



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

RECORD OF DECISION

ACTION ID: SPK-1999-00737

APPLICANT: Multiple

PROJECT NAME: Placer Vineyards Specific Plan

I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning Department of the Army (DA) permit applications associated with the Placer Vineyard Specific Plan (PVSP), the Proposed Action, as well as the stated views of interested agencies and the public. In doing so, I have considered the possible consequences of the Proposed Action in accordance with regulations published in 33 Code of Federal Regulations (CFR) Parts 320 through 332 and 40 CFR Part 230.

As described in the Environmental Impact Statement (EIS), prepared by the U.S. Army Corps of Engineers, Sacramento District (Corps) under the National Environmental Policy Act (NEPA), the Proposed Action is to construct a mixed use development on a site approximately 5,230 acres in size in southwestern Placer County, California. The PVSP contains 189.1 acres of waters of the United States, including wetlands. The Proposed Action contains two possible development scenarios that represent the low-end (Base Plan) and high-end (Blueprint) range of development densities that could be constructed on the site. Under either scenario the footprint of development would be the same but the land use designations and acreages would differ. The Base Plan scenario includes 3,361 acres of residential uses totaling 14,132 single- and multi-family residential units at build-out, 309 acres of commercial and office uses, 309 acres of public/quasi-public uses such as schools, 211 acres of parks, 709 acres of open space, and 332 acres of roadways. The Blueprint scenario is 3,220 acres of residential uses totaling 21,631 single- and multi-family residential units at build out, 342 acres of commercial and office uses, 366 acres of public/quasi-public uses such as schools, 273 acres of parks, 709 acres of open space, and 321 acres of roadways.

The PVSP is a master-planned area originally approved by the Placer County Board of Supervisors in July 2007. The Proposed Action includes 23 DA permit applications for the development of a total of 3,781 acres. The remaining 1,449 acres consists of 470 acres of development on five properties whose owners are not pursuing permits at this time and a 979-acre *Special Planning Area* that is predominated by existing rural residential development. The 3,781-acre area subject to DA applications is made up of 23 individual permit applications encompassing 3,746 acres. Additionally the applicants are requesting the Corps issue a Regional General Permit (RGP) for major backbone infrastructure, which would include roadways and other infrastructure on approximately 35 acres of non-participating properties within the PVSP.

In the EIS, the Corps explained that future development of the five non-participating properties within the PVSP area is a connected action. In order to evaluate the environmental effects of the Proposed Action as a whole and to give due consideration to cumulative impacts from foreseeable development within the overall PVSP area, the Corps considered the environmental impacts of developing the entire PVSP area in a manner generally consistent with the County's approved PVSP even though the Corps is not currently processing any DA permit applications for development at the five non-participating properties.

Complete development of the site under the Proposed Action would involve the filling of approximately 119.3 acres of waters of the United States, including wetlands. Therefore Department of the Army permits under Section 404 of the Clean Water Act are required for the Proposed Action.

I. Background

Placer County first identified the area as appropriate for development in 1990. In their 1994 General Plan, Placer County indicated this area could develop following adoption and implementation of a comprehensive Specific Plan and the County amended the boundaries of the Dry Creek/West Placer Community Plan to include the project area.

Consistent with the direction provided by the Placer County 1994 General Plan, the applicants sponsored the preparation of the PVSP for this 5,230-acre site. In July 2007, the Placer County Board of Supervisors approved the PVSP.

In May 2006, the Corps received 24 applications for a DA permit under Section 404 of the Clean Water Act to fill waters of the United States to develop individual properties within the PVSP area, as well as a request for the Corps to establish a general permit to construct the backbone infrastructure consisting of both on- and off-site improvements. Since then, one of the applicants for a DA permit, SPK-2006-00583, withdrew its application. The 23 pending DA permit applications within the PVSP area are listed in the table below.

