource functions;
- Limiting NWPs 12 (Utility Line Activities) and 14 (Linear Transportation Projects) to a single use for a single and complete project having independent utility;
- Requiring EPA approval that NWP 27 projects will increase aquatic resource functions;
- Requiring EPA approval that NWP 31 levee vegetation removal will have minimal adverse impacts;
- Denial without prejudice of NWP 43 (Stormwater Management Facilities) due to adverse impacts from in-stream stormwater structures.

Projects failing to meet the enclosed conditions, despite qualifying for use of a NWP, are not eligible for coverage under this programmatic certification and must contact EPA for individual project certification. Projects meeting the enclosed conditions must notify EPA pursuant to General Condition 01, but may proceed without further written verification from EPA except when a specific EPA approval is required in accordance with general or permit-specific conditions of this certification. Finally, EPA may periodically undertake inspections or other compliance monitoring activities pursuant to applicable CWA enforcement authorities (CWA Section 308(a)(4)(B)).

This conditional certification will remain in effect for the authorization period of the 2017 NWPs, and will be revisited and potentially revised when the NWPs are next proposed for reissuance and revisions in 2022.

Thank you and your staff for partnering with EPA to implement the regulatory programs of the CWA. Please contact me at (415) 972-3337 with any questions regarding this conditional certification, or have your staff contact Leana Rosetti at (415) 972-3070 or rosetti.leana@epa.gov.

Sincerely,



Tomás Torres
Director
Water Division

2/22/2017

Enclosure:

General and Permit-Specific Conditions of EPA's Programmatic Clean Water Act Section 401 certification of the 2017 Nationwide Permits for tribal lands in California, Nevada and Arizona

cc:

All federally recognized Indian Tribes within EPA Region 9
Dr. Rick Bottoms, Regulatory Branch Chief, San Francisco District
Michael Jewel, Regulatory Branch Chief, Sacramento District

David Castanon, Regulatory Branch Chief, Los Angeles District
Allan Steinle, Regulatory Branch Chief, Albuquerque District
Wade Eakle, Corps, South Pacific Division
Debra Daniel, Arizona Department of Environmental Quality
Kelly Wolff-Krauter, Arizona Department of Game and Fish
Thor Anderson, Arizona Department of Transportation
Bill Orme, California State Water Resources Control Board
Sarah Rains, California Department of Fish and Wildlife
Jay Norvell, California Department of Transportation
John Heggeness, Nevada Division of Environmental Protection
Brad Hardenbrook, Nevada Department of Wildlife
Steve Cooke, Nevada Department of Transportation

General Conditions

Projects that are unable to comply with the general conditions of this programmatic certification are denied certification without prejudice and the applicant must apply to EPA for an individual certification. Applicants can apply for an individual certification by providing the same content required in a modified pre-construction notification described in General Condition 01. *Notification*, of this programmatic certification, but EPA may request additional project information for individual certifications after receiving notification materials. When an individual certification is required, EPA will strive to issue, deny, or waive certification within sixty days of receipt of complete project information, but our review shall not exceed one year, the statutory limit beyond which certification is considered waived.²

01. Notification

To improve the government's ability to demonstrate whether the NWP program has minimal adverse impacts to the aquatic environment, individually and cumulatively, all NWP-authorized projects proceeding on tribal lands within Region 9 shall submit a form of notification to EPA Region 9 as described below.³ Notification is required in order to be eligible for any NWP under this certification.

Projects seeking authorization under this certification will fall under one of the following two notification categories:

Pre-Construction Notification (PCN):

- When a PCN is required by the Corps, the applicant shall submit a copy of the PCN to EPA Region 9 for 401 notification. If not already included, also include the Modified PCN (MPCN) requirements 2)d through 2)h. Any waiver of impact limits requires approval from EPA pursuant to General Condition 02. *Waivers*.

Modified Pre-Construction Notification (MPCN):

- When the Corps does not require a PCN for any activities authorized under the NWP proposed for use, or for impacts below limits identified in the NWP for a PCN, applicants must forward a MPCN to EPA Region 9 for notification, subject to the criteria below. If a waiver of impact limits is proposed beyond what is approved under this certification, applicants must include written determinations specified in General Condition 02. *Waivers* for EPA approval.
- 1) **Timing.** Applicants shall submit an MPCN to EPA Region 9 as early as possible, and in advance of any authorization letter from the Corps allowing the applicant to proceed under a given NWP. When an EPA approval is required by condition of this certification, EPA will act within sixty days of receiving a complete MPCN.
 - 2) **Content.** MPCNs must be in writing (electronic mail submittal is acceptable) and include the following information:
 - a) Name, address and telephone numbers of the applicant and any agents or representatives. If available, the electronic mail address and fax numbers for these persons;
 - b) Location of the proposed project;

² Clean Water Act Section 401 Certification (a): <http://water.epa.gov/lawsregs/guidance/wetlands/sec401.cfm>

³ NOTE: this requirement does not modify or eliminate existing Corps requirements regarding PCNs for projects proceeding on tribal lands (or elsewhere).

- c) A description of the proposed project and impacts sufficiently detailed to determine compliance with NWP and EPA 401 conditions and to determine whether compensatory mitigation may be necessary, including:
 - i) The project's purpose;
 - ii) Direct and indirect adverse environmental effects the project would cause, including the proposed acreages and linear feet (for streams) of waters impacted, avoided, and where applicable, created or otherwise mitigated;
 - iii) Any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity;
 - iv) A written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States;
 - v) Drawings, including plan and cross-section views, clearly depicting the location, size and dimensions of the proposed activity, as well as the location of delineated waters of the U.S. on the site. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark or, if tidal waters, the mean high water mark and high tide line, should be shown (in feet), based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation;
 - vi) Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s) required in the condition above;
 - vii) Delineation of aquatic resources meeting the standards adopted by the corresponding Corps District;
- d) A description of proposed construction best management practices (BMPs) and highly visible markers to be used during construction of the proposed activity, as required by Regional Condition 08, below. If no BMPs or highly visible markers are proposed, the MPCN shall provide a description of why their use is not practicable or necessary;
- e) For all activities proposed for the purpose of temporary access and construction which would result in the placement of dredged or fill material into waters of the U.S., provide:
 - i. The reason(s) why avoidance of temporary fill in waters of the U.S. is not practicable;
 - ii. A description of the proposed temporary fill, including the type and amount (in cubic yards) of material to be placed;
 - iii. The area (in acres) of waters of the U.S. and, for drainages (e.g. natural or relocated streams, creeks, rivers), the length (in linear feet) where the temporary fill is proposed to be placed; and
 - iv. A proposed plan for restoration of the temporary fill area to pre-project contours and conditions, including a plan for the re-vegetation of the temporary fill area, if vegetation would be removed or destroyed by the proposed temporary fill;
- f) Consistent with General Condition 02. *Waivers*, a written demonstration that any proposed impact limit waiver that may be allowable under this certification will result in minimal impacts to aquatic resource functions;
- g) Consistent with General Condition 04. *Prohibition on the Multiple Use of One NWP for a Single Project*, for proposed utility or transportation projects where the same NWP is

proposed at multiple locations, a written determination will be provided describing independent utility of each impact location and how the project will not contribute to more than minimal direct, indirect and cumulative impacts to waters of the U.S., either at the impact site or to upstream, downstream, or adjacent aquatic resources;

- h) The name(s) of any species listed as endangered or threatened under the Endangered Species Act which may be adversely affected by the proposed work, either directly or by impacting designated critical habitat;
- i) Identification of any cultural or historic properties listed in, or eligible for listing in, the National Register of Historic Places that may be adversely affected by the proposed work.

Written notification should be mailed to:

USEPA Region 9, WTR2-4,
75 Hawthorne Street, San Francisco, CA 94105.

02. Waivers

For certain NWPs, Corps District Engineers may waive impact thresholds for intermittent and ephemeral drainages by making a written determination that the discharge will result in minimal adverse effects. To ensure that these waters, commonly found on tribal lands in the arid southwest, receive an adequate level of protection, and to prevent the NWP Program from having more than minimal adverse impacts to the aquatic environment, all proposed impact limit waivers are denied under this certification unless EPA approves a written determination that the waiver will not exceed minimal impacts to aquatic resource functions.

For some NWPs where the Corps does not include an impact limit, EPA has added an impact limit as a permit-specific condition. Some of these NWPs also include a condition that a waiver may be provided when EPA approves a written determination that the waiver will not exceed minimal impacts to aquatic resource functions.

Impacts to special aquatic sites are not permitted under this certification unless EPA approves a written determination that impacts to aquatic resource functions will be minimal. "Special aquatic sites" include sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs and riffle pool complexes (40 CFR 230.40-45).

When EPA approval is required for a waiver, EPA will act within sixty days of receiving a complete PCN or MPCN.

03. Compensatory Mitigation Requirements

EPA shall make a written determination, within sixty days of receipt of a complete PCN or MPCN, whether compensatory mitigation measures are required to ensure the activity will have only minimal adverse effects. Should compensatory mitigation be determined necessary by EPA, the mitigation becomes a condition of water quality certification and thus a condition of the Corps' permit. Failure to implement an EPA mitigation requirement would place a permittee out of compliance with their NWP and in violation of Section 401 and 404 of the Clean Water Act.

The need for post-project performance and/or mitigation monitoring and reporting (if applicable) will be determined by EPA on a case-by-case basis.

04. Prohibition on the Multiple Use of One NWP for a Single Project

Permittees may not use the same NWP multiple times (more than once) for one single and complete project at locations that do not have independent utility; to do so circumvents acreage limitations of the NWPs and may result in more than minimal adverse impacts to water quality and other ecosystem services. For example, under this certification, linear transportation projects on tribal lands must sum the impacts of each proposed crossing of individual waters of the U.S. and use that total to determine eligibility for NWP 14 (Linear Transportation Projects). If the acreage or linear foot impacts exceed the limits of the applicable NWP (or combination of applicable *different* NWPs), minimal adverse impacts to water quality may be exceeded and the project is not eligible for 401 certification under this programmatic action. Under these circumstances, projects must seek individual certification from EPA, and EPA may grant, grant with conditions, waive, or deny 401 certification of the project under the NWP. In the event of a denial, the NWP would not be available to the project proponent and therefore applicants may need to apply to the Corps for authorization under a different General Permit, Letter of Permission, or Individual Permit as appropriate and determined by the Corps. EPA would review these other proposed permit actions for case-by-case certification. Note that, on a case-by-case basis, EPA may waive this General Condition and allow the use of multiple NWPs if the applicant so appeals, and demonstrates in their PCN or MPCN that authorization under the NWP will result in minimal and/or completely mitigated impacts to the aquatic environment, individually and cumulatively.

05. Use of Appropriate Fill Material

To the extent practicable, local, native materials should be used as fill material. (*e.g.*, soil, sand, or rock from the site or near the site; clean building materials or clean imported earthen fill). Inappropriate and unauthorized fill materials include, but are not limited to: tires, junked or abandoned vehicles, appliances, or other equipment; garbage; debris; oil drums or other chemically contaminated vessels; artificial turf; non-native vegetation; etc. If an applicant has any doubts or questions about the suitability of a proposed fill material, they should consult with the Corps and/or EPA prior to discharging into waters of the U.S. Such consultation may be via phone, or written letter, fax or electronic mail.

06. Dewatered Conditions

Discharges below the ordinary high water mark or within jurisdictional wetlands are not approved under this certification unless the discharge site is naturally dewatered (*e.g.*, seasonally dry), or dewatering has been authorized by the Corps, thereby avoiding direct discharge of pollutants into the water column. If the site is artificially dewatered, permittees shall, to the extent practicable, avoid dewatering techniques that require additional temporary or permanent discharges of fill material within jurisdictional waters (*e.g.*, coffer dams).

For all dewatering activities that propose structures or fill in waters of the U.S. that require authorization from the Corps, please describe:

- a. The proposed methods for dewatering;
- b. The equipment that would be used to conduct the dewatering;
- c. The length of time the area is proposed to be dewatered;
- d. The area (acres) and length (linear feet) in waters of the U.S. of the structure and/or fill;
- e. The method for removal of the structures and/or fill; and

- f. The method for restoration of the waters of the U.S. affected by the structure or fill following construction.

07. Fills Within Floodplains

Projects requiring NWP authorization for discharges of fill material within 100-year floodplains shall include in their PCN or MPCN a statement of compliance with Executive Order 11988 (Floodplain Management). However, discharges within the FEMA-mapped 100-year floodplain associated with residential and commercial development are not certified for use under the NWP program on tribal lands. The 100-year floodplain is based on hydrologic conditions prior to permit issuance.

08. Best Management Practices

Except as specified in the application, no debris, silt, sand, cement, concrete, oil or petroleum, organic material, or other construction related materials or wastes shall be allowed to enter into or be stored where it may be washed by rainfall or runoff into waters of the U.S.

Silt fences, straw wattles, and other techniques shall be employed as appropriate to protect waters of the U.S. from sedimentation and other pollutants.

Water used in dust suppression shall not contain contaminants that could violate surface water or aquifer standards.

Permittees and their contractors shall take necessary steps to minimize channel and bank erosion within waters of the United States during and after construction.

A copy of the permit conditions shall be provided to all contractors and subcontractors, and will be posted visibly at project construction sites.

09. Transportation Projects

Permittees shall implement State transportation agencies' guidelines for construction sites to protect water quality and aquatic habitat. In California, CALTRANS has guidance in the *CALTRANS Stormwater Quality Manuals and Handbooks*;⁴ in Nevada NDOT has guidance in their *NDOT Water Quality Manuals*;⁵ and in Arizona, ADOT has guidance in their *Erosion and Pollution Control Manual*.⁶

10. Inspections

The permittee shall allow EPA representatives to inspect the authorized activity and any mitigation areas at any time deemed necessary to determine compliance with the terms and conditions of the NWP verification.

11. Buffers

Unless specifically determined to be impracticable by the Corps and EPA, for NWPs 29, 39, 40, and 42, the permittee shall establish and maintain upland buffers in perpetuity between upland structures constructed as part of the project approved by the NWP and all preserved open waters, streams and wetlands, including created, restored, enhanced or preserved waters of the U.S. Buffers should be

⁴ <http://www.dot.ca.gov/hq/construc/stormwater/manuals.htm>

⁵ http://www.nevadadot.com/About_NDOT/NDOT_Divisions/Engineering/Hydraulics/Water_Quality_BMP_Manuals.aspx

⁶ http://www.azdot.gov/inside_adot/OES/Water_Quality/Stormwater/Manuals.asp

vegetated whenever practicable. Plantings in buffers should be dominated by native species, and not include any federal or state listed invasive or noxious weed species⁷. Except in unusual circumstances, as determined by the Corps and EPA, buffers shall be at least 50 feet in width from the lateral limits of the Corp's jurisdiction.⁸

12. Protected Lands

The permittee shall record the NWP verification with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title of interest in real property for areas designated to be preserved as part of compensatory mitigation for authorized impacts, including any associated covenants or restrictions.

13. Impaired Water Bodies

If a proposed activity would result in dredge or fill in water bodies listed as impaired under Section 303(d) of the CWA, the PCN or MPCN must include specific measures that will be used to avoid exacerbating the impairment(s).⁹

14. Low Impact Development

When the discharge of fill material results in the replacement of wetlands or waters of the U.S. with impervious surfaces, the authorized activity should not result in more than minimal degradation of water quality (in accordance with the Army Corps NWP General Condition 25. To ensure NWPs do not cumulatively degrade water quality from increasing the impervious area, the permittee shall incorporate low impact development practices (e.g. native landscaping, bioretention and infiltration techniques, and constructed green spaces) to the extent practical. A description of the low impact development concepts in the proposed project shall be included in the PCN or MPCN. More information including low impact concepts and definitions is available at: <http://www.epa.gov/owow/NPS/lid/>.

15. Acknowledgment from Tribal Government

Unless the permittee is the Tribal Government itself, the permittee shall provide EPA with a letter from the Tribal Government stating its concurrence with the project as proposed.

⁷ <http://plants.usda.gov/java/noxiousDriver>

⁸ ordinary high water mark in non-tidal and the mean higher high water line in tidal waters

⁹ EPA Region 9 lists of impaired water bodies: <http://www.epa.gov/region9/water/tmdl/303d.html>

Specific Nationwide Permits

NWP-01 Aids to Navigation

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-02 Structures in Artificial Canals

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-03 Maintenance

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

“Currently serviceable structures” which may be maintained under this permit do not include undersized culverts or structures that cause or exacerbate channel incision, bank destabilization, and/or prevent fish and wildlife passage due to inadequate design or construction standards.

Certification of this permit is granted only if the existing structure proposed to be maintained demonstrably preserves (via design, flow modeling or other information in the PCN) the natural functions of the affected aquatic resource when the structure is fully operational. Otherwise, an alternative permit should be utilized as appropriate (e.g., NWP 13 Bank Stabilization).

Where existing bank stabilization structures are to be maintained, bioengineered methods shall be utilized in lieu of “rip-rap” or other hardscape engineered materials, unless deemed impracticable by EPA.

This permit shall not authorize the enlargement of, or increase in, the footprint of a structure within waters of the U.S., unless that enlargement consists of the replacement of existing artificial channel armoring materials (e.g., rip-rap, soil cement, etc.) with low-impact bioengineered natural channel design structures (e.g., log revetments, geotextile rolls/mats, root wads, brush mattresses, willow wattling, etc.)

NWP-04 Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-05 Scientific Measurement Devices

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-06 Survey Activities

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-07 Outfall Structures and Associated Intake Structures

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-08 Oil and Gas Structures on the Outer Continental Shelf

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-09 Structures in Fleeting and Anchorage Areas

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-10 Mooring Buoys

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-11 Temporary Recreational Structures

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-12 Utility Line Activities

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Impacts under this permit are limited to the greater of 1/2 acre or 300 linear feet of waters of the U.S., including intermittent and ephemeral streams. Any linear foot impacts are applied to the 1/2 acre limit. Only the 300 linear foot limit may be waived by EPA upon approval, consistent with General Condition 02. *Waivers*.

Under this certification, NWP 12 can only be used once for a single and complete project having independent utility. When NWP 12 is proposed for multiple locations a written determination will be provided describing independent utility of each impact location for approval by EPA, consistent with General Condition 01. *Notification*.

Permittees are required to ensure that the construction of utility lines does not result in the draining of any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material (as approved by EPA) to seal the trench.

For utility line trenches, during construction, the permittee shall remove and stockpile, separately, the top 6 – 12 inches of topsoil. Following installation of the utility line(s), the permittee shall replace the stockpiled topsoil on top and seed the area with native vegetation.

Utility lines used for the transport of hazardous materials are not programmatically certified and will require an individual certification.

NWP-13 Bank Stabilization

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Unless approved by EPA, consistent with General Condition 02. *Waivers*, impacts under this permit are limited to the greater of 1/2 acre or 300 linear feet of waters of the U.S., including intermittent and ephemeral streams. Any linear foot impacts are applied to the 1/2 acre limit.

All bank stabilization activities under this permit shall involve either the sole use of native vegetation or other bioengineered design techniques (e.g. willow plantings, root wads, large woody debris, etc.) or a combination of hard-armoring (e.g. rock) and native vegetation or bioengineered design techniques, unless specifically determined to be impracticable by the EPA.

NWP-14 Linear Transportation Projects

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Impacts under this permit are limited to the greater of 1/2 acre or 300 linear feet of non-tidal waters of the U.S., including intermittent and ephemeral streams, and 1/3 acre or 300 linear feet of tidal waters of the U.S. Any linear foot impacts are applied to the 1/2 acre limit.

NWP 14 can only be used once for a single and complete project having independent utility. When NWP 14 is proposed for multiple locations a written determination will be provided describing independent utility of each impact location for approval by EPA, consistent with General Condition 01. *Notification.*

All bank stabilization activities under this permit shall involve either the sole use of native vegetation or other bioengineered design techniques (e.g. willow plantings, root wads, large woody debris, etc.) or a combination of hard-armoring (e.g. rock) and native vegetation or bioengineered design techniques, unless specifically determined to be impracticable by the EPA.

