



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

Regulatory Branch

AUG 12 2003

Subject: File Number 27804N

MAP NOT ATTACHED -
LOCATED IN PROJECT FILE

Ms. Michael Zander
Zander Associates
150 Ford Way
Suite 101
Novato, California 94945

Dear Ms. Zander:

Thank you for your submittal of April 23, 2003 requesting confirmation of the extent of Corps of Engineers jurisdiction at the Alexander Valley Resort site, located at the northeast corner of the intersection of Asti Road and Santana Drive, in the City of Cloverdale, Sonoma County, California (APN 116-260-012, 116-310-013, 116-310-014, 116-310-052, 117-050-007, 117-050-010, 117-050-011, 117-050-012, 117-050-015, 117-050-016, 117-050-017, 117-050-018, 117-050-019).

Enclosed is a map showing the extent and location of Corps of Engineers jurisdiction, as verified during a site inspection on May 29, 2003. ✓

We have based this jurisdictional delineation on the current conditions of the site. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. However, if there has been a change in circumstances that affects the extent of Corps jurisdiction, a revision may be done before that date.

Please note that some wetlands and other waters on site are non-jurisdictional, based upon the U.S. Supreme Court decision in Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers, 121 S.C. 675 (2001). The SWANCC identified water bodies are not "waters of the United States" because they are: (1) not navigable waters, (2) not interstate waters, (3) not part of a tributary to item (1) or (2), (4) not wetlands adjacent to any of the foregoing waters, and (5) not an impoundment of any of the foregoing waters. In addition, the interstate commerce nexus to these particular waters is insufficient to establish Clean Water Act jurisdiction. These waters are; therefore, not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act.

This determination does not obviate the need to obtain other Federal, State or local approvals required by law, including compliance with the Federal Endangered Species Act (ESA)

81303

completed NAO-RFA form to the Division Engineer to initiate the appeal process. You will relinquish all rights to appeal, unless the Corps receives new information or a completed NAO-RFA form within sixty (60) days of the date of the NAO-RFA.

If you have any questions, please call Philip Shannin of our Regulatory Branch at telephone 415-977-8445. All correspondence should reference the file number at the head of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Calvin C. Fong', with a horizontal line extending to the right from the end of the signature.

Calvin C. Fong
Chief, Regulatory Branch

Enclosure

CF: (w/enclosure)
Tyris Corporation, Concord, CA Attn: Robert Sexton
RWQCB, Santa Rosa, CA



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

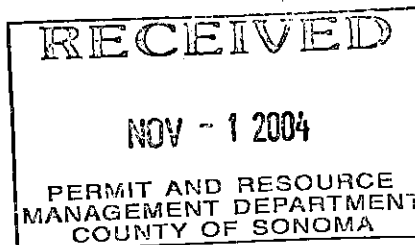
OCT 27 2004

REPLY TO

Regulatory Branch

SUBJECT: File No. 291960N

Mr. Nick Chase
County of Sonoma
Permit & Resource Management Department
2550 Ventura Avenue
Santa Rosa, California 95403



Dear Mr. Chase:

This office is responding to your request for comments on an application for a Use Permit (UPE04-0098) submitted by Spight Properties II LLC, to remediate portions of the former Louisiana-Pacific Sawmill Property (APNs 117-050-016, -017, -018, -019), located along the mainstem Russian River at 100 Kelly Road, in the City of Cloverdale, Sonoma County, California. The proposed remediation work would consist of the excavation, screening, and disposal of wood waste mixed with soil to produce compacted fill capable of supporting future recreational and residential development.

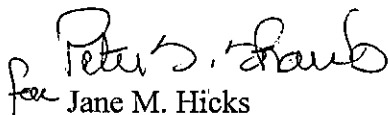
Unless exempt by regulation, all proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States and within the lateral extent of wetlands adjacent to these waters require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). Waters of the United States generally include the territorial seas, all navigable waters, including waters subject to the ebb and flow of the tide, non-tidal interstate and intrastate waters, and their tributary waters, including lakes, ponds, rivers, streams, intermittent streams, and adjacent wetlands, the use, degradation, or destruction of which could affect interstate or foreign commerce.