Table 1: 23 Pending Applications for DA Permits

Property No.	Project Name	Corps Action ID	Owner/Applicant
1A.	Doyle	SPK-2005-00090	Placer 400 Investors, LLC
1B.	Hodel	200500089	Hodel Family Enterprises, LP,
2.	Mourier 135	200600584	John L. Mourier III, Trustee of the Mourier Family Revocable Lifetime Trust, UTA dated April 13, 1989
3.	Watt - Baseline	200501181	Baseline & Watt, LLC
4A.	Placer Vineyards 179a (East)	200501023	LKD-AREP III Placer Owner, LLC
4B.	Placer Vineyards 179b (West)	200600578	B and W 60, L.P.
6.	Placer Vineyards C	200500598	Frances E. Shadwick, a married woman as her sole and separate property; John P. O'Looney and Ellen G. O'Looney, Trustees of the John P. O'Looney and Ellen G. O'Looney 1991 Living Trust, dated October 9, 1991; and Susan K. Pilarsky, a married woman as her sole and separate property, each as to an undivided one-third (1/3) interest, as tenants in common
7.	Placer Vineyards 356	200500088	BHT II NORTHERN CAL 1
8.	Placer Vineyards B	200500597	Spinelli Investments, LLC, as to an undivided 50% interest, and Millspin Investments, LLC, as to an undivided 50% interest
9A.	Placer Vineyards A(a)	200500535	Placer 1 Owners' Receivership
9B.	Placer Vineyards A(b)	200600582	Placer 1 Owners' Receivership
10.	Dyer 240	200500018	Frank Stathos
11.	PGG Properties	200500044	P.G.G. Properties
12A.	Placer Vineyards 290, Parcel 1	200500230	IL Centro, LLC
12B.	Placer Vineyards 290, Parcel 2	200600580	PLACER 102, LLC
14.	D.F. 80	200400893	DF Properties
15.	Placer Vineyards 200	200500233	Palladay Greens, LLC
16.	Placer Vineyards 88	200600581	Placer Vineyards Development Group, LLC
17.	Gulley 20	200502500	Ezra Nilson, Trustee of The Nilson Family Trust Nilson Family Revocable Trust
19.	Placer Vineyards 815	200300670	Lennar Winncrest, LLC, and Baseline A&B Holding, LLC
21.	Pan de Leon	200500754	John Petros Pandeleon, and Nicholas Pandeleon, and Contilo K. Pandeleon, as Joint Tenants
23.	Fong	200500042	PMF5C, LLC
24.	Capri	200500091	Nicolas Pandeleon and Contilo K. Pandeleon, as Trustees of the Pandeleon Family Trust dated May 18, 1999, as to an undivided 25% interest; Nick J. Pantis, Trustee of the Nick J. Pantis Revocable Trust dated July 1, 2003, as to an undivided 25% interest; Nick Galaxidas, a married man as his sole and separate property, as to an undivided 12.5% interest; Constantino Galaxidas and Stelene D. Galaxidas, Trustees of The Galaxidas Family Trust dated May 21, 2007, as to an undivided 25% interest; and Anna Galaxidas, Trustee of the Anna Galaxidas Living Trust, UTA dated July 5, 2007, as to an undivided 12.5% interest.

In early 2007, the Corps determined preparation of an EIS was necessary for the Proposed Action due to the potential for significant effects on biological resources, air quality, hydrology and water quality, agricultural resources, traffic, and aesthetics. Scoping for the EIS began on March 16, 2007 with publication of a Notice of Intent to Prepare an EIS in the Federal Register (*Federal Register* Vol. 72, No. 51, 12599-12600). The Corps issued a public notice for scoping on March 13, 2007. Two public scoping meetings were held on March 28, 2007 at Placer County Community Development Resource Center. The U.S. Environmental Protection Agency (EPA) agreed to be a cooperating agency on the preparation of the EIS on January 21, 2010. The EIS was prepared at a program-level of analysis, as project-level information on on-site alternatives was not available for each project within the PVSP.

On April 26, 2013, a Draft EIS was issued by the Corps for a 45-day review period. A Notice of Availability (NOA) was published in the Federal Register on April 26, 2013 (*Federal Register*, Vol. 78, No. 81, 24744). A public notice of the Draft EIS was issued on April 26, 2013. A public meeting was held on May 20, 2013 at the Roseville Sports Center. The comment period on the Draft EIS closed on June 10, 2013. Six comment letters were received during the Draft EIS public review period.

The Corps released the Final EIS on July 25, 2014. An NOA was published in the Federal Register on July 25, 2014 (*Federal Register*, Vol. 79, No. 143, 43465). A public notice announcing the availability of the Final EIS was issued on July 25, 2014. The comment period on the Final EIS closed on August 24, 2014.