Crossings that propose to alter the pre-construction course, condition, capacity or location of open waters, the MPCN shall include sufficient justification to determine that the proposed activity would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

For replacement crossings that would result in a reduction in the pre-construction ordinary high water mark channel width and depth of open waters of the U.S. at the crossing, as compared to the upstream and downstream open waters:

- 1) Information on why it is not practicable to approximate the pre-construction ordinary high water mark channel width of the upstream and downstream open waters, and
- 2) Sufficient justification to determine that the reduction in the pre-construction bankfull width would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

NWP-15 U.S. Coast Guard Approved Bridges

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-16 Return Water from Upland Contained Disposal Areas

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-17 Hydropower Projects

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-18 Minor Discharges

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-19 Minor Dredging

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-20 Response Operations for Oil and Hazardous Substances

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-21 Surface Coal Mining Activities

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Before an applicant may use this permit, EPA must approve a compensatory mitigation plan sufficient to ensure impacts to aquatic resource functions are minimal.

NWP-22 Removal of Vessels

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-23 Approved Categorical Exclusions

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-24 Indian Tribe or State Administered Section 404 Programs

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-25 Structural Discharges

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-26 [Reserved]

This NWP is no longer in use. No certification is necessary.

NWP-27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities

Subject to the General Conditions above, and the following permit-specific condition, this NWP is hereby programmatically certified.

Notification to the EPA (in accordance with General Condition 01. *Notification*) must include sufficient justification to determine that the proposed project would result in a net increase in aquatic functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds, retention of particulates, export of organic carbon, and maintenance of plant and animal communities. EPA will approve or deny on a case-by-case basis whether the proposed project will result in a net increase in aquatic resource functions and services, consistent with the NWP. An individual certification may be required in the event EPA denies approval of a waiver for this NWP.

For removal of small water control structures, notification must include documentation showing that the secondary impacts to waters (e.g., erosion of downstream waters) as a result of structure removal are minimal. The PCN or MPCN should include (a) a description of the methods to be used to remove and dispose of any accumulated sediments stored behind the structure, and (b) a description of methods to ensure that the channel bed and banks are stabilized to prevent headcutting and failure after the structure is removed.

NWP-28 Modifications of Existing Marinas

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-29 Residential Developments

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Unless approved by EPA, consistent with General Condition 02. *Waivers*, impacts under this permit are limited to 1/4 acre of impacts to non-tidal waters of the U.S. for single family houses, and the greater of 1/2 acre or 300 linear feet of impact to waters of the U.S. for multi-unit residential developments.

Under this certification, this permit will not be used to approve residential developments and their attendant features within the 100-year floodplain. The 100-year floodplain is determined based on hydrologic conditions at the time of the NWP application.

Recreational facilities such as playgrounds, playing fields, and golf courses are not authorized under this certification. These projects are separate and distinct from residential developments, are not required to be included in a residential development project for it to be practicable, and their construction within waters is normally avoidable.

NWP-30 Moist Soil Management for Wildlife

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-31 Maintenance of Existing Flood Control Facilities

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Upon review of a PCN, consistent with General Condition 01. *Notification*, EPA will approve or deny on a case-by-case basis whether the proposed project will result in minimal impacts to waters of the U.S. for projects that include removal of levee vegetation.

NWP-32 Completed Enforcement Actions

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-33 Temporary Construction, Access, and Dewatering

Subject to the General Conditions above, this NWP is hereby programmatically certified.

Access roads shall be designed to be the minimum width necessary and shall be designed to minimize changes to the hydraulic flow characteristics of the stream and degradation of water quality. The following Best Management Practices (BMPs) shall be followed to the maximum extent possible to

ensure that flow and circulation patterns of waters are not impaired and adverse effects on the aquatic environment will be kept to a minimum:

- The road shall be properly stabilized and maintained during and following construction to prevent erosion.
- Construction of the road fill shall occur in a manner that minimizes the encroachment of trucks, tractors, bulldozers, or other heavy equipment within waters of the United States (including adjacent wetlands) that lie outside the lateral boundaries of the fill itself.

Vegetative disturbance in the waters of the U.S. shall be kept to a minimum.

Borrow material shall be taken from upland sources whenever feasible.

Stream channelization is not programmatically certified. Applicants must apply for an individual certification.

NWP-34 Cranberry Production Activities

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-35 Maintenance Dredging of Existing Basins

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-36 Boat Ramps

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Unless approved by EPA, consistent with General Condition 02. *Waivers*, impacts under this permit are limited to 50 cubic yards of fill and ramps that are 20 feet wide or less.

NWP-37 Emergency Watershed Protection and Rehabilitation

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-38 Cleanup of Hazardous and Toxic Waste

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-39 Commercial and Institutional Developments

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Under this certification, this permit will not be used to approve commercial and institutional developments and their attendant features within the 100-year floodplain. The 100-year floodplain is determined based on hydrologic conditions at the time of the NWP application.

Recreational facilities such as playgrounds, playing fields, and golf courses are not authorized under this certification. These projects are separate and distinct from commercial and institutional development, are not required to be included in such developments to be practicable, and their construction within waters is normally avoidable.

Activities involving the storage and/or extraction of hazardous materials are not programmatically certified, and applicants must seek an individual certification.

NWP-40 Agricultural Activities

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Construction of farmponds under this certification is limited to those that do not qualify for the Clean Water Act section 404(f)(1)(C) exemption because of the recapture provision at section 404(f)(2).

Under this certification, no discharges are authorized which would impact hydrological connectivity between jurisdictional waters to such an extent as to convert waters of the U.S. to uplands, or otherwise isolate waters and eliminate federal regulatory jurisdiction.

Unless approved by EPA, consistent with General Condition 02. *Waivers*, impacts under this permit are limited to the greater of 1/2 acre or 300 linear feet of impacts to non-tidal waters of the U.S., including intermittent and ephemeral streams.

NWP-41 Reshaping Existing Drainage Ditches

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Unless approved by EPA, consistent with General Condition 02. *Waivers*, impacts under this permit are limited to the greater of 1/2 acre or 300 linear feet of impacts to non-tidal waters of the U.S., including intermittent and ephemeral streams.

All sidecast materials from excavation must be stored and/or disposed of within non-jurisdictional uplands under this certification. A statement must be included in the notification as to how the applicant's activities will improve water quality.

Under this certification, no discharges are authorized which would impact hydrological connectivity between jurisdictional waters to such an extent as to convert waters of the U.S. to uplands, or otherwise isolate waters to eliminate federal regulatory jurisdiction.

NWP-42 Recreational Facilities

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-43 Stormwater Management Facilities

Use of this NWP is not covered by this programmatic certification, and prospective users on tribal lands must seek individual project certification from EPA in all cases. NWP authorization of constructing stormwater facilities within waters of the U.S. discourages applicants from using practicable construction options that locate stormwater retention and detention facilities "off line" from streams. For example, retention facilities are often built as sediment (or debris) basins within a stream. This practice includes constructing a dam in the stream, excavating out a basin, and regular sediment removal to maintain the structure. These facilities cause considerable and unnecessary damages to stream functions as retention facilities can be located "off line" by constructing a high flow diversion channel above the ordinary high water mark. If applicants can continue to use the traditional, more damaging

practices that are sanctioned by this NWP, there is no incentive for these management practices to improve. We do not believe NWP-43 for new facilities complies with the CWA Section 404(b)(1) Guidelines.

CWA section 401 certification for this NWP is denied without prejudice. Applicants for projects on tribal lands must apply to EPA for individual certification if this NWP is proposed to be used.

NWP-44 Mining Activities

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Applicants must ensure that mining activities (e.g., aggregate mining) approved by this NWP will not cause upstream head cutting or downstream incision. Notification to EPA shall include a narrative description and design drawing, when applicable, of any measure that will be implemented to comply with the condition.

When used for in-stream aggregate mining activities, compensatory mitigation is likely to be required due to extensive indirect impacts and temporal losses typical of this type of impact.

NWP-45 Repair of Uplands Damaged by Discrete Events

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Unless approved by EPA, consistent with General Condition 02. *Waivers*, impacts under this permit are limited to the greater of 1/2 acre or 300 linear feet of impacts to non-tidal waters of the U.S., including intermittent and ephemeral streams.

NWP-46 Discharges in Ditches

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Unless approved by EPA, consistent with General Condition 02. *Waivers*, impacts under this permit are limited to the greater of 1/2 acre or 300 linear feet of impacts to non-tidal waters of the U.S., including intermittent and ephemeral streams.

NWP-47 [Reserved]

This NWP is no longer in use. No certification is necessary.

NWP-48 Commercial Shellfish Aquaculture Activities

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Under this certification, impacts to submerged aquatic vegetation are prohibited, consistent with NWP 19. *Minor Dredging*, and NWP 36. *Boat Ramps*.

NWP-49 Coal Remining Activities

Subject to the General Conditions above, and the following permit-specific conditions, this NWP is hereby programmatically certified.

Unless approved by EPA, consistent with General Condition 02. *Waivers*, impacts under this permit are limited to the greater of 1/2 acre or 300 linear feet of impacts to non-tidal waters of the U.S., including intermittent and ephemeral streams.

Applicants must provide information in the PCN illustrating that activities authorized under NWP-49 will result in a net increase in aquatic resource functions.

NWP-50 Underground Coal Mining Activities

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-51 Land-Based Renewable Energy Generation Facilities

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-52 Water-Based Renewable Energy Generation Pilot Projects

Subject to the General Conditions above, this NWP is hereby programmatically certified.

NWP-53 Removal of Low-Head Dams

Subject to General Conditions above, this NWP is hereby programmatically certified.

NWP 54 Living Shorelines

Subject to General Conditions above, this NWP is hereby programmatically certified.

Summary Table – EPA Region 9 §401 Certification of 2017 NWP for projects on tribal lands

NWP	Certification Status			*Notification	Impact Limits	Notes
	General Conditions	Specific Conditions	Denied			
1	X			MPCN	None	
2	X			MPCN	None	
3	X	X		PCN or MPCN	Generally no increase in fill footprint	-No undersized structures -Bioengineering used whenever practicable
4	X			MPCN	None	
5	X			MPCN	25 cyds	
6	X			MPCN	25 cyds	
7	X			PCN	None	
8	X			PCN	None	
9	X			MPCN	None	
10	X			MPCN	None	
11	X			MPCN	None	
12	X	X		PCN or MPCN	**1/2 acre or 300'	-Only once per single and complete project with independent utility -Waiver approval required from EPA for 300' - No transport of hazardous substances
13	X	X		PCN or MPCN	**1/2 acre or 300'	Waiver approval required from EPA
14	X	X		PCN or MPCN	**1/2 acre or 300' non-tidal, 1/3 acre or 300' tidal	Only once per single and complete project with independent utility
15	X			MPCN	None	
16	X			MPCN	None	
17	X			PCN	None	
18	X			PCN or MPCN	1/10 acre or 25 cyds	
19	X			MPCN	25 cyds	
20	X			MPCN	None	
21	X	X		PCN	1/2 acre or 300'	EPA approves mitigation plan first
22	X			PCN or MPCN	None	
23	X			PCN or MPCN	None	
24	X			MPCN	None	
25	X			MPCN	None	
26						Reserved
27	X	X		PCN or MPCN	None	Approval required from EPA
28	X			MPCN	None	
29	X	X		PCN or MPCN	**1/4 acre for single house, 1/2 acre or 300' for multi-unit	-Waiver approval required from EPA -No recreational impacts authorized
30	X			MPCN	None	

USEPA Region 9 Conditional CWA§401 Certification of the 2017 NWP for projects on applicable tribal lands

31	X	X		PCN	None	Approval for levee vegetation removal required from EPA
32	X			MPCN	5 acres non-tidal or 1 acre tidal	
33	X			PCN	None	
34	X			PCN	10 acres	
35	X			MPCN	Lesser of previously authorized or controlling depths	
36	X			PCN or MPCN	50 cyds, 20'-wide ramp	Waiver approval required from EPA
37	X			PCN or MPCN	None	
38	X			PCN	None	
39	X	X		PCN or MPCN	1/2 acre or 300' non-tidal	Waiver approval required from EPA No transport of hazardous substances
40	X	X		PCN or MPCN	1/2 acre or 300' non-tidal	Waiver approval required from EPA
41	X	X		PCN or MPCN	**1/2 acre or 300' non-tidal	Waiver approval required from EPA
42	X	X		PCN	1/2 acre or 300' non-tidal	
43			X	MPCN	N/A	Must apply to EPA for individual cert.
44	X	X		PCN or MPCN	1/2 acre or 300' non-tidal	Waiver approval required from EPA
45	X	X		PCN or MPCN	**1/2 acre or 300'	Waiver approval required from EPA
46	X	X		PCN or MPCN	**1/2 acre or 300' non-tidal	Waiver approval required from EPA
47						Reserved
48	X	X		PCN or MPCN	**Impacts to submerged aquatic veg. prohibited	
49	X	X		PCN or MPCN	**1/2 acre or 300' non-tidal	Waiver approval required from EPA
50	X	X		PCN or MPCN	1/2 acre or 300' non-tidal	Waiver approval required from EPA
51	X	X		PCN or MPCN	1/2 acre or 300' non-tidal	Waiver approval required from EPA
52	X	X		PCN or MPCN	1/2 acre or 300'	Waiver approval required from EPA

***Notification Category: Pre-Construction Notification (PCN):**

- When a PCN is required by the Corps, the applicant shall submit a copy of the PCN to EPA Region 9 for 401 notification. If not already included, also include the Modified PCN (MPCN) requirements 2)d through 2)h. Any waiver of impact limits requires approval from EPA pursuant to General Condition 02. *Waivers*.

Notification Category: Modified Pre-Construction Notification (MPCN):

- When the Corps does not require a PCN for any activities authorized under the NWP proposed for use, or for impacts below limits identified in the NWP for a PCN, applicants must forward a MPCN to EPA Region 9 for notification, subject to the criteria below. If a waiver of impact limits is proposed beyond what is approved under this certification, applicants must include written determinations specified in General Condition 02. *Waivers* for EPA approval.

**Impact limits are modified by EPA



Mitigated Negative Declaration

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Publication Date: November 23, 2016
Adoption Date: December 28, 2016
State Clearinghouse: 2016112053

Pursuant to Section 15071 of the State CEQA Guidelines, this summary of findings and the attached Initial Study and mitigations constitute the Mitigated Negative Declaration as proposed for or adopted by the County of Sonoma for the project described below:

Project Title: Rancheria Creek Restoration Project

PRMD File #: UPE16-0070

APN: 131-050-004

Project Location Address: 3250 Highway 128, Geyserville, CA 95441

Lead Agency: Sonoma County Permit and Resource Management Department
(Permit Sonoma)

Decision Making Body: Sonoma County Permit and Resource Management Department

Project Applicant: Dry Creek Rancheria Band of Pomo Indians

Project Description: Request for a Use Permit for construction of ecological improvements and restoration on reaches of Rancheria Creek and the Russian River plus flow stabilization on Rancheria Creek located on fee-titled property owned by the Tribe.

Environmental Finding:

Based on the attached Initial Study, the project described above will not have a substantial adverse impact on the environment, provided that the mitigation measures identified in the Initial Study are included in the project.

Initial Study: See attached. For more information, call Georgia McDaniel at 565-4919.

Mitigation Measures: Included in attached Initial Study. The project applicant has agreed to implement all mitigation measures.

INTRODUCTION

The Dry Creek Rancheria Band of Pomo Indians (Tribe) proposes to implement restoration of Rancheria Creek, which will include physically re-shaping portions of the existing creek, removing non-native vegetation, improving culverts, and introducing supplemental flows to the creek. A referral letter was sent to the appropriate local, State and Federal agencies and interest groups who may wish to comment on the project.

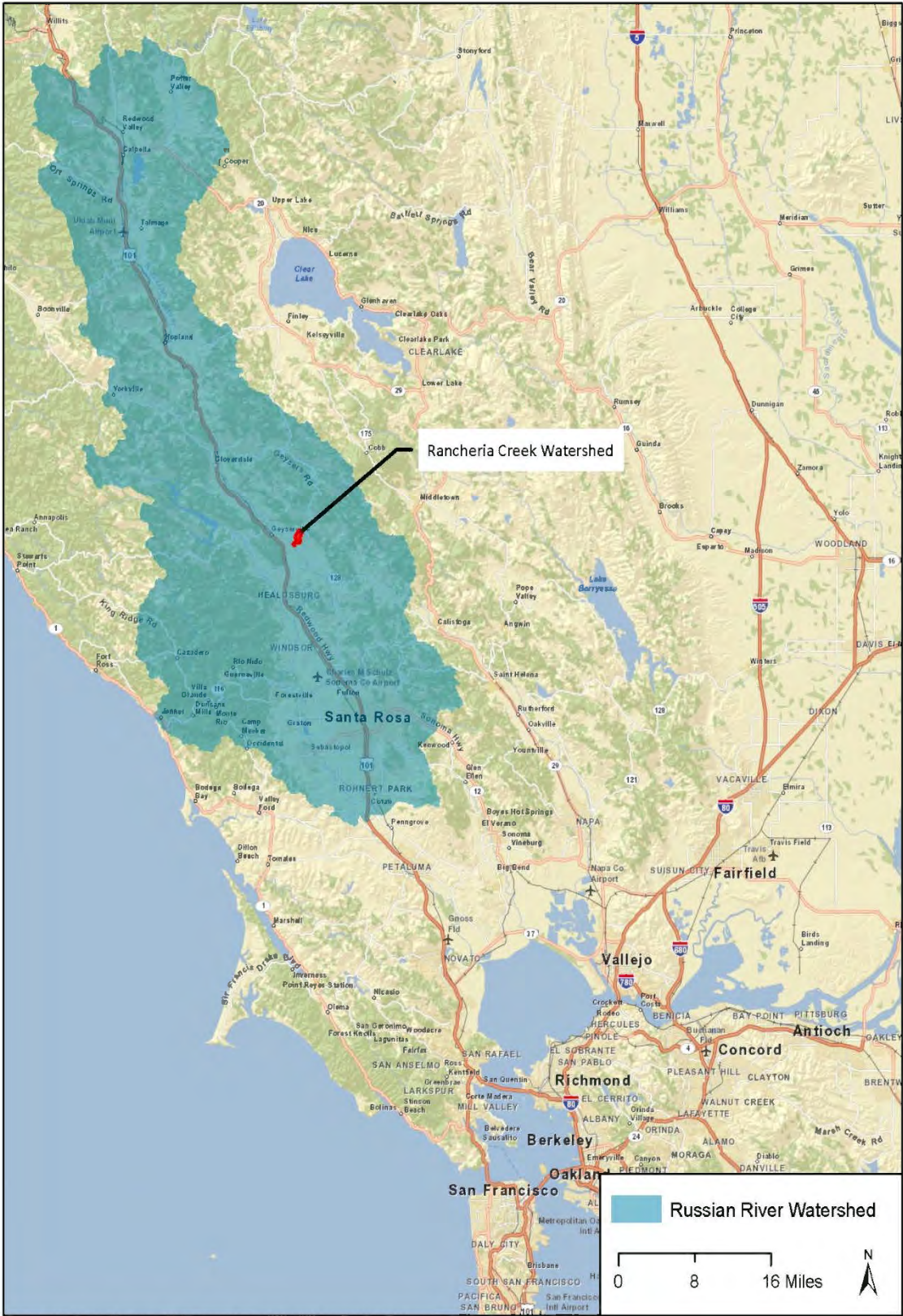
This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Georgia McDaniel, Project Review Planner with the Permit Sonoma, Project Review Division. Information on the project was provided by the Project Applicant and FlowWest, project consultant. Technical studies referred to in this document are available for review at the Permit and Resource Management Department.

Please contact Georgia McDaniel, Planner III at (707) 565-4919, for more information.

