



Legislation Text

File #: 2020-1056, **Version:** 3

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

Supervisory District(s): Fifth

Title:

Roiling Permit under Sonoma County Code § 23-3 (Ordinance No. 3836R) to Philip Buehler, BioEngineering Associates Inc., for River Bank Stabilization and Revegetation Work at 15200 and 15190 Drake Road, Guerneville; ROI20-0004

Recommended Action:

Adopt a resolution finding the project exempt from CEQA under Public Resources Code § 21080(b) and CEQA Guidelines § 15269, and approving the requested roiling permit. (Fifth District)(4/5th Vote Required)

Executive Summary:

Sonoma County Code § 23-3 requires that an application for a permit, known as a roiling permit, be approved by the Board of Supervisors prior to work or operations in a river or stream which may decrease the clarity of these waterways. Under Section 23-3, your Board may approve the requested permit if it finds that the permit is necessary and that the work will be performed in a manner which will not unreasonably decrease the clarity of the waters of the rivers or streams of the County of Sonoma. Staff recommends that your Board approve the requested permit on the basis that it is necessary to protect two existing homes and will not unreasonably decrease the clarity of the waters of the Russian River. Approval of the resolution will approve a roiling permit for Russian River bank stabilization and revegetation work at 15190 and 15200 Drake Road in Guerneville beginning November 9, 2020.

Discussion:

The primary purpose of the Project is to stabilize and revegetate actively eroding Russian River bank on two lots located at 15200 and 15190 Drake Road in Guerneville. During the heavy rains and flooding of winter 2018/2019, thirty to forty-five feet of the lots' frontages along the river were lost to severe streambank erosion. Two homes on the subject lots are at risk if erosion continues. At its closest point, the top of the eroding streambank is now about thirty-eight feet from one of the houses. The streambank erosion also threatens a number of mature trees growing at the top of the bank, including a large stand of redwood trees.

The Project involves construction of four vegetated rock deflectors along approximately 135 linear feet (.05 acre) of river bank. Large boulders will be keyed in to the base of the slope, onsite sand and smaller rocks will be installed between the boulders as a growing medium, and live willow poles and branches will be placed between the boulders to reduce near bank velocity and promote aggradation of fine sediment on the bank. Areas between the deflectors will also be mulched and seeded and covered with coir erosion control fabric.

The applicant will implement the project in accordance with terms and conditions of the Clean Water Act Section 401 Water Quality Certification issued by the North Coast Regional Water Quality Control Board and dated October 1, 2020 (WDID 1B20156WNSO) (the "401 Certification"). The applicant has applied to the US Army Corps of Engineers for Nationwide Permit 13 for bank stabilization pursuant to Section 404 of the Clean Water Act, and also submitted a Section 1600 Notification of Lake or Streambed Alteration to the state Department of Fish and Wildlife. A grading permit will not be issued by Permit Sonoma until the project has received all required state and federal approvals.

Sonoma County Code § 23-3 (also known as Section VIII of Ordinance No. 3836R), which was initially approved by County voters in June 1988, requires a 4/5 vote of your Board to approve an application for a roiling permit for work or operations in a river or stream which may decrease the clarity of the waterway. In 1994, your Board adopted Resolution No. 94-1053 to provide guidance for implementing and administering Ordinance 3836R. Resolution No. 94-1053 requires that roiling permit applications describe in detail the work to be done, 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. A site plan showing the exact location of the proposed work is also required. Applications must identify past roiling permits for the same site. Pursuant to Resolution 94-1053, applications must include a copy of the required Section 1601 Lake or Streambed Alteration agreement with the California Department of Fish and Wildlife (CDFW) and required permits issued by the Regional Water Quality Control Board. As noted above, the applicant has received Section 401 Water Quality Certification from the North Coast Regional Water Quality Control Board and has approvals from CDFW and the Army Corps of Engineers.

The application meets the criteria for approval set forth in Sonoma County Code § 23-3 because the project is necessary to protect property, water quality and habitat, and will be carried out in a manner that will not unreasonably decrease the clarity of the river. The applicant will use a floating turbidity curtain in the river during construction that will isolate the site and prevent sediment from flowing downstream. The applicant will visually monitor turbidity for the duration of the project, and a qualified biologist will oversee placement of the curtain to avoid injury to aquatic wildlife. Due to the urgent need to accomplish the work before the onset of seasonal rains, the project is scheduled to begin as soon as all state and federal approvals are obtained and Permit Sonoma issues a grading permit. The state and federal permitting process for this project, together with Permit Sonoma's grading permit process, meet the performance requirements of Section 23-3 and Resolution 94-1053. As of the date this report was written, work had not yet begun, but was likely to commence before the hearing date.

The North Coast Regional Board determined that the project is categorically exempt from CEQA review under CEQA Guidelines § 15304, Minor Alterations to Land. Permit Sonoma determined that the project is also exempt from CEQA pursuant to Public Resources Code § 20180(b)(3)-(4) and CEQA Guidelines § 15269 (a), (c). The project is exempt under Public Resources Code § 20180(b)(3) and CEQA Guidelines § 15269(a) because the project is proposed to repair and restore river bank that substantially eroded as a result of a 2019 flood event that was the subject of a February 25, 2019 emergency proclamation by Governor Gavin Newsom. Additionally or alternatively, the project is exempt from CEQA under Public Resources Code § 20180(b)(4) and CEQA Guidelines § 15269(c) because it is necessary to prevent or mitigate an emergency, namely clear and imminent danger to two houses on the subject lots that are threatened by the actively eroding river bank. Under CEQA and the CEQA Guidelines, an "emergency" involves clear and imminent danger, demanding

immediate action to prevent or mitigate loss of or damage to life, health or property, including but not limited to such occurrences as flooding or other soil or geologic movements. (Public Res. Code, § 21060.3; CEQA Guidelines, § 15359.)

Prior Board Actions:

None

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

None

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

1. Board of Supervisors Resolution
2. Application
3. Maps
4. North Coast Regional Water Quality Control Board Water Quality Certification for the Drake Road Russian Riverbank Stabilization and Revegetation Project

Related Items “On File” with the Clerk of the Board:

1. California Department of Fish and Wildlife Authorization Letter
2. U. S Army Corps of Engineers Application