II. Project Purpose and Need

a. Purpose: To construct a large-scale, regional mixed-use residential project in western Placer County.

b. Need: Placer County has been undergoing continuous growth, and increased housing needs have been identified in western Placer County. The project is intended to assist in meeting the future needs for housing and accommodate projected population growth. Placer County has a need for the development to contain a commercial component, so that the County has sufficient tax revenues to provide services to the project.

III. Alternatives Considered

A reasonable range of alternatives was considered in the EIS. The alternatives evaluated include a No Corps Permit alternative and on-site alternatives that focused the avoidance of wetlands on certain properties within the PVSP area. In addition to the Proposed Action described above, the following alternatives were considered and carried forward in the analysis:

a. No Action Alternative (No Corps Permit): Under the No Action Alternative, fill would not be placed in waters of the United States, thereby avoiding the

need for any DA permits. Under this alternative, the total development footprint would be reduced to approximately 3,297 acres, comprising approximately 2,410 acres of residential uses (with an estimated 8,441 dwelling units at buildout), 221 acres of commercial and office uses, 211 acres of public and quasi-public uses, 124 acres of parks, and 332 acres of roads. About 1,933 acres would be preserved as open space. All of the on- and off-site infrastructure improvements would still be required. This alternative assumes that roadways can be bridged over waters of the U.S. and utilities can be installed without impacting any waters.

b. Alternative 1 (Focused Avoidance on Property 1B): Alternative 1 involves an alternative land use plan that would develop the PVSP area per the Proposed Action with the exception of one property, Property 1B, a 56-acre property located in the eastern portion of the project site.

On this property, land development would be designed to avoid 2.4 acres of wetlands, including a group of three large vernal pools and a drainage swale that crosses the northeast corner of the property. The alternative would shift a planned roadway to the south to avoid the vernal pools. As a result, this alternative would provide approximately 30 acres of residential development, 21 acres of open space, and an acre for religious facilities within the 56-acre property. The total number of housing units that would be constructed in the PVSP under this alternative would remain the same as the Proposed Action, as other portions of the PVSP would be developed at a higher density to offset any housing units lost on this property.

Alternative 1 would result in the discharge of dredged or fill material into 116.9 acres of waters of the U.S., including 112.7 acres of on-site impacts and 4.2 acres of off-site impacts.

c. Alternative 2 (Focused Avoidance on Property 3): Alternative 2 would develop the PVSP area per the Proposed Action with the exception of Property 3, which is a 101-acre property located in the northeastern portion of the project site.

On this one property, the on-site preserve would be expanded by 5 acres to avoid a total of 2.1 acres of wetlands within a swale complex along the property's southern boundary. This alternative would eliminate residential uses from the property and would include a total of 31.4 acres of open space and 64 acres of commercial uses. Even though the acreage and number of residential units on this property would be reduced under this alternative, the total number of residential units within the PVSP area would be the same as the Proposed Action. This would be achieved by building residential units at a higher density in other portions of the PVSP area.

Alternative 2 would result in the discharge of dredged or fill material into 118.1 acres of waters of the U.S., including 113.9 acres of on-site impacts and 4.2 acres of off-site impacts.

d. Alternative 3 (Focused Avoidance on Property 16): Alternative 3 involves an alternative land use plan that would develop the PVSP area per the

Proposed Action with the exception of Property 16, a 94-acre property located in the southwestern portion of the project site.

Alternative 3 involves an alternative land use plan for this property that would avoid the filling of a large cluster of wetlands totaling approximately 3.4 acres of jurisdictional wetlands. This alternate land use plan includes approximately 24 acres of residential development, 65.3 acres of open space, and 2 acres of park on this property. Even though the acreage for residential uses and therefore the number of residential units on this property would be substantially reduced under Alternative 3, the total number of residential units would be the same as the Proposed Action. This would be achieved by building the residential units at a higher density in other portions of the PVSP area.

Alternative 3 would result in the discharge of dredged or fill material into 115.9 acres of waters of the U.S., including 111.7 acres of on-site impacts and 4.2 acres of off-site impacts.

e. Alternative 4 (Focused Avoidance on Property 17): Alternative 4 involves an alternative land use plan that would develop the PVSP area per the Proposed Action with the exception of Property 17, a 20-acre property in the southwestern portion of the project site.