Portions of the project are in proximity to and may occur within the jurisdictional purview of the Corps of Engineers (Corps). By copy of this letter, the property owner will be advised to prepare a delineation map of the parcels in question and to submit it to the Corps for verification. At a suitable scale, the delineation map should accurately depict the location and extent of all tributary waters of the United States exhibiting a defined ordinary high water mark, and all adjacent wetland areas exhibiting the criteria for hydrophytic vegetation, hydrology, and hydric soils established in the *Corps of Engineers Delineation Manual*. Upon receipt of this information, a definitive determination can be made on the requirement for a Department of the Army permit for the project.

Information on the Corps' Regulatory Program, including permitting procedures and requirements, permit applications and instructions, and mitigation sequencing requirements, can be obtained on the following website: <http://www.spn.usace.army.mil/regulatory/>.

You may refer any questions on this matter to Mr. Peter Straub of my staff at telephone 415-977-8443 or by e-mail at pstraub@spd.usace.army.mil. All correspondence should be addressed to the Regulatory Branch, North Section, referencing the file number at the head of this letter.

Sincerely,


for Jane M. Hicks
Chief, North Section

Copy Furnished:

Spight Properties II LLC, Concord, CA
City of Cloverdale, Cloverdale, CA



DEPARTMENT OF FISH AND GAME

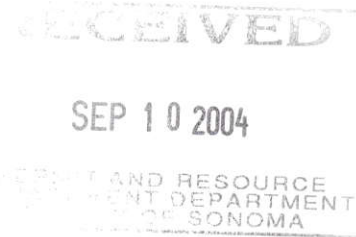
<http://www.dfg.ca.gov>

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500



September 9, 2004

Nick Chase
County of Sonoma
Permit and Resource Management
Department
2550 Ventura Avenue
Santa Rosa, CA 95403



Dear Mr. Chase:

Spight Properties Use Permit
100 Kelly Road, Cloverdale
UPE04-0098

The Department of Fish and Game (DFG) has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)¹. Therefore, if you are preparing an Environmental Impact Report or an Initial Study and Negative Declaration for this project, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the county clerk on or before filing of the Notice of Determination for this project.

The Application states that a small waterway traverses the site. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Streambed Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of SAAs is subject to the California Environmental Quality Act (CEQA). DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the SAA notification process, please

¹ <http://ccr.oal.ca.gov/>. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753




Nick Chase
September 9, 2004
Page 2

access our website at www.dfg.ca.gov/1600; or to request a notification package, contact the Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Liam Davis, Environmental Scientist, at (707) 944-5529; or Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,


Robert W. Floerke
Regional Manager
Central Coast Region



**NORTHERN
SONOMA COUNTY**
AIR POLLUTION CONTROL DISTRICT

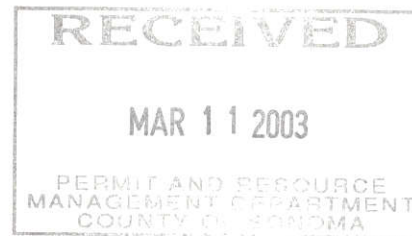
150 Matheson Street, Healdsburg, CA 95448 • PH: (707) 433-5911 • FX: (707) 433-4823

March 7, 2003

**County of Sonoma
Permit and Resource Management Department
2250 Ventura Ave.
Santa Rosa, CA 95403**

ATTENTION: Nick Chase

SUBJECT: ZPE 03-0016 Spight Properties II, LLC
100 Kelly Road, Cloverdale



Dear Mr. Chase:

The District has received a copy of the Request for a Zoning Permit for a wood waste landfill remediation project on the former Louisiana-Pacific sawmill site in Cloverdale. The District has the following comments regarding the proposed project:

1. All wood grinding equipment is required to be permitted by the District. The applicant should contact the District in order to obtain an application for the wood grinding equipment. Permit conditions require sufficient mitigation of dust from the wood grinding equipment, such as application of water to minimize dust emissions generated when wood waste is being screened and ground. In addition, any handling of wood waste or soil shall be mitigated with water in order to minimize the production of fugitive dust.
2. All roadways on the property which are not paved shall be adequately watered down to prevent fugitive dust from becoming a public nuisance.