SITE CHARACTERISTICS

The Project Site is located northeast of the Russian River and in the northeastern portion of Sonoma County, California (Figure 1). This region is characterized by rolling hills with instances of steep, rugged slopes that are densely vegetated with native grasses, trees, and brush. Regional natural plant communities in the project vicinity include those that are common to the Central Franciscan subsection of the Northern California Coast Ranges, such as mixed oak, mixed conifer forest, and needlegrass grassland (Miles and Goudey, 1997). Climate is typically temperate and humid. Typical elevations within this ecological subsection range from 300 feet above sea level up to 6,175 feet at Big Signal Peak. Mean annual precipitation is approximately 35 to 110 inches. Mean annual temperature ranges from 40 to 58 degrees Fahrenheit (Miles and Goudey, 1997).

Figure 1: Location of Dry Creek Rancheria in the Russian River Watershed.



The approximately 90.6 acre project site (or study area) is located within and adjacent to Dry Creek Rancheria along the existing road BIA-93; north and south of State Highway 128 (Figure 1) and east of Highway 101. Elevation in the study area ranges from approximately 178 to 673 feet above mean sea level. The local area topography varies from the flat Russian River floodplain to the steeply sloped foothills of the Mayacamas mountain range. Topography at the project site is characterized by both steep slopes on the Rancheria (Figure 2) and the flat vineyard on the Russian River floodplain. Rancheria Creek is a collector of numerous ephemeral channels within the Rancheria that drains southwest for approximately 3,300 feet where it joins the Russian River.

All water rights associated with Rancheria Creek reside with the Tribe. Originally, the Rancheria Creek was envisioned as the life sustaining component for the Rancheria that would provide salmon for the Tribe. Historically Rancheria Creek, was a perennial tributary to the Russian River, but is now intermittent. Flow in the Rancheria Creek has decreased from historical observations possibly due to groundwater pumping reducing the flow of the natural spring feeding the creek in the upper watershed and sediment that has filled the channel vineyard reach. Springs in the upper watershed of Rancheria Creek provide cool water for steelhead, but land use changes have left the vineyard reach without any riparian vegetation cover and surface water temperatures have warmed. Although, Rancheria Creek supports steelhead, the resident population in Rancheria Creek is close to being lost without immediate action. The Russian River is home to three species of salmonids: Coho salmon, Chinook salmon and Steelhead trout. All three species have experienced serious population declines and are listed as threatened under the federal Endangered Species Act. Additionally, Coho are listed as endangered under the California Endangered Species Act.

Since Federal laws apply to Tribe-owned land held in trust, an agreement that the Tribe will monitor Rancheria Creek including the pools located on Dry Creek Rancheria (tribal trust land) to prevent poaching of all three federally-listed species of salmoids will be a condition of approval. Land use changes have also contributed to bank erosion and poor water quality including high turbidity and low dissolved oxygen. The Russian River has been designated as a site of special interest for NOAA Fisheries while the North Coast Regional Water Quality Control Board has included the Russian River watershed on the 303(d) list for temperature and sediment.

PROJECT DESCRIPTION

The project includes ecological improvements/restoration and flow stabilization components. Ecological improvements and restoration would occur on fee-title property owned by the Rancheria. Flow stabilization efforts would occur on Rancheria lands and would supplement restoration efforts that would occur on the fee-title property.

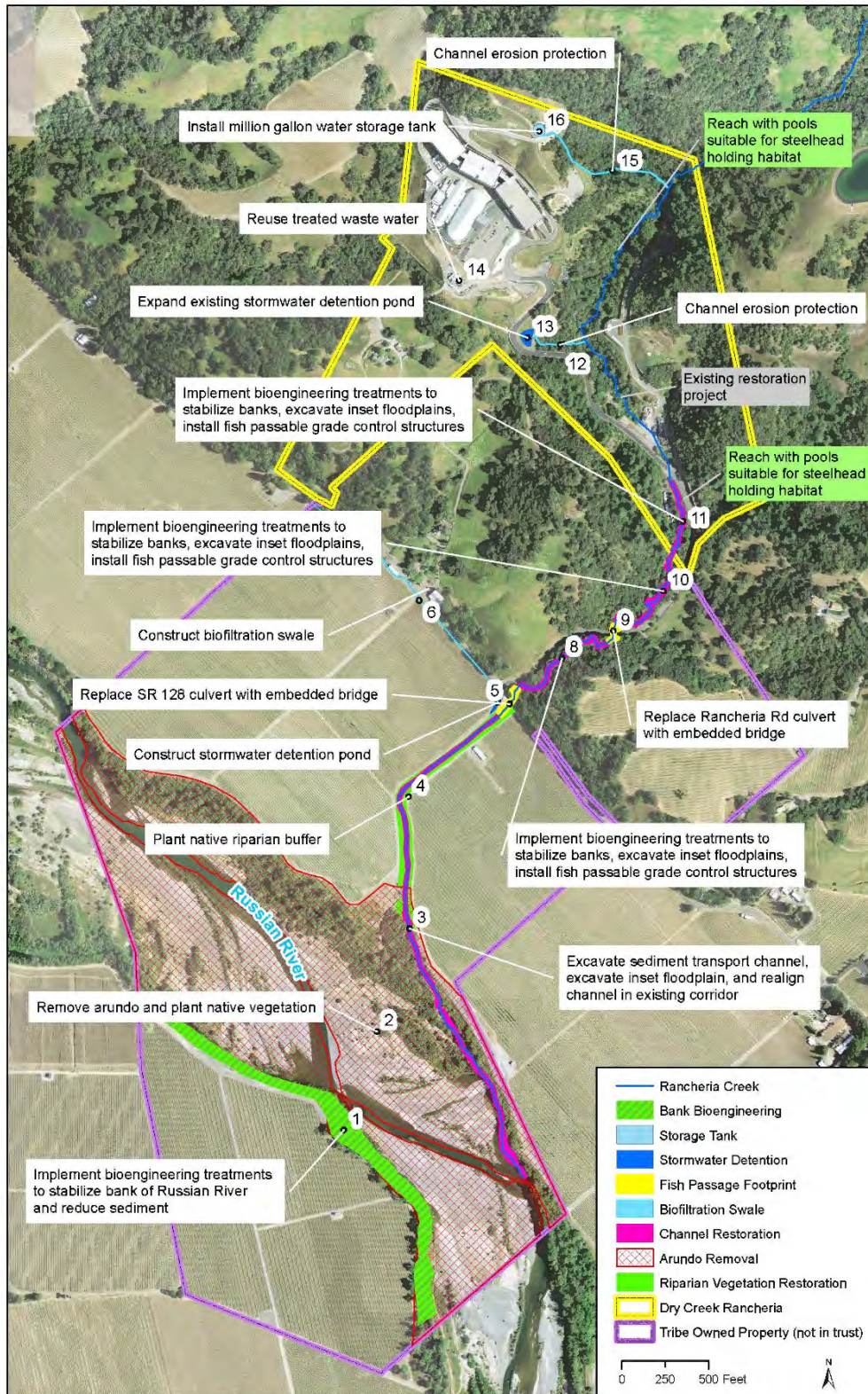
Ecological improvements would include excavation of floodplain benches in an existing incised channel to restore floodplain function and hydrology conditions, channel realignment to restore habitat complexity in the channelized reach of the creek, replacement of culverts that restrict fish passage, planting of riparian vegetation along the channelized portion of the creek to create cover to shade the creek and create a riparian buffer from the existing vineyard operations, and removal of invasive, non-native arundo, and bank stabilization along the Russian River. Riparian restoration along the creek would remove invasive species and re-vegetate with native shade and cover producing plants and trees.

Flow stabilization from the Rancheria would include installation of an off stream storage tank to supplement flow in the creek during the critical summer period for steelhead and Coho. A detention basin would also contribute to flow stabilization by capturing storm runoff and releasing it more gradually to the creek. Both the tank and the detention basin would include bank stabilization to facilitate discharge to the creek.

The proposed Rancheria Creek Water Enhancement Project consists of 16 discrete restoration actions (outlined below) encompassing a total project area of 90.6 acres designed to improve ecological conditions and geomorphic processes on Tribe-owned land on and adjacent to Rancheria Creek and its confluence with the Russian River (Figure 2). The Project would be phased from the downstream end of Rancheria Creek at the confluence with the Russian River, moving upstream. The restoration actions summarized below follow the downstream to upstream alignment of Rancheria Creek.

The project would be phased from downstream to upstream and temporary construction staging areas would be established adjacent to the limits of construction for each phase, starting from the downstream limits of the project, and relocating as the work progresses upstream. The staging areas would be used to store equipment and supplies and be isolated from the stream with temporary plastic fencing and best management practices (BMPs) would be placed in accordance with the stormwater pollution prevention plan (SWPPP). These BMPs would include temporary rock placed at the entrance to existing roadways, and coir rolls placed around any material stockpiles or equipment staging areas in order to isolate any runoff from rain events in the construction period from entering the stream.

Figure 2: Location of flow enhancement and restoration actions on the Dry Creek Rancheria and adjacent Tribe owned property.



To avoid impacts to fish construction activities would occur from June through October during the summer low flow period. The lower reach of Rancheria Creek would be dry during this period and would have no impact on salmonids. Construction on the Russian River would be confined to one bank and the construction area would be blocked off from the main channel and should not affect fish migration. Construction activities on the Russian River will occur early in the early portion of the chinook salmon run and instream work would be complete before the peak migration period. On Rancheria Creek, pools that provide cool water refugia for resident steelhead and other potential species such as Russian River tule perch, and hardhead are located within the Rancheria upstream of the channel construction areas during this period. Upstream of the Rancheria property, there is a natural barrier to fish passage.

The following 16 restoration actions on Rancheria Creek and the Russian River are proposed as project components and described in more detail below. All activities would be conducted with applicable permits and permission from local, state and federal agencies.

- Action 1. Implement bioengineering treatments to stabilize the west bank of the Russian River and reduce sediment
- Action 2. Remove arundo and plant native vegetation
- Action 3. Excavate sediment transport channel, excavate inset floodplain, and realign channel in the existing corridor
- Action 4. Plant native riparian buffer
- Action 5. Construct stormwater detention pond
- Action 6. Construct bio-filtration swale
- Action 7. Replace SR 128 culvert with embedded bridge
- Action 8. Implement bioengineering treatments to stabilize banks, excavate inset floodplains, install fish passable grade control structures
- Action 9. Replace Rancheria Road culvert with open-bottom concrete arch culvert
- Action 10. Implement bioengineering treatments to stabilize banks, excavate inset floodplains, install fish passable grade control structures
- Action 11. Implement bioengineering treatments to stabilize banks, excavate inset floodplains, install fish passable grade control structures
- Action 12. Channel erosion protection
- Action 13. Expand existing stormwater detention pond
- Action 14. Reuse treated waste water
- Action 15. Channel Erosion Protection
- Action 16. Install million gallon water storage tank

Table A. Restoration Action Summary

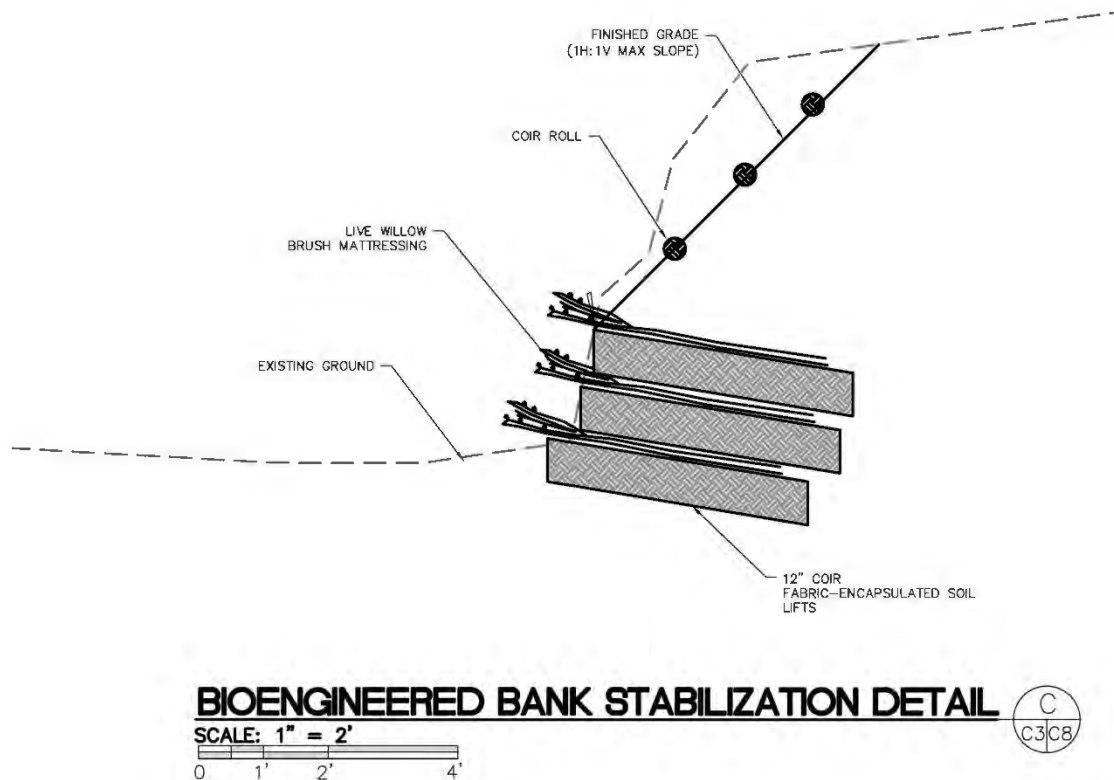
Action	Area (ac)	Cut/Fill (cy)	Linear Feet	Notes
1. West Bank of Russian River	4.7	5,500	2,640	Soil lifts and live willow brush matting
2. Arundo removal	8.9			Vegetation removal and planting of natives
3. Excavation of sediment transport channel	2.2	495	3,300	Plus excavation of inset floodplain
4. Revegetation of riparian buffer	1.2		1,600	Planting only
5. Detention pond		168		33,939-gallon capacity
6. Bio-filtration swale		222	1,500	44,840-gallon capacity
7. SR 128 culvert replacement				Gradient upstream and downstream would be graded
8. Bioengineering treatments		185	800	Boulder step pool weirs
9. Rancheria Rd. culvert replacement				Channel would be re-graded to shallower slope
10. Bioengineering treatments		185	800	Boulder step pool weirs
11. Bioengineering treatments		115 weirs 775 bench	500	Boulder step pool weirs
12. Channel erosion protection		38	340	Rock slope protection
13. Expansion of existing detention pond		790		159,560-gallon capacity
14. Treated waste water				Capacity to treat 140 gallons per minute
15. Channel erosion protection		98	880	Rock slope protection
16. Water storage tank		390		Million gallon

Action 1. Implement bioengineering treatments to stabilize the west bank of the Russian River and reduce sediment

The purpose of the bioengineered bank stabilization work on the west bank of the Russian River is to reduce bank erosion and improve water quality. The bank would be isolated from the flowing river by diverting the flow around the work area with a temporary cofferdam, consisting of sandbags or a proprietary flow diversion product like an Aquadam or Portadam. Live willow cuttings would be harvested from existing willows in the immediate project vicinity, and stored in water in the bank staging area until they would be placed in the bank stabilization work. The contractor would remove the existing rubble and debris dumped at the edge of the bank and the existing over-steepened bank would be stabilized by placing stacked coir fabric-encapsulated soil lifts, live willow brush matting would be placed along the toe of the slope between the lowest

two soil lifts. The soil lifts would be stacked approximately two thirds of the vertical distance up the bank, and the upper third of the bank would be excavated to a stable 2:1 (horizontal:vertical) slope using an excavator (Figure 3). Biodegradable coir fabric would be placed over the slope, and secured in place with wood stakes. The lower portion of the bank would be re-vegetated with native riparian plantings, and the upper slope of the bank would be re-vegetated with native upland plant species. An estimated 2,640 linear feet of the bank would be repaired based on field observations. The work area would cover 4.7 acres and construction staging would be located on existing vineyard operation pads adjacent to the west bank of the Russian River. The balanced cut and fill volume would be approximately 5,500 cubic yards.

Figure 3: Example of bioengineered bank stabilization detail for the Russian River (Action 1).

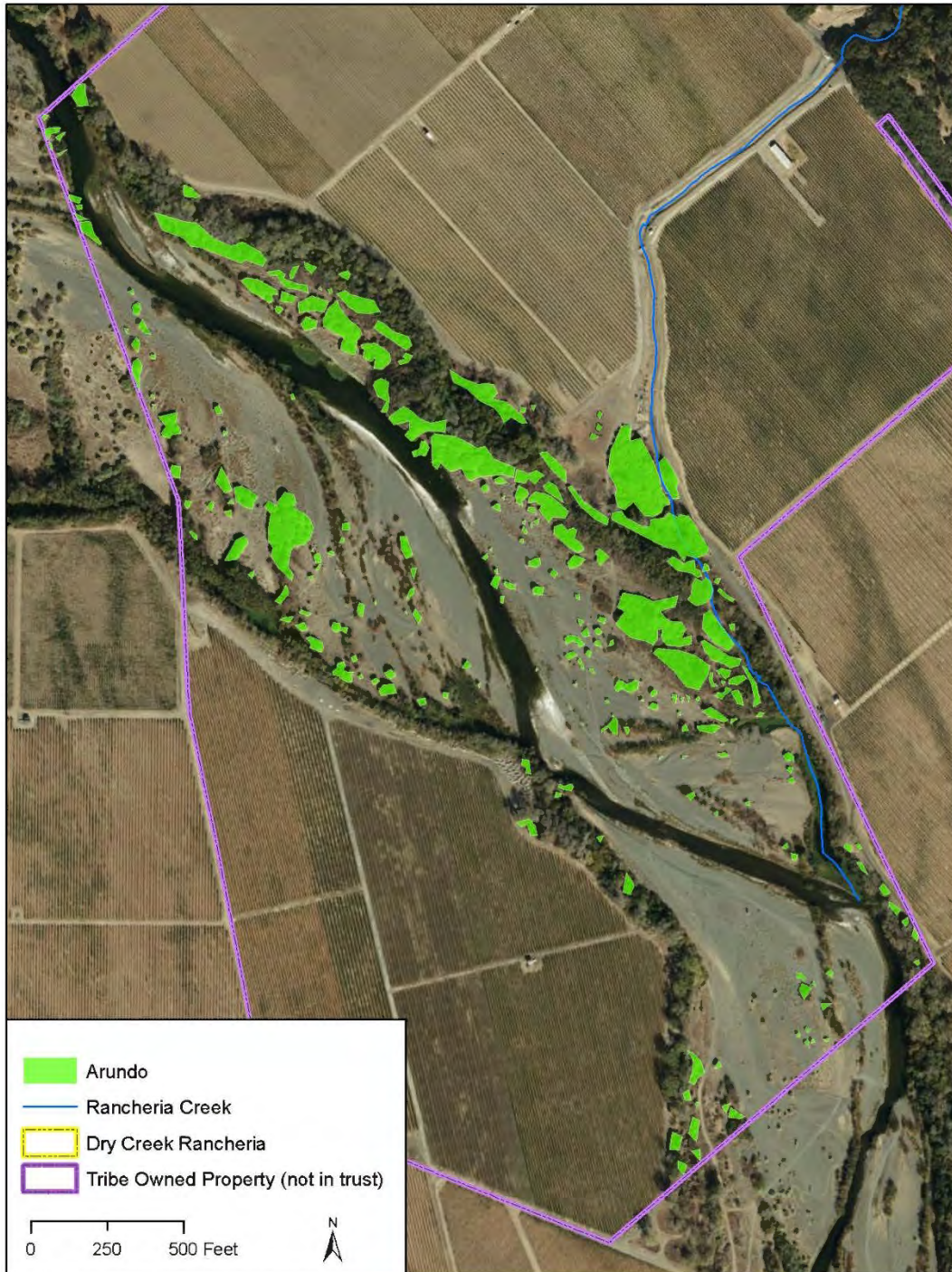


Action 2. Remove arundo and plant native vegetation

The Russian River floodplain covers 80.1 acres in the project site and 8.9 acres of existing invasive arundo vegetation has been mapped and would be removed from the site (Figure 4). The existing arundo would be cut at the base of the stalks using hand tools or chain saws. The stems would be sprayed with herbicide, and the removed portion of the plants would be chipped and spread in locations on the Rancheria away from flowing water to prevent redistribution. Herbicides with glyphosate or imazapyr active ingredients would be used to spray cut stalks. Rodeo® and Habitat® products are both approved by the EPA for application in wetland and riparian areas. The stalks would be monitored two weeks after cutting to check for new sprouts.