Alternative 4 involves an alternative land use plan that would avoid the filling of 0.1-acre of wetlands. The wetlands avoided under Alternative 4 would be a continuation of the avoidance area under Alternative 3, and therefore it is anticipated that Alternative 4 would not be implemented in the event that Alternative 3 is not approved for implementation. This alternate land use plan includes approximately 18 acres of residential acres and 1 acre of open space. Even though the acreage for residential uses and therefore the number of residential units on this property would be reduced under this alternative, the total number of residential units would be the same as the Proposed Action. This would be achieved by building the residential units at a higher density in other portions of the project site.

Alternative 4 would result in the discharge of dredged or fill material into 119.2 acres of waters of the U.S., including 115 acres of on-site impacts and 4.2 acres of off-site impacts.

f. Alternative 5 (Focused Avoidance on Property 23): Alternative 5 involves an alternative land use plan that would develop the PVSP area per the Proposed Action with the exception of Property 23, a 93-acre property located in the western portion of the project site.

Alternative 5 involves a land use plan that would avoid a cluster of wetlands totaling approximately 1.2 acres, and would involve approximately 43 acres of residential development, 42 acres of open space, and 2 acres of parks. Even though the acreage and number of residential units on this property would be reduced under this alternative, the total number of residential units within the PVSP would be the same as the

Proposed Action. This would be achieved by building the residential units at a higher density in other portions of the PVSP.

Alternative 5 would result in the discharge of dredged or fill material into 118.1 acres of waters of the U.S., including 113.9 acres of on-site impacts and 4.2 acres of off-site impacts.

g. Combined Alternatives 1 through 5 (Focused Avoidance on Five Properties): Combined Alternatives 1 through 5 involves a land use plan that would develop the PVSP area per the Proposed Action (either the *Base Plan* or the *Blueprint scenario*) except for Properties 1B, 3, 16, 17, and 23, where the land use plans developed under Alternatives 1 through 5 (described above) would be implemented to create an additional 92.3 acres of open space and avoid the filling of 8.5 acres of wetlands on the five properties.

Under the Combined Alternatives 1 through 5, the total number of dwelling units that are developed within the PVSP would remain the same (14,132 dwelling units under the *Base Plan* and 21,631 dwelling units under the *Blueprint scenario*) because the reduction in the number of dwelling units developed on Properties 1B, 3, 16, 17, and 23 (about 84 units) would be offset by developing other portions of the PVSP area at slightly higher densities.

Combined Alternatives 1 through 5 would result in the discharge of dredged or fill material into 110.8 acres of waters of the U.S., including 106.6 acres of on-site impacts and 4.2 acres of off-site impacts.

h. Environmentally Preferred Alternative: The environmentally preferred alternative is Combined Alternatives 1 through 5. Although it would result in potentially significant impacts to waters of the U.S., this alternative is the environmentally preferred alternative because it would result in fewer direct impacts to waters of the U.S. than the Proposed Action or any of the other action alternatives. This alternative would reduce direct impacts to waters of the U.S. to 110.8 acres from the 119.3 acres that would be directly impacted by the Proposed Action. The Combined Alternatives 1 through 5 alternative satisfies the project purpose as it would not reduce the number of housing units within the PVSP or eliminate any critical components of the Proposed Action. This alternative passed all feasibility and practicability screening criteria and would only reduce the development footprint by 93 acres or 2% to 4,249 acres from the 4,522 acres that would be developed under the Proposed Action. As compared to the Proposed Action and the other action alternatives, the Combined Alternatives 1 through 5 alternative would have the smallest development footprint and therefore the area to be graded would be reduced compared to the other alternatives. As a consequence, the alternative would also result in reduced air emissions during construction, and reduced impacts on cultural and biological resources.