If you have any questions regarding this matter please call me at (707) 433-5911.

Sincerely,

Alex V. Saschin
Air Quality Engineer

AVS/avs

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COUNTY of SONOMA
DEPARTMENT OF HEALTH SERVICES

Mark A. Kostielney - Director

Environmental Health Division

Jonathan J. Krug - Director

March 31, 2003

Mr. Nick Chase
County of Sonoma Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa CA 95403

Re : Spight Properties II, LLC
Cloverdale II Wood Waste Disposal Site: 49-AA-0011

Dear Mr. Chase:

Thank you for the opportunity to review the Request for a Zoning Permit for the wood waste landfill remediation project on the former Louisiana-Pacific sawmill site at the southerly edge of the City of Cloverdale.

This agency's comments are in response to both the February 3, 2003 Zoning Permit Application submitted to the Permit and Resource Management Department (PRMD) and the February 6, 2003 Draft Report of Waste Discharge submitted to the North Coast Regional Water Quality Control Board (RWQCB).

Division 30 Public Resources Code (PRC), Section 43209 and Title 14 California Code of Regulations (CCR), Sections 18051 and 18084 authorize the County of Sonoma Department of Health Services, Environmental Health Division, as the Local Enforcement Agency (LEA) for Solid Waste Code Enforcement in Sonoma County.

Waste Discharge Requirements (WDR) issued by the RWQCB and a Solid Waste Facility Permit (SWFP) issued by the LEA have governed site operations at this site since 1976. In 1993 saw mill operations ceased and a Winterization Plan was implemented at the inactive site. In 1995 the California Integrated Waste Management Board (CIWMB) determined that wood waste disposal sites were excluded from the definition of a solid waste landfill and therefore exempt from the 14 CCR CIWMB enforced Application and Approval of Closure and Post Closure Maintenance Plans, Financial Responsibility for Closure Post Closure Maintenance, and Disposal Site Closure and Post Closure Standards. (LEA Advisory No. 13). Although not subject to CIWMB enforced closure/post closure requirements, wood waste landfills are subject to Title 27 CCR closure requirements enforced by the RWQCB.

Mr. Chase
March 31, 2003
Page 2

In general, the LEA supports the proposed clean closure of the wood waste landfill and offers the following comments:

- 1) The LEA continues to evaluate 27 CCR state minimum standards for site security, intermediate cover, fire control, leachate control, gas control, drainage and erosion control, and grading of fill surfaces at closed, inactive and clean closing wood waste landfills.

If the wood waste should be excavated and processed for approved reuse on-site as soil amendment, mulch or landscaping material or hauled off-site to outside markets, the material would no longer be considered to be a waste, but rather a product and thus not subject to CIWMB enforced 27 CCR requirements.

- 2) As noted in the Introduction (page 1) and the Wood Waste Materials Processing Procedures (page 16) sections of the Report of Waste Discharge, the wood waste will be excavated, processed and stockpiled prior to on-site use or marketed for off-site use. Please be advised that chipping and grinding are excluded activities not subject to Title 14 CCR Compostable Materials Handling Operations and Facilities Regulatory Requirements if:
 - a) The stockpiled processed wood waste does not generate temperatures above 122 degrees Fahrenheit; and/or
 - b) The processed materials are applied on-site or to lands owned or leased by the owner, parent, or subsidiary of the operation.

If temperatures should exceed 122 degrees Fahrenheit and / or processed material should be marketed off-site, depending on the volume of material generated, the project may be subject to the Title 14 CCR Compostable Materials Regulatory Requirements.