Herbicide would be reapplied on new sprouts. Quarterly monitoring of the floodplain and stalks treated with herbicide would be conducted for three years. New clumps of arundo that are deposited on the floodplain in the treatment area from upstream would be cut with hand tools and the stalks treated with herbicide (USDA 2014).

Figure 4: Arundo mapped for removal in the Russian River Riparian corridor (Action 2).

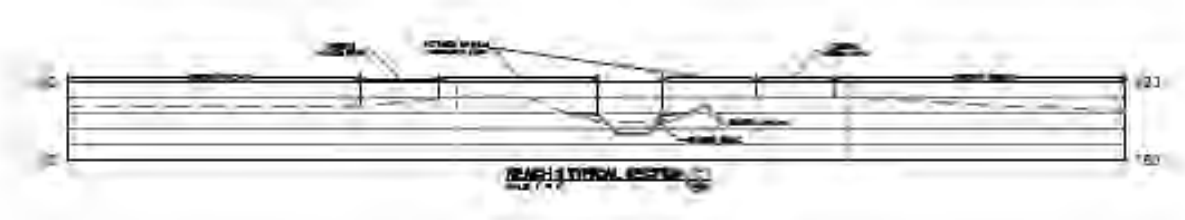


Action 3. Excavate sediment transport channel, excavate inset floodplain, and realign channel in the existing corridor

All construction in the reach of Rancheria Creek downstream of SR 128 would be performed when the channel is dry and when flows are not expected. A dewatering plan would be implemented in the event that flows from rain events during the construction period can be isolated from the construction area. Rancheria Creek would be dewatered using a sandbag or proprietary cofferdam at the upstream and downstream limits of the reach, and flow would be diverted around the construction area in temporary plastic bypass pipes. Limited pumping may be required to maintain a dry construction area.

The existing active channel of the vineyard reach of Rancheria Creek (from the Russian River confluence up to SR 128) is perched due in part to deposition of sediment from a landslide upstream of the reach that has been a chronic source of sediment and active bank and bed erosion upstream. Surface flow from the upstream reach infiltrates into the deposited sediment that fills the channel downstream of SR 128. In order to re-establish hydraulic surface connection, this reach of the channel would be excavated an average of 4 feet using an excavator and loader to reshape the channel bed and banks. The excavated material would be used to place a bench adjacent to the low flow channel and used in channel reconfiguration in upstream reaches. Gravel and cobble excavated from the channel would be used on site in the construction of biofiltration swales and rocked stormwater channels. Earthwork would be conducted in the 3,300 linear feet of Rancheria Creek between SR 128 and the confluence with the Russian River. The alignment of the Rancheria Creek would be confined to the existing channel corridor, but the excavated sediment transport channel would migrate within the existing corridor, forming riffles and runs in the stream. The active channel area in this reach covers 2.2 acres and the volume of earthwork would be approximately 495 cubic yards. The contractor would remove the existing trash debris and tires that line Rancheria Creek for off-site disposal at an active landfill or transfer station.

Figure 5: Cross-section of existing and proposed creek channel in Reach 3 (Action 3).



Action 4. Plant native riparian buffer

The reach of Rancheria Creek that passes through the vineyard would be re-vegetated with native riparian plants to provide a buffer from agricultural runoff and shade the stream to enhance habitat and reduce surface water temperature. Native plants would be planted with hand tools, and temporarily watered through the three year establishment period with a temporary irrigation system. The irrigation system would tap into the existing vineyard water source, and a network of plastic pipes, controllers, emitters, and sprinklers would water the plants during the establishment period. Native plants would be selected for cultural significance by tribal members. Native plants would be collected on the Rancheria and propagated at the Tribe's native plant nursery. Weeding would be conducted by nursery staff for the three years of the establishment period. The riparian

buffer would cover 1.2 acres of both sides of Rancheria Creek from SR 128 downstream 1,600 feet to the existing riparian corridor at the end of the vineyard.

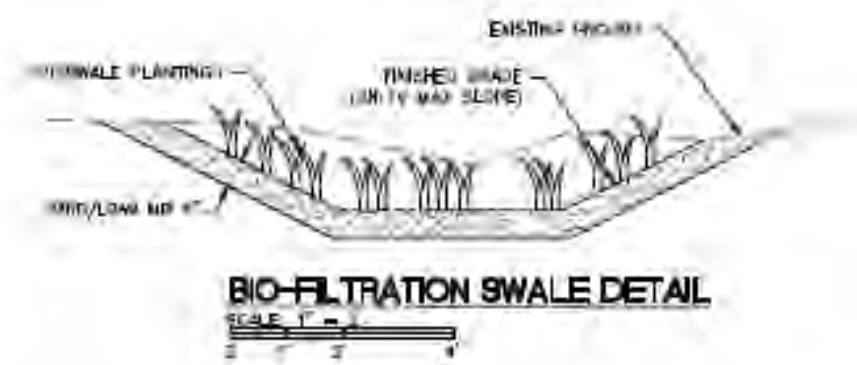
Action 5. Construct stormwater detention pond

A stormwater detention basin will be excavated to collect runoff from SR 128. The existing roadside ditch along SR 128 ends at the northern extent of the Tribe's vineyard. Runoff from SR 128 flows across the vineyard, washing fine sediment, herbicides, pesticides, and fertilizers directly into Rancheria Creek and the Russian River. The proposed stormwater detention pond would be fed by a new bio-filtration swale (Action 6) along SR 128 and store runoff in a detention pond adjacent to Rancheria Creek. Retained runoff would be released slowly into Rancheria Creek to reduce the peak discharge, erosive forces, and reduce pollution from the vineyard operations. The bio-filtration swale would treat road runoff and reduce roadway pollutants entering the stream. The detention basin would be excavated with an excavator, and an approximately 6 inch diameter pipe would connect flows from bio-filtration swale to the detention basin and to Rancheria Creek. The stormwater detention pond volume would be approximately 168 cubic yards and would have the capacity to store 33,930 gallons. Maintenance of the detention pond would occur infrequently as stormwater directed into the detention pond will consist of runoff from impervious surfaces and likely would have a low sediment load. Every five years the detention pond would be assessed for sediment deposition and sediment will be removed if necessary.

Action 6. Construct bio-filtration swale

The bio-filtration swale would be excavated with an excavator, and planted with a mix of bio-filtration plants specifically selected to improve water quality for flows entering the stream. The vegetation would be established with temporary irrigation for the first three years as part of the same temporary irrigation system described in the riparian re-vegetation section above (Restoration Action 4). The bio-filtration swale would extend 1,500 feet along SR 128 and the volume of earthwork would be approximately 222 cubic yards and during peak flow events can store an additional 44,840 gallons of stormwater. Maintenance of the bio-filtration swale would include monthly trash removal and annual inspection and repair if needed to the bed or banks of the swale.

Figure 6: Example of grading and planting for bio-filtration swale (Action 6).



Action 7. Replace SR 128 culvert with embedded bridge

The existing Rancheria Creek SR 128 concrete box culvert is a barrier to fish passage because of velocity through the culvert and the jump from the scour pool downstream of the culvert. The existing culvert would be replaced with a larger open-bottom CONSPAN arch precast concrete culvert with a natural streambed. The gradient upstream and downstream of the culvert would be re-graded with an excavator to reduce velocity and to eliminate the scour pool at the base of the existing culvert that creates a barrier to fish passage. The site would be dewatered with bypass piping, if needed. During the construction window, this reach of Rancheria Creek would likely be dry. Grade control rock would be placed with an excavator at the downstream end of the culvert to protect the proposed culvert from potential erosion. The existing concrete culvert would be excavated and recycled. The channel would be re-graded to a shallower slope with better connectivity to the up-and downstream reaches. Reinforced concrete spread footings would be poured in place by the contractor. The proposed precast concrete culvert would be delivered to the site in 8-foot long segments, and installed using a crane. The roadway would be rebuilt by placing compacted soil fill, aggregate base rock, and asphalt. Construction is expected to take 4 to 6 weeks and traffic would be diverted around the construction site by temporarily filling the channel immediately downstream of the culvert and building a temporary roadway. The temporary crossing of Rancheria Creek would maintain the existing level of service, but would require reduced speed through the construction area. Temporary road closure would be required to connect and disconnect the temporary roadway. The temporary roadway would be excavated and fill used on site for other phases of the project. Asphalt would be recycled. The channel banks and bed would be matched to the existing grade. Currently the banks are bare or grouted. Post-construction, the bank would be planted with riparian vegetation as specified in the Action 4 above.

Action 8. Implement bioengineering treatments to stabilize banks, excavate inset floodplains, install fish passable grade control structures

The reach of Rancheria Creek upstream of SR 128 to the Rancheria Road culvert (800 feet) would be restored with bioengineered treatments. The reach would be dewatered with temporary cofferdams and bypass piping. The existing channel is incised and a series of boulder step pool weirs would be placed with an excavator and loader to reestablish the channel grade and prevent further channel incision. The boulder weir volume would be approximately 185 cubic yards. An inset floodplain bench with an average width of ten feet would be constructed from streambed material. Existing unstable streambanks would be repaired with bioengineered bank stabilization techniques. Where pre-existing hard-armored banks are protected by riprap, old car bodies, tires, or concrete rubble, the armoring would be removed from the banks with an excavator and hauled off site to a designated landfill or waste transfer station. Banks requiring protecting would be stabilized with biodegradable coir erosion control fabric held in place with wooden stakes. The slopes would be re-vegetated with native seeding to develop roots that would strengthen the banks. Where needed, boulders or large woody debris would be placed along the toe of the bank to protect the bank from erosion (Figure 8).

Figure 7: Cross-section of existing and proposed creek channel in Reach 2 (Action 8).

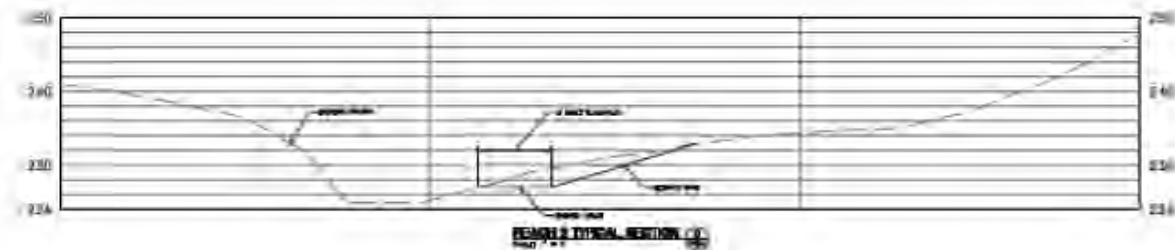
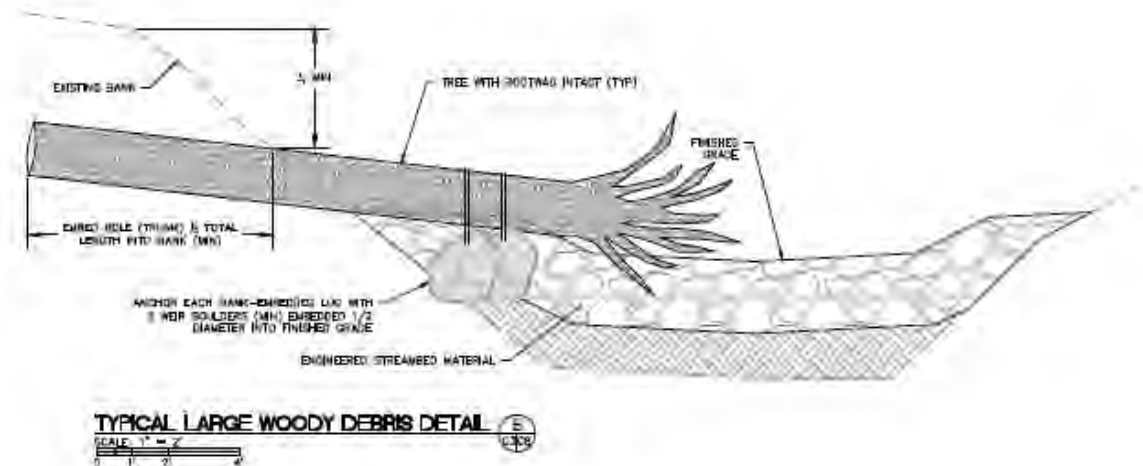


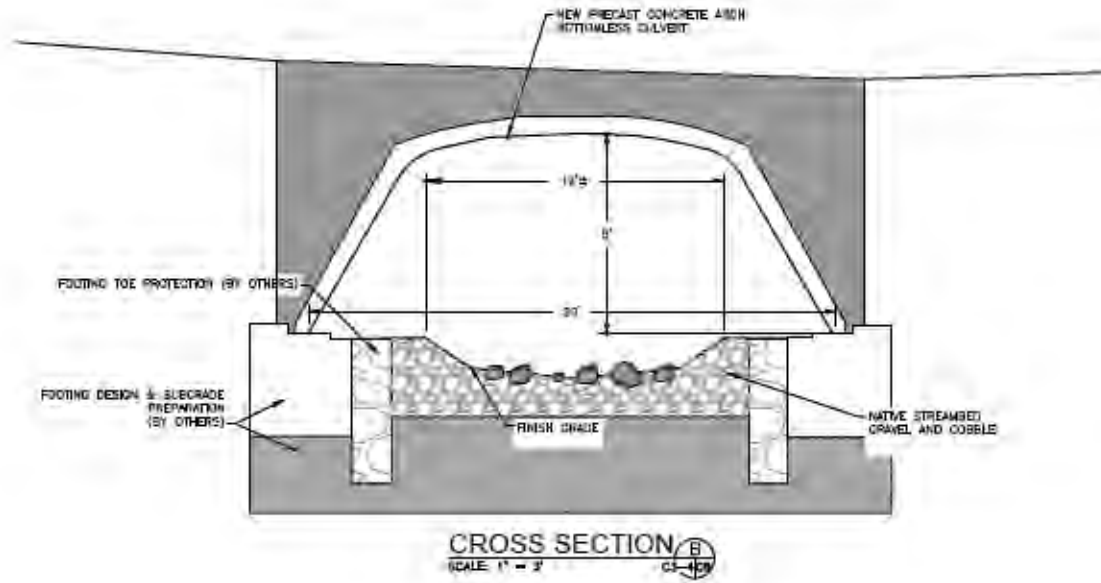
Figure 8: Example of large woody debris to protect the bank from erosion (Actions 8, 10 and 11).



Action 9. Replace Rancheria Road culvert with open-bottom concrete arch culvert

The existing undersized Rancheria Road culvert would be removed with an excavator and disposed off site at a designated landfill or waste transfer station. The reach would be dewatered with temporary cofferdams and bypass piping. Grade control rock would be placed with an excavator at the downstream end of the culvert to protect the proposed culvert from potential erosion. The channel would be re-graded to a shallower slope with better connectivity to the upstream and downstream reaches. Reinforced concrete spread footings would be poured in place. The proposed CONSPAN precast concrete culvert would be delivered to the site in 8-foot long segments, and installed using a crane. The roadway would be rebuilt by placing compacted soil fill, aggregate base rock, and asphalt. A temporary bus bridge would be used to maintain access to the River Rock Casino using a secondary access road or construction would be phased in such a way to have one lane traffic at all times under flagging. The four to six week period of construction would reduce the level of service of Tribe's owned and operated access roads to the River Rock Casino.

Figure 9: Embedded bridge detail for Rancheria Road (BIA 93) (Action 9).



Action 10. Implement bioengineering treatments to stabilize banks, excavate inset floodplains, install fish passable grade control structures

The reach of Rancheria Creek upstream of Rancheria Road culvert to the boundary with the Dry Creek Rancheria would be restored with bioengineered treatments (800 feet). The existing channel in the reach is incised. Boulder step pool weirs would be placed with an excavator to reestablish the channel grade. The boulder weir volume would be approximately 185 cubic yards. An inset floodplain bench with an average width of ten feet would be constructed from streambed material where feasible. The benching excavation volume would be approximately 1,250 cubic yards in this reach. Existing unstable streambanks would be repaired with bioengineered bank stabilization techniques. Banks requiring protecting would be stabilized with biodegradable coir erosion control fabric held in place with wooden stakes. The slopes would be re-vegetated with native seeding to develop roots that would strengthen the banks. Where needed, some boulders or large woody debris would be placed along the toe of the bank to protect the bank from erosion.

Figure 10: Example of boulder step pool weirs (Actions 8, 10 and 11).

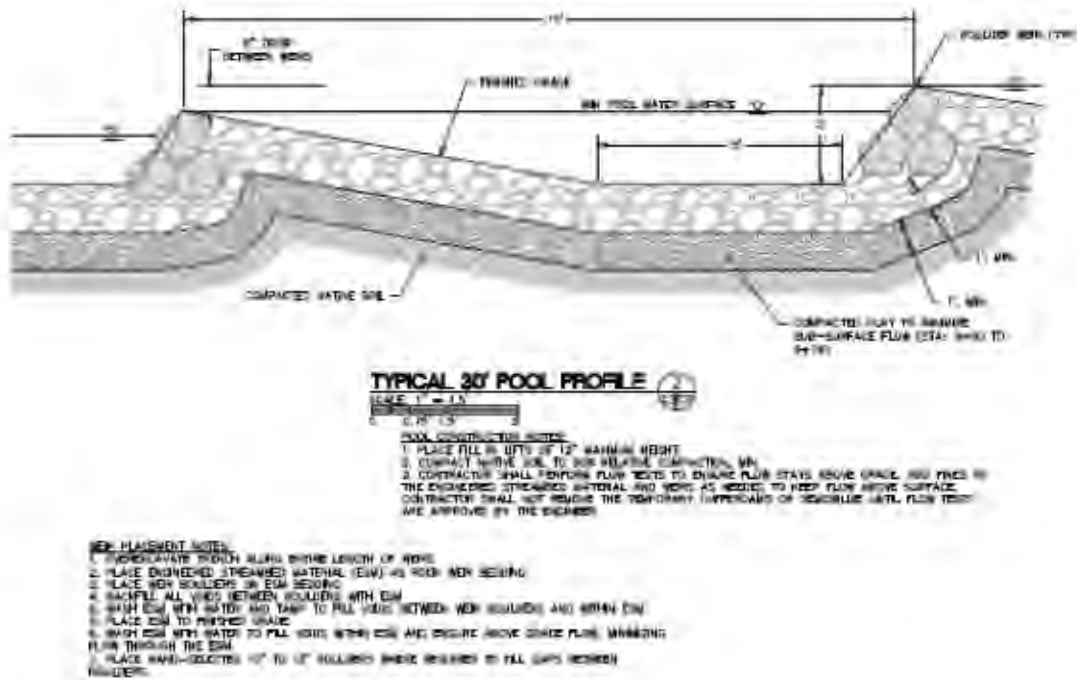


Figure 11: Example of boulder weir section across the creek channel (Actions 8, 10 and 11)