Although the Combined Alternatives 1 through 5) alternative has the fewest impacts to waters of the U.S and is considered the environmentally preferred alternative under NEPA, the determination of the least environmentally damaging practicable alternative

under the EPA's 404(b)(1) Guidelines will be made on a project-by-project basis. As described below, the EIS considered five off-site alternatives but did not carry them forward for detailed analysis because they were infeasible and/or impracticable. Evaluation of off-site alternatives for the PVSP, eliminates the need to further evaluate off-site alternatives at the project specific level. Additionally, the EIS analyzed a reasonable range of alternatives for the Proposed Action under NEPA. In accordance with 40 C.F.R. §230.10(a)(4), compliance with the EPA's 404(b)(1) Guidelines will be demonstrated for the 23 pending permit applications on a case-by-case basis. Additional mitigation, including avoidance and minimization, may be required at the project-level to achieve compliance with the Guidelines.

i. Alternatives Considered but Rejected: Five off-site alternatives for the Proposed Action were considered. However, based on screening criteria that included the sensitivity of biological resources on the alternative sites, the feasibility of developing commercial land uses, and the feasibility of acquiring adequate land acreage, all five sites were determined to be infeasible and not practicable and no off-site alternatives were carried forth for detailed evaluation in the EIS.

With respect to on-site alternatives, the Corps considered on-site alternatives that were developed by Placer County for the PVSP Environmental Impact Report (EIR). The Corps, with the exception of the Blueprint alternative, eliminated the EIR alternatives from further consideration in the EIS because they would not meet the Proposed Action's overall project purpose and need or they were superseded by alternatives proposed by the Corps that avoid or preserve higher-value wetland resources.

The Corps also considered the seven on-site alternatives put forth by the applicants in their Section 404(b)(1) alternatives submittal for the Proposed Action. The Corps eliminated some as they were clearly infeasible and carried forth three for further screening. These three were eventually eliminated from further consideration based on criteria that were intended to satisfy the requirements of both NEPA and the Section 404(b)(1) Guidelines.

IV. Comments on the Final Environmental Impact Statement

a. U.S. Environmental Protection Agency: On August 25, 2014, EPA stated that they consider it highly unlikely the amount of mitigation proposed would satisfy the requirements of the South Pacific Division Mitigation Ratio Setting Checklist. They stated that due to factors such as temporal loss and out-of-kind mitigation, the amount of mitigation required for this project is likely to be far higher than the applicant's proposal. They requested that prior to the ROD, the Corps ensures that the selected alternative avoids and minimizes impacts to Waters of the U.S. to the greatest extent practicable through avoidance measures, such as those included in Alternatives 1 through 5, and that if the applicants choose to proceed with an independent project before the PCCP is finalized, the Corps provides them with a mitigation plan that complies with the 2008 Compensatory Mitigation Rule, provides sufficient detail to be evaluated under the Corp's South Pacific Division Mitigation Ratio Checklist, and

demonstrates that the project would achieve no net loss of wetland functions before the ROD is issued.

Corps Response: The applicants have increased the establishment/re-establishment ratio of their mitigation strategy to 1.5:1. The Corps has determined that applicants' mitigation strategy would ensure no net loss of aquatic habitat functions providing the mitigation is in-kind or to a more regionally important type, temporal loss and risk and certainty are adequately addressed, the mitigation occurs in the same HUC-8 as the impacts, and the mitigation ratios track with any increases in the approved PCCP mitigation ratios. To ensure the compensatory meets these caveats, the applicants will be required to submit project-specific mitigation plans that are consistent with the proposed strategy and all current Corps guidance to the Corps for approval. Regarding avoidance and minimization, the Corps has selected the Combined 1 through 5 Alternatives alternative as the environmentally preferred alternative.

b. LJ Laurent: On July 25, 2014, Ms. Laurent commented that the Corps should certify there is enough "multi-year drought" water available for the project.

Corps Response: Placer County Water Agency has identified an existing water supply for the project that would be reliable during multiple-dry years and they are working to develop an additional supply from the Sacramento River.

c. Bruce Greco: On August 22, 2014, Mr. Greco, a nearby resident, commented that the Proposed Action would subject his rural neighborhood to substantially higher traffic levels that would adversely affect the character of their neighborhood. He requested that Locust Road be closed at his neighborhood's southern border as part of the early infrastructure construction and that until that occurs, the Corps not approve this project.

Corps Response: We concur that the project would result in increased traffic on Locust Road. Placer County proposed mitigation measures in their EIR for the project to ameliorate the effects of the increased traffic, by widening portions of Locust Road and installing a traffic light at Baseline/Riego Road by 2025. In addition, Chapter 3.14 of the EIS discusses traffic and transportation impacts, including impacts to Locust Road. The EIS incorporated the traffic and transportation mitigation measures identified in Placer County's EIR.

