



## Legislation Details (With Text)

**File #:** 2020-0650  
**Type:** Consent Calendar Item      **Status:** Agenda Ready  
**File created:** 6/19/2020      **In control:** Permit and Resource Management  
**On agenda:** 8/4/2020      **Final action:**  
**Title:** An Ordinance No. 3836R Permit and Permit Extensions to Christopher Ott, on behalf of Dry Creek Rancheria Band of Pomo Indians; ROI20-0003; 3152 and 3250 Hwy 128; APN 131-050-004  
**Sponsors:** Permit and Resource Management  
**Indexes:**  
**Attachments:** 1. ROI20-0003 Dry Creek Rancheria Summary Report.pdf, 2. Attachment 1 Resolution, 3. Attachment 2 Application, 4. Attachment 3 Location Map Layout, 5. Attachment 4 Mitigated Negative Declaration

Date	Ver.	Action By	Action	Result
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**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** Permit and Resource Management Department  
**Staff Name and Phone Number:** Reg Cullen, 565-2502  
**Vote Requirement:** 4/5th  
**Supervisorial District(s):** Fourth

**Title:**  
An Ordinance No. 3836R Permit and Permit Extensions to Christopher Ott, on behalf of Dry Creek Rancheria Band of Pomo Indians; ROI20-0003; 3152 and 3250 Hwy 128; APN 131-050-004

**Recommended Action:**  
Adopt a resolution issuing a roiling permit (Ordinance No. 3836R) and necessary permit extensions to the Dry Creek Rancheria Band of Pomo Indians to perform construction work on riparian property. (4/5<sup>th</sup> Vote Required)(Fourth District)

**Executive Summary:**  
Sonoma County requires that an application for a permit, known as a roiling permit, be filed with the Board of Supervisors prior to work or operations in a river, stream, or channel which may decrease the clarity of these waterways. The recommended resolution will issue a roiling permit to the Dry Creek Rancheria Band of Pomo Indians for the Dry Creek Rancheria Stream Flow Enhancement and Restoration project to be done between 4 August and 15 October 2020, for riparian fee-owned property located at 3152 and 3250 Hwy 128; APN 131-050-004. Permit and permit extensions for work within a channel or stream must be approved by the Board of Supervisors.

**Discussion:**  
This stream flow enhancement, water quality improvement, and restoration project consists of the following components listed below and shown on the final design drawings. Rancheria Creek is dry during the construction period and the wetted channel of the Russian River will be spanned with a temporary bridge formed by a series of culverts. There will be no work in the wetted Russian River. The connection of re-aligned Rancheria Creek to the Russian River and the winter holding habitat feature will occur during storm events

when both channels are at high flow.

- Realignment and grading of Rancheria Creek from Highway 128 to the confluence with the Russian River to create a multistage channel
- Restoration of vegetation along Rancheria Creek from Highway 128 to the confluence with the Russian River
- Removal of tires along Rancheria Creek
- Removal of arundo by excavation in the project area
- Restoration of sediment delta with distributaries for Rancheria Creek on the Russian River floodplain
- Excavation of fine sediment settling pits to trap fine sediment during high flows of the Russian River to improve water quality.
- Excavation of winter rearing habitat feature
- Installation and removal of a temporary crossing of the Russian River during the construction window from August 4 to October 15, 2020.
- Bank enhancement at the knob on the West bank of the Russian River
- Installation of beaver dam analogs along the upper portion of the West bank
- Setting back the top of slope along the West bank
- Backfill of the abandoned portion of Rancheria Creek with excavated material
- Temporary storage of excavated material on the West bank and East bank of the Russian River

Section VIII of Ordinance No. 3836R requires that an application for a permit be filed with the Board of Supervisors prior to the performance of certain prescribed work or operations in a river, stream, or channel which may decrease the clarity of these waterways.

Concurrent Resolution No. 94-1053 of the Board of Supervisors requires that applications for permits describe the work or operations to be done in detail, including expected impacts on the clarity of the river and any proposed monitoring or mitigation measures to avoid unreasonably decreasing the clarity of the river, the purpose of the work or operations, the manner in which the work or operations will be carried out, and the time within which the work or operations will be completed. A site plan showing the exact location of the proposed work is also required. Applications also must identify past roiling permits issued under Ordinance No. 3836R. Pursuant to the Resolution, applications must be accompanied by a copy of the agreement required by Section 1601 et seq. of the California Fish and Wildlife Code and water discharge permits applicable to the work or operations, if any, pursuant to the Porter-Cologne Water Quality Control Act.

The application submitted by Christopher Ott complies with the requirements of the 3836R Ordinance. The applicant represents that no significant residual impacts affecting water clarity of the Russian River or Rancheria Creek will result. The applicant proposes to realign and grade Rancheria Creek from Highway 128 to the confluence with the Russian River to create a multistage channel. The work is proposed to commence no earlier than 4 August 2020 and is scheduled to be completed by 15 October 2020.

Pursuant to Section 15071 of the State CEQA Guidelines, a summary of findings plus an Initial Study and mitigations completed November 23, 2016 by Permit Sonoma Comprehensive Planning staff constitute a Mitigated Negative Declaration that was adopted December 28, 2016, by the County of Sonoma for this

project.

As described in the application, the work will likely require greater than 30 days to complete. To accomplish this, the permit may be extended for additional 30- day periods if such permit period extensions are approved by the Board of Supervisors as requested in this agenda item. The Director of the Permit and Resource Management Department shall confirm the need for each permit extension immediately prior to the expiration of the current permit period to ensure that the work is not yet complete and an additional 30-day period extension is necessary. Two 30-day extensions may be required.

The 3836R permit and 30-day extensions require a 4/5 approval vote by the Board according to the requirements of the 1988 ballot measure creating the 3836R Ordinance.

**Prior Board Actions:**

None

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

None

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

1. Attachment 1 Resolution
2. Attachment 2 Application
3. Attachment 3 Maps
4. Attachment 4 Mitigated Negative Declaration

**Related Items "On File" with the Clerk of the Board:**

None