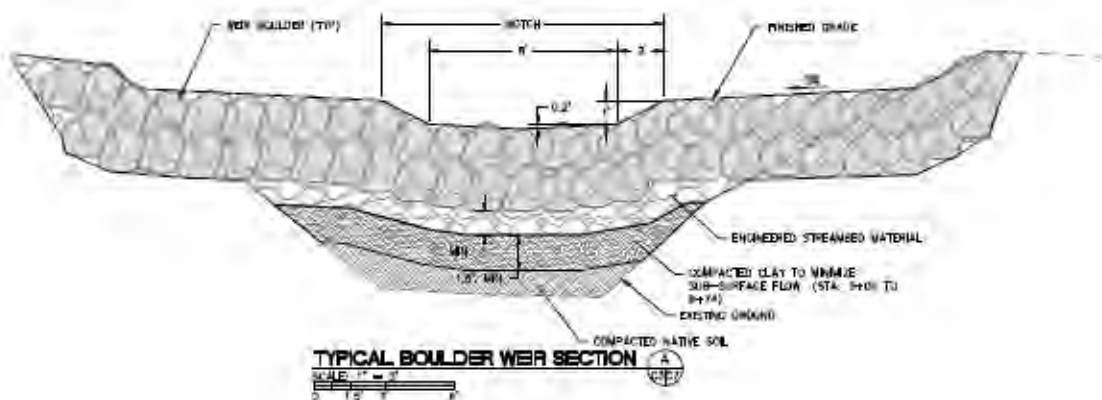
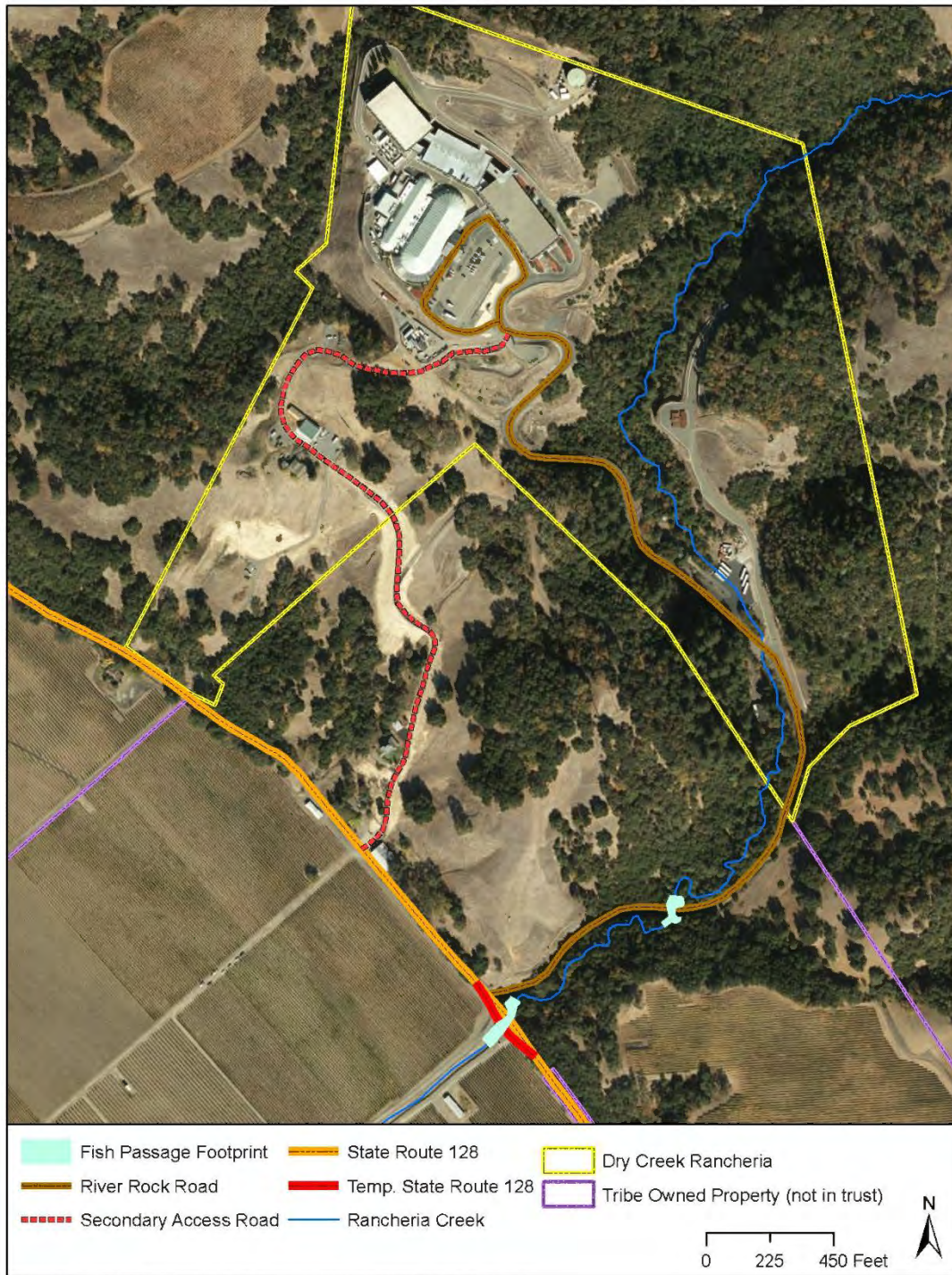


Figure 12: Existing and temporary roads for culvert removal and replacement (Actions 7 and 9).



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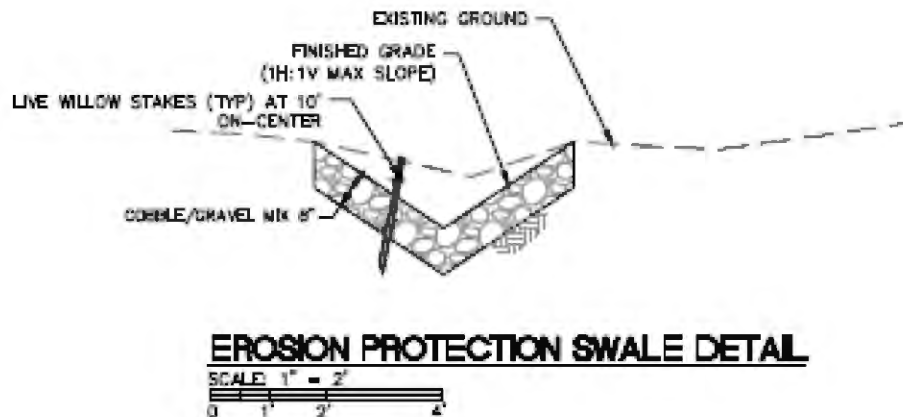
Action 11. Implement bioengineering treatments to stabilize banks, excavate inset floodplains, install fish passable grade control structures

The reach from the boundary with the Dry Creek Rancheria to the existing channel restoration project (500 feet) would be dewatered with temporary cofferdams and bypass piping. The existing channel in the reach is incised and a series of boulder step pool weirs would be placed with an excavator and loader to reestablish the channel grade. The boulder weir volume would be approximately 115 cubic yards in this reach. An inset floodplain bench with an average width of ten feet would be constructed from streambed material where feasible. The benching excavation volume would be approximately 775 cubic yards. Banks vulnerable to erosion would be stabilized with biodegradable coir erosion control fabric held in place with wooden stakes. The slopes would be re-vegetated with native seeding to develop roots that would strengthen the banks. Where needed, some boulders or large woody debris would be placed along the toe of the bank to protect the bank from further erosion.

Action 12. Channel erosion protection

The existing incised small tributary channel from the existing sediment detention basin feeding into Rancheria Creek would be protected with rock to prevent erosion in the channel and to reduce the fine sediment supply to Rancheria Creek and the Russian River. In addition, portions of the channel would be planted with a mix of bio-filtration plants specifically selected to improve water quality for flows entering the stream. The vegetation would be established with temporary irrigation for the first three years using treated waste water stored in the million gallon tank (Restoration Action 16). The tributary channel would be lined with a 12-inch layer of rock slope protection. The rock would be imported from the vineyard reach or off site, if necessary, by dump truck, and placed in the channel by excavator, sluice, or by hand. The length of the channel erosion protection would be 340 feet, and the volume of rock would be approximately 38 cubic yards.

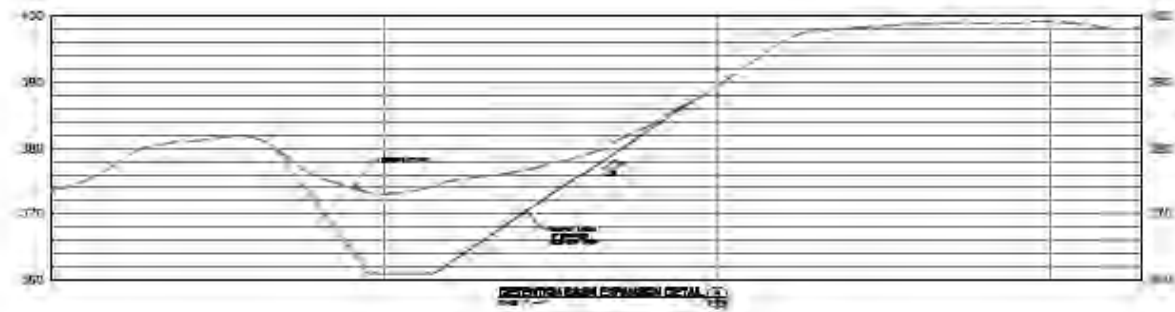
Figure 13: Example of channel erosion protection (Actions 12 and 15).



Action 13. Expand existing stormwater detention pond

The existing stormwater detention pond would be excavated with an excavator to remove the accumulated sediment and expand the capacity of the detention basin to capture a large volume of stormwater runoff. The excavated material would be hauled off by dump truck and reused on site. The downstream end of the detention basin would be reinforced with compacted native fill and rock protection. An outlet pipe would release flows from the detention pond into a bio-filtration swale (Action 12). The excavation volume would be approximately 790 cubic yards and the stormwater detention pond would have the capacity to detain 159,560 gallons.

Figure 14: Cross-section of detention basin expansion (Action 13).



Action 14. Reuse treated waste water

Treated waste water would be piped to a new water storage tank for release into Rancheria Creek to restore stream flows during critically dry periods. The water would be routed by existing pipe from the waste water treatment facility to the storage tank. A gated outlet pipe would route flows from the tank into an existing tributary, where it would flow down to the stream. To connect the new storage tank to the waste water treatment plant, a shallow, approximately 2-foot deep temporary trench would be excavated with an excavator, the pipe would be placed, and the earthwork would be replaced to cover the pipe. The flow from the treatment plant would be controlled with a valve at the existing waste water treatment facility. Discharge of treated waste water to Rancheria Creek is currently regulated under the Tribe's existing NPEDS permit. The waste water treatment plant has the capacity to treat 140 gallons per minute.

Action 15. Channel erosion protection

An existing tributary channel would be used as the flow path to deliver treated waste water from the million gallon storage tank to Rancheria Creek. The existing incised small tributary channel to Rancheria Creek would be protected with rock to prevent erosion in the channel and reduce fine sediment delivered to Rancheria Creek and the Russian River. The tributary channel would be lined with a 12-inch layer of rock slope protection. The rock would be imported from the vineyard reach or off site, if necessary, by dump truck, and placed in the channel by excavator, sluice, or by hand. The length of the channel erosion protection would be 880 feet, and the volume of rock would be approximately 98 cubic yards.

Action 16. Install million gallon water storage tank

The proposed water tank would be used to supply water to Rancheria Creek during critically dry

periods of low stream flow. The tank would be located adjacent to the existing spring-fed water storage tank on a concrete slab foundation. In order to provide a level surface for the tank, some grading would be performed with a dozer and excavator. An existing retaining wall would be removed, and approximately 390 cubic yards of balanced cut and fill would be graded to prepare the site for the foundation. The tank would be delivered to the site in segments, and assembled on the concrete foundation with the aid of a crane. A continuous flow of water from the tank to Rancheria can be released to maintain base flow in the creek during critical dry periods or a pulse flow can be released to provide migration flows for the steelhead or coho when downstream pools start to dry out. Treated waste water stored in the tank could also be used for emergency fire suppression.

SETTING

This project site, consisting of 2 parcels, is unique in that it spans both the Dry Creek Rancheria (trust land) and property owned by the Dry Creek Rancheria, but not held in trust (Figure 2 and 7). As a federally recognized tribe, The Dry Creek Rancheria Band of Pomo Indians has governmental authority over the Dry Creek Rancheria. In general, state and local environmental regulations do not apply to reservation lands and tribal trust land. Although both properties are owned by the Dry Creek Rancheria, they are subject to different laws and regulations and are permitted separately. Components of the project that are located on the Dry Creek Rancheria will be permitted under NEPA, if federal funds are contributed to the project. Components of the proposed project located on property owned by the Dry Creek Rancheria, but not held in trust, will be evaluated under CEQA with Sonoma County as the lead agency. In this document we address all components of the project in the project description, but potential benefits and impacts are only analyzed for the components located on the fee property where Sonoma County has jurisdiction (Table B). This approach follows guidance developed by the California Department of Transportation (Caltrans, 2008) for tribal development projects. Using this framework, Caltrans uses the Tribe's environmental analysis if it is determined to be adequate, or Caltrans could complete its own environmental document for the portion of the project that falls in Caltrans jurisdiction. For the proposed project, Sonoma County will consider issuance of a Use Permit for a Conservation Plan in accordance with the Riparian Corridor Ordinance and serve as the lead agency for CEQA on the components of the project that occur on the fee property. The table below summarizes the proposed project actions and the permitting jurisdiction.

Table B. Project flow enhancement and restoration actions and property ownership by the Dry Creek Rancheria.

Restoration Component Number	Flow Enhancement / Restoration Action	Property Ownership	Environmental Compliance Document
1	Implement bioengineering treatments to stabilize the west bank of the Russian River and reduce sediment	Fee	CEQA
2	Remove arundo and plant native vegetation	Fee	CEQA
3	Excavate sediment transport channel, excavate inset floodplain, and realign	Fee	CEQA

	channel in existing corridor		
4	Plant native riparian buffer	Fee	CEQA
5	Construct stormwater detention pond	Fee	CEQA
6	Construct biofiltration swale	Fee	CEQA
7	Replace SR 128 culvert with embedded bridge	Fee	CEQA
8	Implement bioengineering treatments to stabilize banks, excavate inset floodplains, install fish passable grade control structures	Fee	CEQA
9	Replace Rancheria Rd culvert with open-bottom concrete arch culvert	Fee	CEQA
10	Implement bioengineering treatments to stabilize banks, excavate inset floodplains, install fish passable grade control structures	Fee	CEQA
11	Implement bioengineering treatments to stabilize banks, excavate inset floodplains, install fish passable grade control structures	Trust	NEPA
12	Channel Erosion Protection	Trust	NEPA
13	Expand existing stormwater detention pond	Trust	NEPA
14	Reuse treated waste water	Trust	NEPA
15	Channel Erosion Protection	Trust	NEPA
16	Install million gallon water storage tank	Trust	NEPA

The project will improve creek and riparian conditions for the Russian River and Rancheria Creek by enhancing flows, improving habitat, reducing sediment, and improving water quality. The impacts from the project are temporary and the benefits of the project will exceed the temporary impacts related to the construction of channel and riparian improvements.

ISSUES RAISED BY THE PUBLIC OR AGENCIES

The Dry Creek Rancheria sent a project summary to the following list of agencies and stakeholders.

Sonoma County Board of Supervisors
United States Army Corps of Engineers (USACOE) Warm Springs Fish Hatchery

United States Fish and Wildlife Service (USFWS)

Comments on the project have only been positive and has facilitated discussions of collaboration on future channel restoration projects on the Russian River and salmonid genetic enhancement projects in the Russian River Watershed. There have been no issues raised by agencies or stakeholders to date. The USFWS is the NEPA lead for the existing channel restoration and landslide stabilization project on the Dry Creek Rancheria and is excited to continue restoration efforts on Dry Creek Rancheria.

Letters of support for the project have been submitted to the California Wildlife Conservation Board by:

North Coast Regional Water Quality Control Board
United States Fish and Wildlife Service, Habitat Restoration Office
Sonoma Resource Conservation District
Sonoma County Agricultural Preservation and Open Space District
Russian River Watershed Associates
Sonoma Land Trust
Sonoma County Water Agency
County of Sonoma Supervisor James Gore, 4th District
Permit Sonoma

OTHER RELATED PROJECTS

The Dry Creek Rancheria is currently completing a landslide stabilization and channel restoration project on the Rancheria Creek within the boundary of the Dry Creek Rancheria. NEPA permitting for the project was completed by the USFWS. The remaining components of the project include culvert replacement and re-vegetation maintenance. The proposed project would be a continuation of the existing channel restoration effort.

RESPONSIBLE AND TRUSTEE AGENCIES

The U. S. Army Corps of Engineers (ACOE) will require a Nationwide Permit/or Individual Permit under Section 404 of the Clean Water Act for impacts to the Russian River and Rancheria Creek.

The North Coast Regional Water Quality Control Board (NCRWQCB) will require either a Section 401 Water Quality Certification or Waiver of Waste Discharge Requirements, Waiver of Waste Discharge Requirements with Additional conditions or Waste Discharge Requirements for impacts to the Russian River and Rancheria Creek.

The California Department of Fish and Wildlife (CDFW) will require a Lake and Streambed Alteration Agreement under Section 1601 of the California Fish and Wildlife Code and a Consistency Determination with the California Environmental Quality Act (CEQA) for impacts to the Russian River and Rancheria Creek.

The ACOE will consult with the U. S. Fish and Wildlife Service (USFWS). USFWS will draft a Biological Opinion and an Incidental Take Permit for listed species to satisfy the Federal Endangered Species Act.

The ACOE will consult with NOAA Fisheries (NMFS). NMFS will draft a Biological Opinion and an Incidental Take Permit for listed fish species to satisfy their responsibility as a Trustee Agency

under the Federal Endangered Species Act.

If the project disturbs more than one acre, then:

The State Water Resources Control Board (SWRCB) requires filing a Notice of Intent (NOI) with their agency to be covered under the National Pollutant Discharge Elimination system (NPDES) General Construction Stormwater Permit and preparation of a Storm Water Pollution Prevention Plan (SWPPP).

Grading and building permits – Permit Sonoma requires that a grading permit be obtained. The Tribe and Sonoma County Department of Transportation and Public Works (DTPW) will coordinate to submit a grading plan and obtain the permit prior to construction of the project.

Permit Sonoma will require a 3836R Streambed Roiling Permit to perform construction work on riparian property when water is present in Rancheria Creek and the Russian River.

The Sonoma County Water Agency (SCWA) will require a Revocable License for improvements within the channel of the Russian River and Rancheria Creek.

A Caltrans Encroachment Permit will be required for the replacement of the culvert under SR 128.

INITIAL STUDY CHECKLIST

This checklist is taken from Appendix G of the State CEQA Guidelines. For each item, one of four responses is given:

No Impact: The project would not have the impact described. The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

Less Than Significant Impact: The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

Potentially Significant Unless Mitigated: The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

Potentially Significant Impact: The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question on the checklist was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The checklist includes a discussion of the impacts and mitigation measures that have been identified. Sources used in this Initial Study are numbered and listed on page 53. Following the discussion of each checklist item one or more sources used are noted in parentheses.

The Project Applicant has agreed to accept all mitigation measures listed in this checklist as

conditions of approval of the proposed project and to obtain all necessary permits.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Less than Significant with Mitigation” as indicated by the checklist on the following pages.

Table C: CEQA topics identified as having “Potentially Significant Impact” or “Less than Significant with Mitigation”

CEQA Topic	Yes	No
Aesthetics		No
Agricultural & Forest Resources		No
Air Quality	Yes	
Biological Resources	Yes	
Cultural Resources	Yes	
Geology and Soils	Yes	
Greenhouse Gas Emission		No
Hazards and Hazardous Materials	Yes	
Hydrology and Water Quality	Yes	
Land Use and Planning		No
Mineral Resources		No
Noise	Yes	
Population and Housing		No
Public Services		No
Recreation		No
Transportation and Traffic	Yes	
Utility and Service Systems		No
Mandatory Findings of Significance	Yes	

Incorporated Source Documents

In preparation of the Initial Study checklist, the following documents were prepared or referenced, and are hereby incorporated as part of the Initial Study. All documents are available in the project file or for reference at the Permit and Resource Management Department.