V. Consideration of Applicable Laws, Regulations, Executive Orders, and Policies

a. National Environmental Policy Act (NEPA): The EIS was completed to evaluate a reasonable range of alternatives and the cumulative impacts associated with implementation of the PVSP. The Corps followed the NEPA process, including noticing and timeline requirements, to produce a document that discloses to the public the probable impacts of the Proposed Action, taking into account mitigation. The EIS will be utilized to prepare supplemental NEPA documents, most likely project-specific RODs,

for the permit applications received on 22 of the parcels and the on-site and off-site infrastructure. In addition, the EIS may be used in the future to prepare supplemental NEPA documents for projects on the remaining parcels within the PVSP, if permit applications for these projects are received by the Corps. The NEPA document may be a supplemental Environmental Assessment, or EIS, depending on the nature of the proposed project, length of time that has elapsed since issuance of the EIS, and changes to the affected environment

b. Section 401 of the Clean Water Act: The Corps applied to the Central Valley Regional Water Quality Control Board (RWQCB) for a programmatic water quality certification of the RGP under Section 401. The RWQCB issued a technically-conditioned water quality certification for the infrastructure RGP on July 22, 2015. The applicants for the 22 individual permit applications under consideration have not obtained Section 401 Water Quality Certification. Receipt of a Section 401 Certification will be required prior to completion of the supplemental NEPA documents for the 22 projects and prior to making final permit decisions.

c. Endangered Species Act of 1973: On April 30, 2014, the Corps initiated consultation with the National Marine Fisheries Service (NMFS) for potential effects of the proposed project on the Federally-listed Central Valley steelhead (*Oncorhynchus mykiss*) or their critical habitat. The consultation with NMFS has not been completed.

On May 2, 2014, the Corps initiated consultation with the United States Fish and Wildlife Service (USFWS) for potential impacts of the proposed project on the Federally-listed slender orcutt grass (*Orcuttia tenuis*), Sacramento orcutt grass (*Orcuttia viscida*), vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and giant garter snake (*Thamnophis gigas*) and their critical habitat. Additionally the Corps determined the actions may affect, but are not likely to adversely affect the Federally-listed conservancy fairy shrimp (*Branchinecta conservatio*), Hartweg's golden sunburst (*Pseudobahia bahiifolia*), California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), and the Federally-proposed yellow-billed cuckoo (*Coccyzus americanus*), and their critical habitat. The consultation with USFWS has not been completed.

Compliance with the Endangered Species Act will be required prior to completion of the supplemental NEPA documents for the 22 individual projects and the RGP under consideration and prior to making a final permit decision.

d. Fish and Wildlife Coordination Act: The Corps has worked with the USFWS on the proposed project, including meetings to obtain input. During EIS preparation, the Corps requested the USFWS be a cooperating agency but the USFWS declined.

e. Magnuson-Stevens Fishery Conservation and Management Act: The Corps initiated essential fish habitat consultation with the National Marine Fisheries Service (NMFS) on May 1, 2014. The consultation with NMFS has not been completed.

Compliance with the Magnuson-Stevens Fishery Conservation and Management Act will be required prior to completion of the supplemental NEPA documents for the 22 individual projects and the RGP under consideration and prior to making a final permit decision.

f. Section 106 of the National Historic Preservation Act: The Corps consulted with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP). This consultation resulted in a programmatic agreement (PA) between SHPO and the Corps, dated September 16, 2014, covering all permits that may be issued for the PVSP development. In accordance with the PA, the Corps will determine compliance with Section 106 prior to completion of the supplemental NEPA documents for the 22 individual projects under consideration and the RGP and prior to making a final permit decision. Additionally a special condition will be added to the RGP and individual DA permits, if issued, requiring compliance with the PA.

g. Section 176(C) of the Clean Air Act (CAA) General Conformity Rule Review: The Proposed Action and alternatives have been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. The Corps has determined that direct emissions from the proposed activities that require a DA permit will not exceed de minimis levels of a criteria pollutant or its precursors and are exempted by 40 CFR 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons, a conformity determination is not required for this action.