- 3) On page 12 of the Report of Waste Discharge it is indicated that the soil required for blending with the processed wood waste will come from three sources, including "approximately 20-25,000 cubic yards of soil that was stockpiled on-site by previous owners." Where were these borrow soils generated and have they been adequately characterized for use as blending material with the processed wood waste?
- 4) On page 2 of the Report of Waste Discharge it is indicated, "To insure that clean closure is completed regardless of the ultimate timing of the site redevelopment activities, Spight proposes to provide one of the financial assurance mechanisms pursuant to Chapter 6 of Title 27 of the California Code of Regulations." As noted above, wood waste landfills are no longer subject to the CIWMB requirements for Financial Responsibility for Closure and Post Closure Maintenance.

Mr. Chase
March 31, 2003
Page 3

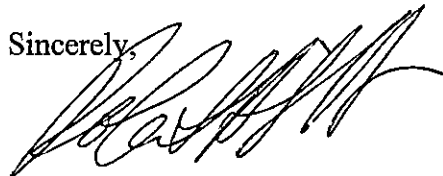
5) On Page 25 of the Report of Waste Discharge, the following statements are made:

The clean closure of the wood waste landfill is being conducted independently of the site development activities... The issuance of Waste Discharge Requirements for the clean closure is exempt from the California Environmental Quality Act (CEQA) pursuant to the provisions of Water Code Section 13389... Furthermore, it is anticipated that, because Spight will be performing the clean closure of the landfill, the wood waste processing and stockpiling activities can be completed for a sum not exceed \$1 million; therefore it is anticipated that the clean closure of the landfill is also categorically exempt from the CEQA process, as outlined in Section 15330 of Title 14 CCR, Chapter 3.

The LEA is a responsible agency for the environmental review of the proposed project. We have concerns that the application of a Categorical Exemption may not be appropriate in that it gives the appearance of project segmentation that may not meet the requirements of CEQA.

If you should have any questions or wish to discuss this agency's comments further, please contact me at (707) 565-6546.

Sincerely,



Robert A. Swift, REHS
Senior Environmental Health Specialist

RAS:cad

cc: Jeff Lewin, EH
Terri Kinney, RWQCB
Erica Weber, CIWMB
Spight Properties II, LLC
Alan Anselmo, PES Environmental, Inc.

Date: August 27, 2004
To: Nick Chase, Planner
From: Gail Davis, Agriculture and Conservation Coordinator
File/Subject #: UPE 04-0098
100 Kelly Rd, Cloverdale

This office has reviewed the above file:

In order to provide mitigation for potential impacts affecting neighboring agricultural resources or operations the following conditions are recommended :

1. Dust shall be controlled at all times. Dust on vines attracts mites and can have a detrimental affect on vine health and grape flavor.

March 14, 2003

The above list outlines my concerns. If you should have any questions or need further clarification please contact me at 894-1722.

December 22, 2004

Mr. Nick Chase
County of Sonoma
Permit and Resource
Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Cloverdale Wood Waste Landfill Remediation - Noise

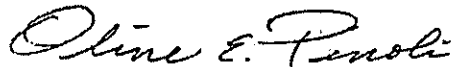
Dear Mr. Chase:

My property adjoins the Tyris Corporation's Cloverdale project immediately to the south of the project. I am advised that Tyris has applied to the County for a use permit to remediate the wood waste landfill located on the project in the vicinity of my land. I support the remediation project.

I have been provided with a copy of the noise study related to the wood waste landfill remediation and understand that it will involve the use of heavy equipment and the generation of noise. For the following reasons I do not object to the project or the noise that it is likely to generate.

1. My residence is located approximately 600 feet from the remediation project property line.
2. I work at an off site location during the days and there is little likelihood that I will be present during the time that the noise will be generated.
3. The noise study recommendations provide me with sufficient protections and recourse in the event that noise from the project becomes unreasonable.
4. I have been provided with a contact name and telephone number to call in the event that the noise from the project reaches unreasonable levels.

Sincerely,



Oline Pinoli
P.O. Box 404
Cloverdale, CA 95425
(707) 894-9124