Source Document	Yes	No
Project Application and Description	Yes	
Initial Data Sheet	Yes	
County Planning Department's Source and Criteria Manual	Yes	
Sonoma County General Plan and Associated EIR	Yes	
Specific Plan or Area Plan		No
Sonoma County Zoning Code	Yes	
Sonoma County Rare Plant Site Identifications Study		No
Project Referrals from Responsible Agencies	Yes	
State and Local Environmental Quality Acts (CEQA)	Yes	
Full Record of previous hearings on project in File		No
Correspondence received on project	Yes	
Other technical reports (see Other Technical Reports in the Sources section at the end of this initial study	Yes	

1. AESTHETICS:

Would the project:

a) *Have a substantial adverse effect on a scenic vista?*

Significance Level:

No Impact

Comment:

The project would restore open space to a more natural condition, and would enhance the scenic value of the landscape.

b) *Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*

Significance Level:

No Impact

Comment:

The parcel is not located on a site visible from a state scenic highway. The project does not include removal of historic trees or redwoods and would not involve removal of unique rock outcroppings and therefore is not expected to result in any significant impacts to scenic resources. The project site is not included in the Historic District (HD) overlay zone.

c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

Significance Level:

No Impact

Comment:

The project would restore the riparian corridor in open space to a more natural condition, and would enhance the scenic value of the landscape.

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area?*

Significance Level:

No Impact

Comment:

Additional light sources are not included in the proposed project.

2. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

- a) ***Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?***

Significance Level:

No Impact

Comment:

Existing vineyards near the project site will not be affected by the project. Some project elements may enhance vineyard operation through better management of stormwater.

- b) ***Conflict with existing zoning for agricultural use, or Williamson Act Contract?***

Significance Level:

No Impact

Comment:

The project site is in Cloverdale/Northeast County zoning district 2 which allows restoration activities, and is included in a Williamson Act Type I contract.

- c) ***Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?***

Significance Level:

No Impact

Comment:

The proposed project is not located in a timber production district. No forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) are located on or in the vicinity of the project area.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

Significance Level:

No Impact

Comment:

The proposed project is not located in a timber production district. No forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) are located on or in the vicinity of the project area.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?

Significance Level:

No Impact

Comment:

The project does not involve other changes in the environment that could result in conversion of farmland to non-agricultural use or forest land to non-forest use.

3. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Significance Level:

No Impact

Comment:

The project is within the jurisdiction of the Northern Sonoma County Air Pollution Control District (NSCAPCD). The NSCAPCD does not have an adopted air quality plan because the District is in attainment for all state and federal criteria pollutants. (1,5)

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

State and Federal standards have been established for the "criteria pollutants": ozone,

carbon monoxide, nitrogen dioxide, sulfur dioxide and particulates (PM10 and PM2.5).

No existing or projected air quality violations have been identified in the area. Because it will not cause significant long-term emissions of criteria pollutants, the project will not violate any air quality standard. The project will require temporary use of construction equipment, but long term state of the project will not. Therefore the effect on air quality will be limited to the project construction period and would be less than significant with the following mitigation measures incorporated into the project

Mitigation:

Mitigation Measure AIR-1

The use of diesel equipment will be minimized by turning machinery off when not in use, and equipment will be properly maintained. All portable equipment with independent generation capacity on site will be registered with the California Air Resources Board.

Mitigation Monitoring:

Mitigation Monitoring AIR-1

PRMD staff shall ensure that the measures are listed on all site alteration or grading plans, prior to issuance of grading permits.

- c) ***Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

The project will not have a cumulative effect on ozone because it will not generate traffic which would result in new emissions of ozone precursors (hydrocarbons and NOx).

PM10 is a criteria pollutant that is closely monitored in the NSCAPCD. Readings in the district have exceeded state standards on several occasions in the last few years. The high PM10 readings occurred in the winter and are attributed to the seasonal use of wood burning stoves. The project will have no long-term effect on PM10, because all surfaces will be paved or landscaped, and dust generation will be insignificant.

In either case, construction dust control is recommended. However, there could be a significant short-term emission of dust (which would include PM10) during construction. These emissions could be significant at the project level, and would also contribute to a cumulative impact. (5,2)

Mitigation:

The impact could be reduced to less than significant by including dust control measures as described in the following mitigation measure:

Mitigation Measure AIR-2

The following dust control measures will be included in the project:

- i. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- ii. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- iii. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.

Mitigation Monitoring:

Mitigation Monitoring AIR-2

PRMD staff shall ensure that the measures are listed on all site alteration, grading, or improvement plans, prior to issuance of grading permits.

d) *Expose sensitive receptors to substantial pollutant concentrations?*

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

There will be no long term increase in emissions, but during construction there could be significant dust emissions that would affect nearby residents. Dust emissions can be reduced to less than significant by the mitigation measure described in item 3c above. (5,2)

Construction equipment will generate diesel emissions during the construction period, diesel emissions can be reduced to less than significant by the mitigation measures described in item 3.c above.

Mitigation:

Mitigation Measure AIR-3

The use of diesel equipment will be minimized by turning machinery off when not in use, and equipment will be properly maintained. All portable equipment with independent generation capacity on site will be registered with the California Air Resources Board.

Mitigation Monitoring:

Mitigation Monitoring AIR-3

PRMD staff shall ensure that the measures are listed on all site alteration or grading plans, prior to issuance of grading permits.

e) Create objectionable odors affecting a substantial number of people?

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

Construction equipment may generate odors during project construction. The impact would be less than significant and it would be a short-term impact that ceases upon completion of the project. (5,2)

Mitigation:

Mitigation Measure AIR-4

The use of diesel equipment will be minimized by turning machinery off when not in use, and equipment will be properly maintained. All portable equipment with independent generation capacity on site will be registered with the California Air Resources Board.

Mitigation Monitoring:

Mitigation Monitoring AIR-4

PRMD staff shall ensure that the measures are listed on all site alteration or grading plans, prior to issuance of grading permits

4. BIOLOGICAL RESOURCES:

Special-Status Species

Special status species are afforded special recognition and protection under state and federal regulations. Special Status species are defined as those plants and animals that are listed by federal, state, or local resource conservation agencies and organizations, such as U.S. Fish and Wildlife Service (USFWS), NOAA's National Marine Fisheries Service (NMFS), California Department of Fish and Wildlife (CDFW), or the California Native Plant Society (CNPS). At the Federal level, species are officially listed as Threatened (FT) or Federally Endangered (FE), or are considered candidates for listing by the USFWS or NMFS. At the State level, species are officially listed as Rare (CR), Threatened (CT), Endangered (CE), or Species of Special Concern (CSC) by the CDFW. Also included are species recognized by CNPS as rare, endangered or threatened in California and elsewhere (1B); rare, threatened or endangered in California but more common elsewhere (2); plant species for which additional information is required to make a determination (3); or plants of limited distribution that are considered vulnerable and potential candidates for special status (4). (CNPS 2016).

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

Listed species of special concern within the proposed project area include the following: federally endangered (California freshwater shrimp), California species of special concern (Russian River tule perch, Navarro roach), federally threatened (coho salmon central California coast ESU, steelhead central California coast ESU, chinook salmon California coast ESU), federally threatened and California species of special concern (California red-legged frog), California species of special concern (Foothill yellow-legged frog, Northwestern pond turtle, burrowing owl, Sonoma tree vole). The project would be scheduled to avoid impacts to these species. Vegetation removal would not occur between February 15 and September 1 to avoid impacts to migratory birds. Long term implementation of the project will result in benefits to listed species of concern.

The list of species of special concern was compiled through multiple environmental assessments completed on the Rancheria specific to the watershed and through the NEPA procedures followed for the Tribe's current creek restoration project - a landslide stabilization and channel restoration project on the Rancheria Creek within the boundary of the Dry Creek Rancheria. A list of the technical reports for the project is provided in the Sources section under Other Technical Reports following the Initial Study.

Impacts to any listed species would be reduced to less than significant with the following mitigation measures incorporated into the project.

Mitigation:

Mitigation Measure BIO-1:

In addition to conservation measures and conditions for required permits, the project includes limitations on construction periods to avoid impacts to sensitive habitats. Vegetation removal shall not occur between February 15 and September 1 to avoid impacts to migratory birds. No heavy equipment shall be allowed in the Russian River until June 15. All large woody debris shall be redwood with rootball intact and rootballs shall be sterilized to remove any New Zealand Mud Snail following the guidance developed by NOAA.

In addition, the Tribe would monitor Rancheria Creek, including the pools located on Dry Creek Rancheria (tribal trust land), to prevent poaching of all three federally-listed species of salmonids as a condition of approval. Documentation of environmental permits under Section 404 permit from the ACOE, a Section 401 water quality certification from the NCRWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW must be provided prior to Permit Sonoma issuance of the Use Permit.

Mitigation Monitoring:

Mitigation Monitoring BIO-1:

Mitigation monitoring would be required by the environmental regulatory agencies as part of the environmental permitting process.

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

Rancheria Creek is a designated riparian corridor in the Sonoma County General Plan. The project is specifically designed to restore and improve ecological function in Rancheria Creek and downstream into the Russian River. Removal of vegetation must comply with General Plan policies that govern riparian corridors for a distance of 100 ft. from the top of the highest bank.

The purpose of the project is to increase the number of trees to shade Rancheria Creek to cool stream temperatures and increase habitat quality. A tree removal and planting plan will be provided when the project plan set is completed. Trees that remain will be isolated from construction activities with construction fencing. The removal of non-native trees will be limited to trees adjacent to culverts to be replaced to improve fish passage and to stabilize failing banks to reduce the supply of sediment to the sediment impaired Russian River. Any native trees removed will be replaced with trees of the same species. There will be a net increase in the number of trees that will be planted as part of this project.

The mitigation measures below are designed to ensure project consistency with Sonoma County General Plan policies for designated riparian corridors. Since the General Plan defines riparian corridors as areas along streams with native vegetation, any non-native acacia trees will be excluded from protective or compensatory mitigation measures. (7)

Mitigation:

Mitigation Measure BIO-2

Only the minimum amount of vegetation will be pruned or removed that is necessary to construct the project. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Any pruning that is done, including for utility line clearance, will conform to the American National Standard for Tree Care Operation Tree, Shrub, and Other Woody Plant Maintenance Standard Practices, Pruning (ANSI A300 Part 1)-2008 Pruning, and the companion publication Best Management Practices: Tree pruning (ISA 2008). Roots will only be unearthed when necessary. All SOD host species plants and plant parts that are pruned or cut at the project site as part of this project must be disposed of within the limits of Sonoma County. Foliage that is chipped on site shall not be placed where it can enter Rancheria Creek.

If SOD host species are to be removed, then include: Trees to be removed in the project area are included on the list of host species for the plant pathogen *Phytophthora ramorum* more commonly known as Sudden Oak Death. Sudden Oak Death (SOD) is a plant disease that is becoming a serious threat to many native tree and shrub species within California and southern Oregon. Section 3700 of the California Code of Regulations has established a quarantine that restricts the movement of potential hosts and host material of SOD. Sonoma County is considered to be an infected county and known infected trees occur within one mile of the project site, increasing the chance that trees within the project limits may be infected. The spread of this pathogen as a result of this project could result in significant impacts to the resources listed under this question. With the implementation of the following mitigation measures, the potential impact of spreading SOD would be reduced to less than significant. (2, 7)

Mitigation Monitoring:

Mitigation monitoring described in item 4.a above would apply.

- c) ***Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

The project may generate surplus soils for disposal off-site, and improper disposal of this material could affect off-site wetlands or other sensitive habitats. The impact can be reduced to less than significant by controlling the disposal of surplus soils, as required in the following mitigation measure. (1,2)

Mitigation:

Mitigation Measure BIO-2

All surplus soils that cannot be used on the project site will be disposed of at an acceptable disposal site. If any areas outside the project site are used for disposal or stockpiling of soil or other materials, the contractor will be required to demonstrate that the site has all the required permits, including, if applicable, a grading permit. The contractor will notify the California Department of Fish and Wildlife of the intent to use the site, and the Permit Sonoma to determine if a grading permit is required. The contractor will be required to provide evidence to the County that the site does not affect wetlands under the jurisdiction of the Army Corps of Engineers, or that the site has the appropriate permit from the Army Corps of Engineers.

Surplus concrete rubble or pavement will either be disposed of at an acceptable and legally permitted disposal site or taken to a permitted concrete and/or asphalt recycling facility.

- d) ***Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

Construction elements of the project have the potential to temporarily affect movement of the fish or wildlife species, however, project completion would provide substantial improvements to wildlife migration. The project is designed to include construction during the dry season to avoid disturbance to aquatic habitat.

Mitigation:

Mitigation Measure described in item 4.a above would apply.

Mitigation Monitoring:

Mitigation Monitoring described in item 4.a above would apply.

- e) ***Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?***

Significance Level:

No Impact

Comment:

The proposed project does not conflict with any local policies or ordinances protecting biological resources.

- f) ***Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?***

Significance Level:

No Impact

Comment:

There are no adopted Habitat Conservation Plans or Natural Community Conservation Plans applicable to the project site. (1)

5. CULTURAL RESOURCES:

On August 30, 2016, Assembly Bill 52 Project Notifications were sent to the Lytton Rancheria of California, Middletown Rancheria Band of Pomo Indians, Mishewal Wappo Tribe of Alexander Valley, The Federated Indians of Graton Rancheria, Cloverdale Rancheria Band of Pomo Indians and Kashia Pomo's Stewart's Point Rancheria. These Native American tribes were invited to consult on the project pursuant to Public Resources Code sections 21080.3.1 and 21080.3.2. None of the tribes had any comments or requested consultation.

Would the project:

- a) ***Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?***

Significance Level:

No Impact

Comment:

The project would not cause an adverse change in a historical resource.

- b) ***Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

There are no known archaeological resources on the site, but the project could uncover such materials during construction. The following measure will reduce the impact to less than significant.

Mitigation:

Mitigation Measure CUL-1

If archaeological resources are found, all earthwork in the vicinity of the find shall cease, and Permit Sonoma staff and the Tribe shall be notified so that the find can be evaluated by a qualified paleontologist. When contacted, a member of Permit Sonoma Project Review staff and the Tribe plus the project archaeologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. No further excavations in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the archaeologist, Project Review staff and the Tribe. Any appropriate Federal agencies shall be contacted.

Mitigation Monitoring:

Mitigation Monitoring CUL-1

PRMD staff shall verify that all permits issued for this project include the above note on the plans.

c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

The project would not directly or indirectly destroy a unique paleontological resource or unique geologic feature. However, the project could potentially uncover previously undiscovered paleontological resources during project construction. The following mitigation measure will reduce the impact to less than significant.

Mitigation:

Mitigation Measure CUL-2

If paleontological resources are found, all earthwork in the vicinity of the find shall cease, and Permit Sonoma staff shall be notified so that the find can be evaluated by a qualified paleontologist. When contacted, a member of Permit Sonoma Project Review staff and the paleontologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. No further excavations in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and Project Review staff. Local tribes and the appropriate Federal agencies shall be contacted.

Mitigation Monitoring:

Mitigation Monitoring CUL-2

Permit Sonoma staff shall verify that all permits issued for this project include the above

note on the plans.

d) *Disturb any human remains, including those interred outside of formal cemeteries?*

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

No burial sites are known in the vicinity of the project, and most of the project site has already been disturbed by past construction. In the event that human remains are unearthed during construction, state law requires that the County Coroner be notified to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity would cease until the Coroner permitted work to proceed. If the remains were determined to be prehistoric, the find would be treated as an archaeological site and the mitigation measure described in item 5(b) above would apply. (1, 6)

Mitigation:

Mitigation measure described in item 5.b above would apply. (1, 6)

Mitigation Monitoring:

Mitigation monitoring described in item 5.b above would apply.

6. GEOLOGY AND SOILS:

Would the project:

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Significance Level:

No Impact

Comment:

The project site is not within a fault hazard zone as defined by the Alquist-Priolo fault maps. The project does not involve structures which will be occupied by people. (11)

ii. *Strong seismic ground shaking?*

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. Predicting seismic events is not possible, nor is providing mitigation that can entirely reduce the potential for injury and damage that can occur during a seismic event. However, using accepted geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The project does not include structures that require building permits nor would it bring more people to the area. The project would therefore not expose people to substantial risk of injury from seismic shaking.

Mitigation:

Mitigation GEO-1

Earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code).

Construction activities shall meet the California Building Code regulations for seismic safety. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements.

Mitigation Monitoring

Mitigation Monitoring GEO-1

The grading permit for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirement.

Mitigation GEO-2:

The design of earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the project geotechnical report. The geotechnical engineer shall submit an approval letter for the engineered grading plans prior to issuance of the grading permit. Prior to final of the grading permit the geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring GEO-2

Permit Sonoma Plan Check staff will ensure plans are in compliance with geotechnical requirements. Permit Sonoma inspectors will ensure construction is in compliance with geotechnical requirements.

iii. *Seismic-related ground failure, including liquefaction?*

Comment:

Significance Level:

No Impact

The project is not located on the Report 120 map detailing areas at risk to ground failure or liquefaction.

iv. Landslides?

Significance Level:

Less than Significant Impact

Comment:

The project is designed to increase stability in Rancheria Creek, so although parts of the project are located in areas prone to landslides, the project is specifically designed to alleviate landslides, therefore the impact is less than significant.

The existing restoration project was completed to stabilize a historical landslide that was a chronic source of sediment to Rancheria Creek and the Russian River. Geotechnical analysis was completed for the existing project. However, additional geotechnical analysis conducted in the design process and construction details incorporated in the final design plan set for this project.

b) Result in substantial soil erosion or the loss of topsoil?

Comment:

The project includes grading, cuts and fills which require the issuance of a grading permit. Any cut material not utilized as part of the creek restoration project will be utilized on the Rancheria away from the waterways. The project also includes specific elements designed to reduce erosion. Unregulated grading, both during and post construction, has the potential to increase the volume of runoff from a site which could have adverse downstream flooding and further erosional impacts, and increase soil erosion on and off site which could adversely impact downstream water quality.

Release of treated wastewater is not expected to increase soil erosion on and off site. During critically dry periods, treated wastewater will be released to maintain pool habitat in Rancheria Creek in an attempt to maintain connection to the Russian River through the vineyard reach, while avoiding mobilization of sediment into the Russian River. The preliminary design for connection channels between the treated waste water storage tank and Rancheria Creek have been stabilized with appropriately sized rock and vegetation to prevent any soil erosion. The treated wastewater to be released to Rancheria Creek after treatment is obtained from groundwater wells located on the Dry Creek Rancheria.

In regard to potential water quantity impacts, County grading ordinance design and adopted BMPs require that storm water facilities be engineered to treat storm events and associated runoff to the 85 percentile storm event. Adopted flow control BMPs must be designed to treat storm events and associated runoff to the channel forming discharge storm event, which is commonly referred to as the two year storm event. Required inspection by County inspectors insures that all work is constructed according to the approved plans. These ordinance requirements and adopted best management practices are specifically designed to maintain potential project water quantity impacts at a less than significant level during and post construction.

County grading ordinance design requirements, adopted County grading standards and

BMPs (such as silt fencing, straw wattles, construction entrances to control soil discharges, primary and secondary containment areas for petroleum products, paints, lime and other materials of concern, etc.), mandated limitations on work in wet weather, and standard grading inspection requirements, are specifically designed to reduce or eliminate potential water quality impacts to a less than significant level during project construction.

For post construction water quality impacts, adopted grading permit standards and best management practices require creation of areas that allow storm water to be detained, infiltrated, or retained for later use. Other adopted water quality best management practices include storm water treatment devices based on filtering, settling or removing pollutants. These construction standards are specifically designed to maintain potential water quality grading impacts at a less than significant level post construction.

The County adopted grading ordinances and standards and related conditions of approval which enforce them are specific, and also require compliance with all standards and regulations adopted by the State and Regional Water Quality Control Board, such as the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements and any other adopted BMPs. Therefore, no significant adverse soil erosion or related soil erosion water quality impacts are expected given the mandated conditions and standards that need to be met. See further discussion of related issues (such as maintenance of required post construction water quality facilities) under section 8 Hydrology and Water Quality.

There is a possibility that erosion control measures could fail. This impact could be reduced to less than significant by the mitigation measures below.

Significance Level:

Less than Significant with Mitigation Incorporated

Mitigation:

Mitigation Measure GEO-3

The project site will be inspected following the first heavy rain, during the middle of the rainy season and at the end of the rainy season following construction. During each visit, areas of significant erosion or erosion control device failure shall be noted and appropriate remedial actions taken.

Mitigation Monitoring:

Mitigation Monitoring GEO-3

The project site shall be inspected by County staff after storm events that produce 1 inch of rain or greater within 24 hour period in the Santa Rosa area. During every inspection, areas of significant erosion or erosion control device failure shall be noted and appropriate remedial actions will be taken as soon as practical. If erosion control measures appear to be effective for three consecutive site inspections following 1-inch storm events, then site inspections will only be required following storm events that result in 2 inches of rain, or greater, within a 24-hour period in the Santa Rosa area.

At the end of the rainy season, County staff will re-inspect the site and evaluate the effectiveness of the erosion control measures that were used. If there were problem areas at the site, recommendations will be made to improve methods used in subsequent projects.

Mitigation:

Mitigation Measure GEO-4

The applicant shall submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as an integral part of the grading plan. The Erosion and Sediment Control Plan shall be subject to review and approval of the Permit Sonoma prior to the issuance of a grading permit. The Plan shall include temporary erosion control measures to be used during construction of cut and fill slopes, excavation for foundations, and other grading operations at the site to prevent discharge of sediment and contaminants into the drainage system. The Erosion and Sediment Control Plan shall include the following measures as applicable:

- i. Throughout the construction process, ground disturbance shall be minimized and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.
- ii. All drainage ways, wetland areas and creek channels shall be protected from silt and sediment in storm runoff through the use of silt fences, diversion berms and check dams. Fill slopes shall be compacted to stabilize. All exposed surface areas shall be mulched and reseeded and all cut and fill slopes shall be protected with hay mulch and /or erosion control blankets as appropriate.
- iii. All erosion control measures shall be installed according to the approved plans prior to the onset of the rainy season but no later than October 15th. Erosion control measures shall remain in place until the end of the rainy season, but may not be removed before April 15th.

Mitigation Monitoring:

Mitigation Monitoring GEO-4

Grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about erosion control requirement.

- c) ***Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

Significance Level:

Less than Significant Impact

Comment:

The project site is subject to seismic shaking as described in item 6.a.ii above. No further mitigation is required.

- d) ***Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?***

Significance Level:

No Impact

Comment:

Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. For the proposed project, soils at the site have not been tested for their expansive characteristics. No substantial risks to life or property would be created from soil expansion at the proposed project, even if it were to be affected by expansive soils.

- e) ***Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?***

Significance Level:

No Impact

Comment:

The project site is not in an area served by public sewer, nor would it require sewer service.

7. GREENHOUSE GAS EMISSIONS:

Would the project:

- a) ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

Significance Level:

Less than Significant Impact

Comment:

Construction of the project would result in temporary generation of greenhouse gases through the use of construction equipment. However, long-term operation of the project would include improvements to riparian vegetation and would constitute an increase in carbon-sequestration. Depending on the length of operation, this could result in a carbon-neutral project - although it is impossible to calculate exact equivalences between construction and operation. Accordingly, this impact is considered less than significant.

- b) ***Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

Significance Level:

No Impact

Comment:

This project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.

8. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

- a) ***Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

Construction will require use of fuels and other hazardous materials. Improper storage or handling of these materials could result in spills. Much of the work associated with the project will occur in sensitive aquatic areas. The potential spill of hazardous materials will be reduced to less than significant level through the incorporation of specific mitigation.

Mitigation:

Mitigation Measure HAZ-1

The construction contract will require that any storage of flammable liquids be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. In the event of a spill of hazardous materials the Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters.

Mitigation:

Mitigation Measure HAZ-2

During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code.

A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains.

The project would include use of approved pesticides to enhance the effectiveness of invasive species removal. All pesticides shall be properly used and stored.

Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant shall call 911 to report the spill and take appropriate action to contain and clean up the spill.

Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.

Mitigation Monitoring:

Mitigation Monitoring HAZ-2

Grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

During construction there could be spills of hazardous materials. See Item 8.a. above.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

Significance Level:

No Impact

Comment:

There are no existing or proposed schools within 0.25 miles of the project site (1)

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

Significance Level:

No Impact

Comment

The project site was not identified on, or in the vicinity of, any parcels on lists compiled by the California Environmental Protection Agency, Regional Water Quality Control Board, California Department of Toxic Substances, and the California Integrated Waste management Board. (8)

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?***

Significance Level:

No Impact

Comment:

The site is not within an airport land use plan as designated by Sonoma County.

- f) *For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?***

Significance Level:

No Impact

Comment:

There are no known private airstrips within the vicinity of the proposed project.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

Significance Level:

No Impact

Comment:

The project would not impair implementation of, or physically interfere with the County's adopted emergency operations plan. There is no separate emergency evacuation plan for the County. In any case, the project would not change existing circulation patterns significantly, and would have no effect outside the area.

- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas of where residences are intermixed with wildlands?***

Comment:

The project would not expose people to risk from wildland fires. It will not construct buildings that would be occupied by people or structures that would be affected by wildland fires (1, 3)

9. HYDROLOGY AND WATER QUALITY:

Would the project:

- a) *Violate any water quality standards or waste discharge requirements?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

The majority of the project will involve restoration of wetlands and riparian areas along Rancheria Creek, including minor drainages into Rancheria Creek. Additionally, Rancheria Creek is a tributary to the Russian River, which is a 303d listed impaired waterway (sediment and temperature). The project would have a beneficial impact to the Russian River through reduced sediment loads and reduced temperatures. However, during construction, the project will be subject to requirements of the State Water Resources Control Board to reduce the possibility of spills or other deleterious impacts to Rancheria Creek and the Russian River.

Since projects with an acre or more of ground disturbance overall, including the project site and any off site staging area and disposal area, construction of the project is subject to the requirements of the State Water Resources Control Board General Permit for Construction Projects.

The project would include use of approved pesticides to enhance the effectiveness of invasive species removal. Herbicides with glyphosate or imazapyr active ingredients will be used to spray cut stalks. Rodeo® and Habitat® products are both approved by the EPA for application in wetland and riparian areas. The stalks will be monitored two weeks after cutting to check for new sprouts. Herbicide will be reapplied on new sprouts. Quarterly monitoring of the floodplain and stalks treated with herbicide will be conducted for three years. All pesticides will be properly used and stored consistent with Mitigation Measure HAZ-2, above.

Mitigation:

Mitigation HYD-1

This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Drainage Review Section of the Permit and Resource Management Department.

Mitigation Monitoring:

Mitigation Monitoring HYD-1

The Permit and Resource Management Department shall not issue the Building Permit until the NOI and the WDID have been received.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?***

Significance Level:

Less than Significant Impact

Comment:

Implementation of the project does not include use of groundwater, beyond the temporary irrigation of the riparian area in the vineyard portion of the project. This irrigation is temporary and within the normal use of the existing vineyard irrigation, therefore this impact is less than significant.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?***

Significance Level:

Less than Significant Impact

Comment:

The project would not alter the existing drainage pattern. Improvements to the Rancheria Creek channel would improve the management of base flows and reduce peak flows into Rancheria Creek.

The project was reviewed by the Sonoma County PRMD Storm Water and Grading Section and a condition of approval requires that grading and drainage improvement plans be reviewed and approved by Permit Sonoma prior to the issuance of any development permits. Erosion and sediment control measures are required to be included in the plans.

- d) ***Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?***

Significance Level:

Less than Significant Impact

Comment:

The project would not alter the existing drainage pattern. Improvements to the Rancheria Creek channel would improve the management of base flows and reduce peak flows into Rancheria Creek.

- e) ***Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?***

Significance Level:

Less than Significant Impact

Comment:

The project would not alter the existing drainage pattern. Improvements to the Rancheria Creek channel would improve the management of base flows and reduce peak flows into Rancheria Creek.

- f) ***Otherwise substantially degrade water quality?***

Significance Level:

Less than Significant Impact

Comment:

The project would better manage runoff water by better managing base flows and reducing peak flows into Rancheria Creek.

- g) ***Place housing within a 100-year hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?***

Significance Level:

No Impact

Comment:

The project site is not located in a flood hazard area. No housing is proposed as part of this project and therefore none will be placed within the 100-year hazard.

h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

Significance Level:

No Impact

Comment:

The project site is not located in a flood hazard area. The proposed culvert replacements will improve creek flows as they move towards the Russian River.

i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

Significance Level:

No Impact

Comment:

The project site is not located in an area subject to flooding as a result of dam failure. The project would not expose people or structures to significant risk of loss, injury or death involving flooding including flooding as a result of the failure of a levee or dam.

j) *Inundation by seiche, tsunami, or mudflow?*

Significance Level:

No Impact

Comment:

The project is not subject to seiche or tsunami. The project will not increase the possibility of mudflows moving from upstream or higher elevations during major storm events. Improvements to existing culverts and dimensions will improve sediment continuity between Rancheria Creek and the Russian River and maintain passage for salmon and steelhead through the vineyard reach.

10. LAND USE AND PLANNING:

Would the project:

a) *Physically divide an established community?*

Significance Level:

No Impact

Comment:

The project would not divide a community.

- b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?***

Significance Level:

No Impact

Comment:

The General Plan land use designations are Land Intensive Agriculture (LIA) 20 and Resources and Rural Development (RRD) 20. The zoning of the property is LIA B6 20 Z (Second Dwelling Unit Exclusion), RRD B6 20, RRD B6 20 Z, F1 (Floodway Combining District), F2 (Floodplain Combining District), MR (Mineral Resource), RC (Riparian Corridor Combining Zone) 50/50, RC200/100, SR (Scenic Resource), VOH (Valley Oak Habitat) [Under Review]. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?***

Significance Level:

No Impact

Comment:

See item 4.f. above. Habitat conservation plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan

11. MINERAL RESOURCES:

Would the project:

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***

Significance Level:

No Impact

Comment:

There is no known mineral resource on the project site.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Significance Level:

No Impact

Comment:

The project site is not a mineral resource recovery site.

12. NOISE:

Would the project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

The Noise Element of the Sonoma County General Plan establishes goals, objectives and policies including performance standards to regulate noise affecting residential and other sensitive receptors. The general plan sets separate standards for transportation noise and for noise from non-transportation land uses. The following mitigation measure will ensure that the completed project will not result in excessive noise generation or expose persons to noise levels in excess of County standards.

Mitigation:

Mitigation NOI-1

Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L ₅₀ (30 minutes in any hour)	50	45
L ₂₅ (15 minutes in any hour)	55	50
L ₀₈ (5 minutes in any hour)	60	55
L ₀₂ (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L₀₂ is the sound level exceeded 1 minute in any hour.

Mitigation Monitoring:

Mitigation Monitoring NOI-1

Any noise complaints will be investigated by Permit Sonoma staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, Permit Sonoma shall investigate complaints. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

Mitigation:

Mitigation NOI-2:

Construction activities for this project shall be restricted as follows:

- i. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- ii. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma Project Review Division as soon as practical.
- iii. There will be no start-up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer=s phone number for public contact.
- iv. Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- v. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- vi. The applicant shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Manager=s phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring:

Mitigation Monitoring NOI-2

Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, or improvement plans, prior to issuance of grading permits. Any noise complaints will be investigated by Permit Sonoma staff. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

b) *Exposure of persona to or generation of excessive ground borne vibration or ground borne noise levels?*

Significance Level:

Less than Significant Impact

Comment:

The project includes construction activities that may generate ground borne vibration and noise. These levels would not be significant because they would be short-term and temporary, and would be limited to daytime hours. There are no other activities or uses associated with the project that would expose persons to or generate excessive ground borne vibration or ground borne noise levels. The project does not include blasting activities.

c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

Significance Level:

No Impact

Comment:

See item 12.a above.

d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Significance Level:

Less than Significant with Mitigation Incorporation

Comment:

There will be potentially significant noise impacts from the construction activities. This impact will cease when construction is finished. Standard heavy equipment associated with similar construction efforts include dump trucks, excavators, jackhammers, chainsaws, water trucks, and cranes. The following mitigation measure will reduce the noise impact from construction activities and hauling to less than significant. (1) See also item 12.a above.

Mitigation:

Mitigation Measure NOI-3

Construction activities for this project shall be restricted as follows:

All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code.

Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 am and 7:00 pm on weekdays and 9:00 am and 7:00 pm on weekends and holidays. Only work that does not require motorized vehicles or power equipment shall be allowed on holidays (1). If work outside the times specified above becomes necessary, the resident engineer shall notify the Permit Sonoma Environmental Review Division as soon as practical.

(1) Note - the need for a holiday restriction is to be reviewed for each project.

Mitigation Monitoring:

Mitigation Monitoring NOI-3

Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, or improvement plans, prior to issuance of grading permits. Any noise complaints will be investigated by Permit Sonoma staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. (Ongoing)

- e) ***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

Significance Level:

No Impact

Comment:

The site is not within an airport land use plan as designated by Sonoma County.

- f) ***For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?***

Significance Level:

No impact

Comment:

There are no known private airstrips within the project area (1)

13. POPULATION AND HOUSING:

Would the project:

- a) ***Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

Significance Level:

No Impact

Comment:

The project would not include construction of a substantial amount of homes, businesses or infrastructure and therefore would not induce substantial population growth.

- b) ***Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?***

Significance Level:

No Impact

Comment:

No housing will be displaced by the project.

- c) ***Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?***

Significance Level:

No Impact

Comment:

No people will be displaced by the project.

14. PUBLIC SERVICES:

Would the project:

- a) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:***

Significance Level:

No Impact

Comment:

Construction of the project would not involve substantial adverse physical impacts associated with provision of government facilities and the impact would be less than significant.

i. Fire protection?

Significance Level:

No Impact

Comment:

Construction of the project would not impact provision of fire protection services.

ii. Police?

Significance Level:

No Impact

Comment:

The Sonoma County Sheriff will continue to serve this area. There will be no increased need for police protection resulting implementation of this project.

iii. Schools, parks, or other public facilities?

Significance Level:

No Impact

Comment:

Construction of the project would not impact schools, parks, or other public facilities.

iv. Parks?

Significance Level:

No Impact

Comment:

Construction of the project would not impact parks.

v. Other public facilities?

Significance Level:

No Impact

Comment:

Construction of the project would not impact other public facilities.

15. RECREATION:

Would the project:

- a) ***Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

Significance Level:

No Impact

Comment:

The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities.

- b) ***Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?***

Significance Level:

No Impact

Comment:

See item 15.a above.

16. TRANSPORTATION / TRAFFIC:

Would the project:

- a) ***Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

Installation of culverts will require temporary traffic delays. Implementation of the following Mitigation Measure will reduce impacts to less than significant.

Mitigation:

Mitigation Measure T/T-1

If lengthy delays are anticipated, signs shall be placed at all entrances to the project site and on major intersecting roads to notify motorists that traffic will be subject to delay.

- b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?***

Significance Level:

Less than Significant Impact

Comment:

The project includes installation of two culverts (one under SR 128, and one on Rancheria Road) that will require temporary re-routing of traffic. Each re-routing effort will comply with standard Caltrans requirements, will include appropriate signage, and will affect traffic for less than four weeks.

- c) *Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?***

Significance Level:

No Impact

Comment:

The project would have no effect on air traffic patterns.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

The project includes two temporary changes to traffic flow during the installation of culverts underneath road crossings of Rancheria Creek. These temporary traffic bypasses will be designed to appropriate traffic safety standards and will be in place for four to six weeks each. Implementation of Mitigation will reduce this impact to less than significant.

Mitigation:

Mitigation Measure T/T-2

Traffic safety guidelines compatible with Section 12 of the Caltrans Standard Specifications, "Construction Area Traffic Control Devices" shall be followed during construction. Project plans and specifications shall also require that adequate signing and other precautions for public safety be provided during project construction.

- e) *Result in inadequate emergency access?***

Significance Level:

Less than Significant with Mitigation Incorporated

Comment:

Construction activities may result in traffic delays possibly slowing emergency response vehicles or restricting access to residences or nearby businesses. This is a short term construction related impact that will cease upon project completion. The following mitigation measures will reduce this impact to a level of less than significant.

Mitigation:

Mitigation Measure T/T-3

- i. Local emergency services shall be notified prior to construction to inform them that traffic delays may occur, and also of the proposed construction schedule.
- ii. The County will require the contractor to provide for passage of emergency vehicles through the project site at all times.
- iii. The County will require the contractor to maintain access to all parcels during project construction.

f) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

Significance Level:

Less than Significant Impact

Comment:

The project includes installation of two culverts that will require temporary re-routing of traffic during construction. The temporary nature of this effort would be less than significant to adopted plans, policies, or programs regarding public transit, bicycle or pedestrian facilities. Safety standards during construction will assure performance during construction.

g) *Result in inadequate parking capacity?*

Significance Level:

No Impact

Comment:

The project will not affect parking capacity.

17. UTILITIES AND SERVICE SYSTEMS:

Would the project:

a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

Significance Level:

No Impact

Comment:

The project will not impact wastewater treatment.

- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?***

Significance Level:

No Impact

Comment:

The project will not result in construction of new water or wastewater treatment facilities or the expansion of existing facilities.

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?***

Significance Level:

No Impact

Comment:

The project includes elements that will result in slight improvements to drainage from the site.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?***

Significance Level:

Less than Significant Impact

Comment:

The project includes provision of a supplemental water supply for in-stream flows. These in-stream flows would provide a benefit to fish resources in the project area.

- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

Significance Level:

No Impact

Comment:

The project would not require wastewater treatment.

- f) ***Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?***

Significance Level:

Less than Significant Impact

Comment:

Sonoma County has a solid waste management program in place that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that will result from the proposed project. (1)

- g) ***Comply with federal, state, and local statutes and regulations related to solid waste?***

Significance Level:

No Impact

Comment:

Sonoma County has access to adequate permitted landfill capacity to serve the proposed project.

18. MANDATORY FINDINGS OF SIGNIFICANCE

- a) ***Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?***

Significance Level:

No Impact

Comment:

The project is a fishery restoration project, and as such will result in environmental benefit upon completion.

- b) ***Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?***

Significance Level:

Less than Significant Impact

Comment:

The project is a fishery restoration project, and as such will result in environmental benefit upon completion. There will be some short-term environmental impacts during implementation, but long-term effects will be beneficial.

- c) ***Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

Significance Level:

No Impact

Sources

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4. Assessor's Parcel Maps
5. BAAQMD CEQA Guidelines; Bay Area Air Quality Management District; April 1999; California Air Resources Board (CARB) <http://www.arb.ca.gov/>
6. California Natural Diversity Database, California Department of Fish & Game.
7. Sonoma County General Plan 2020 (as amended), Sonoma County Board of Supervisors, September 23, 2008.
8. California Environmental Protection Agency - <http://www.calepa.ca.gov/SiteCleanup/corteseList/default.htm>; California Regional Water Quality Control Board - <http://geotracker.swrcb.ca.gov/>; California Dept of Toxic Substances Control http://www.dtsc.ca.gov/database/calsites/cortese_list.cfm, and Integrated Waste Management Board - <http://www.ciwmmb.ca.gov/SWIS/Search.asp>
9. Alquist-Priolo Special Studies Zones; State of California; 1983.
10. Flood Insurance Rate Maps, Federal Emergency Management Agency.
11. Special Report 120, California Division of Mines and Geology; 1980.
12. General Plan Consistency Determination, (65402 Review), Sonoma County Permit & Resource Management Department.
13. Standard Specifications, State of California Department of Transportation, available online: http://www.dot.ca.gov/hq/esc/oe/specs_html
14. American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, Pruning (ANSI A300 (Part 1)-2008 Pruning), American National Standard Institute (ANSI) and National Arborist Association (NAA), 2008;
15. Best Management Practices: Tree Pruning, International Society of Arboriculture (ISA), 2008.
16. Tree Protection and Replacement Ordinance (Ordinance No. 4014); Sonoma County.
17. Valley Oak Protection Ordinance (Ordinance No. 4991); Sonoma County, December 1996.
18. Heritage or Landmark Tree Ordinance (Ordinance No. 3651); Sonoma County.
19. Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments; May, 1995.
20. Soil Survey of Sonoma County, California, Sonoma County, U.S. Department of Agriculture; 1972.
21. Evaluation of Groundwater Resources, California Department of Water Resources; 1975.

22. Sonoma County Congestion Management Program, Sonoma County Transportation Authority; December 18, 1995.

23. Sonoma County Aggregate Resources Management Plan and Program EIR, 1994.

24. Sonoma County Bikeways Plan, Sonoma County Permit and Resource Management Department, August 24, 2010.

Other Technical Reports

25. US Department of Agriculture (USDA). 2014. Field Guide for Managing Giant Reed in the Southwest. Southwest Region. TP-R3-16-11. September.

26. California Department of Transportation (Caltrans), 2008. Statewide local development-intergovernmental review program guide, tribal development projects, Office of transportation planning, Sacramento, July.

27. ESA. 2012. Dry Creek Rancheria Stream Restoration Project: Biological Assessment. Prepared for Dry Creek Rancheria Band of Pomo Indians for US Fish & Wildlife Service and National Marine Fisheries Service, November.

28. ESA. 2012. Dry Creek Rancheria Stream Restoration Project: Revegetation Plan. Prepared for Dry Creek Rancheria Band of Pomo Indians.

29. ESA. 2012. Dry Creek Rancheria Stream Restoration Project: Wetland Delineation Report. Prepared for Dry Creek Rancheria Band of Pomo Indians, October.

30. Nation Marine Fisheries Service. 2006. Biological Opinion. Permitting of Fisheries Restoration Projects within the Geographic Boundaries of NMFS' Santa Rosa, California, Field Office. US Department of Commerce, National Oceanic and Atmospheric Administration, June.

31. ESA. 2012. Memorandum: Cultural Resources Survey for the Dry Creek Rancheria Channel I-1 Stream Restoration Project, Dry Creek Rancheria, Sonoma County, California. Prepared for the Dry Creek Rancheria Band of Pomo Indians.

32. US EPA. 2011. Standard Federal NPDES Permit Conditions. Region IX, CWA Standards and Permits Office (WTR-2-3). Reference: 40 CFR Parts 100 to 135, July 1, 2009.

33. US EPA. 2012. Permit No CA 0005241, Authorization to discharge under the National Pollutant Discharge Elimination System. September.

34. US EPA. 2012. Permit No CA 0005241, Fact Sheet, National Pollutant Discharge Elimination System Permit.

35. ESA. 2008. Dry Creek Rancheria: Proshold Property Biological Resources Inventory and Constraints Reports. Prepared for Dry Creek Rancheria Band of Pomo Indians, August.

36. ESA. 2008. Proshold Property Acquisition: Phase I Environmental Site Assessment. Prepared for Dry Creek Rancheria Band of Pomo Indians, August.



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

28 December 2016

Chris Ott
Dry Creek Rancheria Band of Pomo Indians
PO Box 607
Geyserville, CA 95441

RE: RANCHERIA CREEK RESTORATION PROJECT
PRMD FILE NO. UPE16-0070
3152 HIGHWAY 128, GEYSERVILLE
ASSESSOR'S PARCEL NUMBER: 131-050-004

Dear Chris:

Thank you for your request for a Use Permit and a Conservation Plan for construction of ecological improvements and restoration on reaches of Rancheria Creek and the Russian River plus flow stabilization on Rancheria Creek located on fee-titled property owned by the Tribe. The project includes restoration activities within the riparian corridor that require a Use Permit and Conservation Plan according to County Code Chapter 26-65. The project site is located on both sides of the intersection of Highway 128 with Rancheria Road.

The Use Permit approval is based on a determination by the Permit and Resource Management Department (Permit Sonoma) that the use will not be detrimental to the health, safety or welfare of adjacent land uses or properties. A Mitigated Negative Declaration of Environmental Impact, prepared under the requirements of the California Environmental Quality Act (CEQA), to reduce potentially adverse impacts on the environment to a level of insignificance.

The notice of circulation of the Mitigated Negative Declaration was posted on November 21, 2016. The CEQA document was submitted to the State Clearinghouse (SCH # 2016112053) for a 30 day review period that ended on December 23, 2016. One comment letter was received on December 21, 2016 from the Department of Transportation raising issues about cultural resources and the location of the 100-year flood plain. These comments have been taken into consideration and a condition of approval added to require an encroachment permit in the State right-of-way.

This Use Permit is approved for the use as described on the application form, the proposal statement, and the site plan submitted to this department as modified by the Conditions of Approval. Any modification, expansion, or alteration of use shall be submitted for review and approval by Permit Sonoma in advance of the proposed change and may, at the discretion of the Director, require revisions to the Use Permit.

This decision may be appealed in writing, along with an appeal fee, within 10 (ten) calendar days of the date of this letter. If you have any questions, feel free to contact me via email at Georgia.McDaniel@sonoma-county.org or at (707) 565-4919. Please refer to your file number (UPE16-0070) and site address when making inquiries.

Thank you for undertaking this valuable environmental restoration project.

Sincerely,

Tennis Wick, AICP
Director

Enclosure: Conditions of Approval dated 28 December 2016

Conditions of Approval and Mitigation Monitoring Program

Date: 28 December 2016
Project Name: Rancheria Creek Restoration Project
Applicant: Dry Creek Rancheria Band of Pomo Indians
APN: 131-050-004
Address: 3152 Highway 128, Geyserville

File No.: UPE16-0070
Planner: Georgia McDaniel

Project Description: Use Permit for a Conservation Plan for construction of ecological improvements and restoration on reaches of Rancheria Creek and the Russian River plus flow stabilization on Rancheria Creek located on fee-titled property owned by the Tribe.

Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.

1. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50.00 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,210.25 (or latest fee in effect at time of payment) because a Mitigated Negative Declaration was prepared, for a **total of \$2,260.25 made payable to Sonoma County Clerk** and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.

GRADING AND STORM WATER:

"The conditions below have been satisfied BY _____ DATE _____

2. Grading and/or building permits require review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance. Grading permit applications shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations.
3. A drainage report for the proposed project shall be prepared by a civil engineer, currently registered in the State of California, be submitted with the grading and/or building permit application, and be subject to review and approval by the Grading & Storm Water Section of the Permit and Resource Management Department. The drainage report shall include, at a minimum, a project narrative, on- and off-site hydrology maps, hydrologic calculations, hydraulic calculations, pre- and post-development analysis for all existing and proposed drainage facilities. The drainage report shall abide by and contain all applicable items in the Drainage Report Required Contents (DRN-006) handout.
4. Drainage improvements shall be designed by a civil engineer, currently registered in the State of California, and in accordance with the Sonoma County Water Agency Flood Control Design Criteria. Storm Water Section of the Permit and Resource Management Department (PRMD) for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water levels and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Drainage improvements shall not adversely affect adjacent properties or drainage systems.
5. The applicant shall provide grading plans, prepared by a civil engineer currently registered in the State of California, which clearly indicate the nature and extent of the work proposed and include all existing and proposed land features, elevations, roads, driveways, buildings, limits of grading, adequate grading cross sections and drainage facilities such as swales, channels, closed conduits, or drainage structures. The grading plans shall abide by and contain all applicable items from the Grading Permit Required Application Contents (GRD-004) handout.
6. As part of the grading plans, the applicant shall include an erosion prevention/sediment control

plan which clearly shows best management practices to be implemented, limits of disturbed areas, vegetated areas to be preserved, pertinent details, notes, and specifications to prevent damages and minimize adverse impacts to the environment. Tracking of soil or construction debris into the public right-of-way shall be prohibited. Runoff containing concrete waste or by-products shall not be allowed to drain to the storm drain system, waterway(s), or adjacent lands. The erosion prevention/sediment control plan shall abide by and contain all applicable items in the Grading Permit Required Application Contents (GRD-004) handout.

7. If the cumulative land disturbance of the project is equal to or greater than one (1) acre, then the project is subject to National Pollutant Discharge Elimination System (NPDES) requirements and must obtain coverage under the State Water Resource Control Board's General Construction Permit (General Permit). Documentation of coverage under the General Permit must be submitted to the Grading & Storm Water Section of the Permit and Resource Management Department prior to issuance of any grading permit for the proposed project.

The following mitigation measures, identified in the Mitigated Negative Declaration for the Rancheria Creek Restoration Project dated November 2016, shall be implemented and monitored in accordance with mitigation monitoring and reporting requirements listed below.

AIR QUALITY

Mitigation Measure AIR-1

The use of diesel equipment will be minimized by turning machinery off when not in use, and equipment will be properly maintained. All portable equipment with independent generation capacity on site will be registered with the California Air Resources Board.

Mitigation Monitoring: Permit Sonoma staff shall ensure that the measures are listed on all site alteration or grading plans, prior to issuance of grading permits.

Mitigation Measure AIR-2

The following dust control measures will be included in the project:

- Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.

Mitigation Monitoring: Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, or improvement plans, prior to issuance of grading permits.

Mitigation Measure AIR-3

The use of diesel equipment will be minimized by turning machinery off when not in use, and equipment will be properly maintained. All portable equipment with independent generation capacity on site will be registered with the California Air Resources Board.

Mitigation Monitoring: Permit Sonoma staff shall ensure that the measures are listed on all site alteration or grading plans, prior to issuance of grading permits.

BIOLOGICAL RESOURCES

Mitigation Measure BIO-1

In addition to conservation measures and conditions for required permits, the project includes limitations on construction periods to avoid impacts to sensitive habitats. Vegetation removal shall not occur between February 15 and September 1 to avoid impacts to migratory birds. No heavy equipment shall be allowed in the Russian River until June 15. All large woody debris shall be redwood with rootball intact and rootballs shall be sterilized to remove any New Zealand Mud Snail following the guidance developed by NOAA.

In addition, the Tribe would monitor Rancheria Creek, including the pools located on Dry Creek Rancheria (tribal trust land), to prevent poaching of all three federally-listed species of salmoids as a condition of approval. Documentation of environmental permits under Section 404 permit from the ACOE, a Section 401 water quality certification from the NCRWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW must be provided prior to Permit Sonoma issuance of the Grading Permit.

Mitigation Monitoring: Mitigation monitoring would be required by the environmental regulatory agencies as part of the environmental permitting process.

Mitigation Measure BIO-2

Only the minimum amount of vegetation will be pruned or removed that is necessary to construct the project. Where possible, vegetation will be tied back in lieu of cutting. Native vegetation that must be removed will be cut at or above grade to facilitate re-growth. Any pruning that is done, including for utility line clearance, will conform to the American National Standard for Tree Care Operation Tree, Shrub, and Other Woody Plant Maintenance Standard Practices, Pruning (ANSI A300 Part 1)-2008 Pruning), and the companion publication Best Management Practices: Tree pruning (ISA 2008). Roots will only be unearthed when necessary. All SOD host species plants and plant parts that are pruned or cut at the project site as part of this project must be disposed of within the limits of Sonoma County. Foliage that is chipped on site shall not be placed where it can enter Rancheria Creek.

If SOD host species are to be removed, then include: Trees to be removed in the project area are included on the list of host species for the plant pathogen *Phytophthora ramorum* more commonly known as Sudden Oak Death. Sudden Oak Death (SOD) is a plant disease that is becoming a serious threat to many native tree and shrub species within California and southern Oregon. Section 3700 of the California Code of Regulations has established a quarantine that restricts the movement of potential hosts and host material of SOD. Sonoma County is considered to be an infected county and known infected trees occur within one mile of the project site, increasing the chance that trees within the project limits may be infected. The spread of this pathogen as a result of this project could result in significant impacts to the resources listed under this question. With the implementation of the following mitigation measures, the potential impact of spreading SOD would be reduced to less than significant.

Mitigation Monitoring: Mitigation monitoring would be required by the environmental regulatory agencies as part of the environmental permitting process.

Mitigation Measure BIO-3

All surplus soils that cannot be used on the project site will be disposed of at an acceptable disposal site. If any areas outside the project site are used for disposal or stockpiling of soil or other materials, the contractor will be required to demonstrate that the site has all the required permits, including, if applicable, a grading permit. The contractor will notify the California Department of Fish and Wildlife of the intent to use the site, and the Permit Sonoma to determine if a grading permit is required. The contractor will be required to provide evidence to the County

that the site does not affect wetlands under the jurisdiction of the Army Corps of Engineers, or that the site has the appropriate permit from the Army Corps of Engineers.

Surplus concrete rubble or pavement will either be disposed of at an acceptable and legally permitted disposal site or taken to a permitted concrete and/or asphalt recycling facility.

Mitigation Monitoring: Mitigation monitoring would be required by the environmental regulatory agencies as part of the environmental permitting process.

CULTURAL RESOURCES

Mitigation Measure CUL-1

If archaeological resources are found, all earthwork in the vicinity of the find shall cease, and Permit Sonoma staff and the Tribe shall be notified so that the find can be evaluated by a qualified paleontologist. When contacted, a member of Permit Sonoma Project Review staff and the Tribe plus the project archaeologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. No further excavations in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the archaeologist, Project Review staff and the Tribe. Any appropriate Federal agencies shall be contacted.

Mitigation Monitoring: Permit Sonoma staff shall verify that all permits issued for this project include the above note on the plans.

Mitigation Measure CUL-2

If paleontological resources are found, all earthwork in the vicinity of the find shall cease, and Permit Sonoma staff shall be notified so that the find can be evaluated by a qualified paleontologist. When contacted, a member of Permit Sonoma Project Review staff and the paleontologist shall visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. No further excavations in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and Project Review staff. Local tribes and the appropriate Federal agencies shall be contacted.

Mitigation Monitoring: Permit Sonoma staff shall verify that all permits issued for this project include the above note on the plans.

GEOLOGY AND SOILS

Mitigation Measure GEO-1

Earthwork, grading, trenching, backfilling and compaction operations shall be conducted in accordance with the erosion control provisions of the Drainage and Storm Water Management Ordinance (Chapter 11, Sonoma County Code and Building Ordinance (Chapter 7, Sonoma County Code).

Construction activities shall meet the California Building Code regulations for seismic safety. All work shall be subject to inspection by Permit Sonoma and must conform to all applicable code requirements.

Mitigation Monitoring: The grading permit for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirement.

Mitigation Measure GEO-2:

The design of earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the project geotechnical report. The geotechnical engineer shall submit an approval letter for the engineered grading plans prior to issuance of the grading permit. Prior to final of the grading permit the geotechnical engineer shall also inspect the construction work and shall certify to PRMD, prior to the acceptance of the improvements that the improvements have been constructed in accordance with the geotechnical specifications.

Mitigation Monitoring: Permit Sonoma Plan Check staff will ensure plans are in compliance with geotechnical requirements. Permit Sonoma inspectors will ensure construction is in compliance with geotechnical requirements.

Mitigation Measure GEO-3

The project site will be inspected following the first heavy rain, during the middle of the rainy season and at the end of the rainy season following construction. During each visit, areas of significant erosion or erosion control device failure shall be noted and appropriate remedial actions taken.

Mitigation Monitoring: The project site shall be inspected by County staff after storm events that produce 1 inch of rain or greater within 24 hour period in the Santa Rosa area. During every inspection, areas of significant erosion or erosion control device failure shall be noted and appropriate remedial actions will be taken as soon as practical. If erosion control measures appear to be effective for three consecutive site inspections following 1-inch storm events, then site inspections will only be required following storm events that result in 2 inches of rain, or greater, within a 24-hour period in the Santa Rosa area.

At the end of the rainy season, County staff will re-inspect the site and evaluate the effectiveness of the erosion control measures that were used. If there were problem areas at the site, recommendations will be made to improve methods used in subsequent projects.

Mitigation Measure GEO-4

The applicant shall submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as an integral part of the grading plan. The Erosion and Sediment Control Plan shall be subject to review and approval of the Permit Sonoma prior to the issuance of a grading permit. The Plan shall include temporary erosion control measures to be used during construction of cut and fill slopes, excavation for foundations, and other grading operations at the site to prevent discharge of sediment and contaminants into the drainage system. The Erosion and Sediment Control Plan shall include the following measures as applicable:

- i. Throughout the construction process, ground disturbance shall be minimized and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.
- ii. All drainage ways, wetland areas and creek channels shall be protected from silt and sediment in storm runoff through the use of silt fences, diversion berms and check dams. Fill slopes shall be compacted to stabilize. All exposed surface areas shall be mulched and reseeded and all cut and fill slopes shall be protected with hay mulch and /or erosion control blankets as appropriate.
- iii. All erosion control measures shall be installed according to the approved plans prior to the onset of the rainy season but no later than October 15th. Erosion control measures

shall remain in place until the end of the rainy season, but may not be removed before April 15th.

Mitigation Monitoring: Grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about erosion control requirement.

HAZARDOUS MATERIALS

Mitigation Measure HAZ-1

The construction contract will require that any storage of flammable liquids be in compliance with the Sonoma County Fire Code and section 7-1.01G of the Caltrans Standard Specification (or the functional equivalent) for the protection of surface waters. In the event of a spill of hazardous materials the Contractor will immediately call the emergency number 9-1-1 to report the spill, and will take appropriate actions to contain the spill to prevent further migration of the hazardous materials to storm water drains or surface waters.

Mitigation Measure HAZ-2

During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code.

A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains.

The project would include use of approved pesticides to enhance the effectiveness of invasive species removal. All pesticides shall be properly used and stored.

Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant shall call 911 to report the spill and take appropriate action to contain and clean up the spill.

Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.

Mitigation Monitoring: Grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

HYDROLOGY AND WATER QUALITY

Mitigation Measure HYD-1

This project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Construction Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number (WDID) issued by that agency must be submitted to the Drainage Review Section of the Permit and Resource Management Department.

Mitigation Monitoring: Permit Sonoma shall not issue the Grading Permit until the NOI and the WDID have been received.

NOISE

Mitigation Measure NOI-1

Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L ₅₀ (30 minutes in any hour)	50	45
L ₂₅ (15 minutes in any hour)	55	50
L ₀₈ (5 minutes in any hour)	60	55
L ₀₂ (1 minute in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L ₅₀ is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L ₀₂ is the sound level exceeded 1 minute in any hour.		

Mitigation Monitoring: Any noise complaints will be investigated by Permit Sonoma staff. If such investigation indicates that the appropriate noise standards have been or may have been exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measures. Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, Permit Sonoma shall investigate complaints. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

Mitigation Measure NOI-2:

Construction activities for this project shall be restricted as follows:

- i. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- ii. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma Project Review Division as soon as practical.
- iii. There will be no start-up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer=s phone number for public contact.

- iv. Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- v. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- vi. The applicant shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Manager's phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, or improvement plans, prior to issuance of grading permits. Any noise complaints will be investigated by Permit Sonoma staff. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

Mitigation Measure NOI-3

Construction activities for this project shall be restricted as follows:

All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code.

Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 am and 7:00 pm on weekdays and 9:00 am and 7:00 pm on weekends and holidays. Only work that does not require motorized vehicles or power equipment shall be allowed on holidays (1). If work outside the times specified above becomes necessary, the resident engineer shall notify the Permit Sonoma Environmental Review Division as soon as practical.

(1) Note - the need for a holiday restriction is to be reviewed for each project.

Mitigation Monitoring: Permit Sonoma staff shall ensure that the measures are listed on all site alteration, grading, or improvement plans, prior to issuance of grading permits. Any noise complaints will be investigated by Permit Sonoma staff. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

TRANSPORTATION/TRAFFIC

Mitigation Measure T/T-1

If lengthy delays are anticipated, signs shall be placed at all entrances to the project site and on major intersecting roads to notify motorists that traffic will be subject to delay.

Mitigation Measure T/T-2

Traffic safety guidelines compatible with Section 12 of the Caltrans Standard Specifications, "Construction Area Traffic Control Devices" shall be followed during construction. Project plans and specifications shall also require that adequate signing and other precautions for public safety be provided during project construction.

Mitigation Measure T/T-3

- i. Local emergency services shall be notified prior to construction to inform them that traffic delays may occur, and also of the proposed construction schedule.
- ii. The County will require the contractor to provide for passage of emergency vehicles through the project site at all times.
- iii. The County will require the contractor to maintain access to all parcels during project construction.

Mitigation Measure T/T-4

An encroachment permit from the California Department of Transportation District 4 is required prior to any work or traffic control within the State right-of-way (ROW) along Highway 128.

Appropriate traffic-related mitigation measures supported by California Department of Transportation and listed at <http://www.dot.ca.gov/hq/traffops/developserv/permits> should be incorporated into the construction plans prior to the encroachment permit process.