h. Executive Order 11998: Floodplain Management: Executive Order 11988 requires federal agencies to prepare floodplain assessments for proposed actions located in or affecting floodplains. If an agency proposes to conduct an action in a floodplain, it must consider alternatives to avoid adverse effects and incompatible development in the floodplain. If the only practicable alternative involves siting in a floodplain, the agency must minimize potential harm to the floodplain and explain why the action is proposed there. The area along Dry Creek, which flows along the southeastern boundary of the PVSP is designated as a 100-year floodplain by the Federal Emergency Management Agency. Except for some backbone infrastructure, namely bridges and stormwater outfalls, the proposed development would be built outside the 100-year floodplain of Dry Creek. As explained in Section 3.10 of the DEIS, these impacts are expected to be less than significant. Additional project-specific compliance with Executive Order 11998 will be done within the supplemental NEPA documents for the 22 individual projects currently under evaluation and the RGP, and prior to making a final permit decision.

i. Section 404(b)(1) Guidelines and Executive Order 11990: Protection of Wetlands: A project-level decision will be made for compliance with the §404(b)(1) Guidelines, and Executive Order 11990 within the supplemental NEPA documents for the 23 individual projects currently under evaluation and the RGP, prior to making a

prior permit decision. The Corps has not completed a review of the Proposed Action in compliance with Section 404(b)(1) Guidelines and Executive Order 11990. However, the screening criteria used by the Corps during the NEPA process were intended to satisfy the requirements of NEPA but also considered technology, cost, and logistics to ensure that at the specific plan level the alternatives considered in the EIS were all practicable under the Section 404(b)(1) Guidelines. Based on a review of the alternatives, the Corps determined the Combined Alternatives 1 through 5 alternative is the environmentally preferred alternative under NEPA as it would satisfy the overall project purpose but would result in fewer impacts to wetlands than the Proposed Action or other action alternatives. Although a project-level decision on 404(b)(1) compliance will be required for the 23 individual projects and the RGP, if the projects are consistent with the Combined Alternatives 1 through 5 alternative, detailed alternatives information would not be required by the Corps.

j. Executive Order 13175: Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians: In 2009, the Corps contacted the 15 Native American groups or individuals identified by the Native American Heritage Commission as potentially having information on cultural resources within the project area. Five of the contacts responded. In 2012, eight (8) Native American groups or individuals were contacted by letter and phone. Four of the contacts responded. One requested that the Shingle Springs Band of Miwok Indians be included as a Consulting Party for the project under NHPA Section 106. The United Auburn Indian Community (UAIC) requested to receive any archaeological reports and project NEPA documents so that the Tribe may comment. Further, the UAIC identified cultural resources in the project area and requested a site visit to confirm the location of the resources. The Corps contacted the UAIC on June 14, 2012, and received another request to review relevant cultural resources reports. The UAIC also requested a coordination meeting. The Corps met with representatives of the UAIC on September 21, 2012 and provided them with the requested materials. The UAIC commented on the Draft EIS on June 17, 2013. The UAIC recommends that no collection or curation of artifacts or human remains occur. The UAIC agreed to be a concurring party on the PA, and, per the PA, will be consulted during the development of any Memoranda of Agreements (MOAs) required for individual compliance with Section 106 of the NHPA. This consultation would occur prior to the completion of the supplemental NEPA documents for the 22 individual projects currently under consideration and the RGP and prior to making any final permit decision.

k. Environmental Justice (Title VI of the Civil Rights Act and Executive Order 12898): No low-income or minority populations were identified within or adjacent to the PVSP area as further discussed in Section 3.7.5 of the DEIS. Therefore, neither the Proposed Action nor any of the alternatives is expected to cause disproportionately high and adverse impacts to minority or low-income communities.

VI. Consideration of Mitigation Measures

The EIS included a number of mitigation measures to reduce or offset impacts that fall outside of the Corps responsibility and generally cannot be practicably controlled by the Corps, such as mitigation for traffic, air quality, and noise impacts. Many of the mitigation measures are requirements of the local land use agency (Placer County) and were addressed in the EIR for compliance with CEQA. As such, enforcement of these mitigation measures is the responsibility of Placer County and not the Corps.

The Corps requires mitigation measures to reduce or offset impacts to waters of the U.S. as special conditions of each DA permit issued. These special conditions will be developed and refined during the preparation of supplemental NEPA documents for each of the individual permit applications pending, and received in the future, for projects within the PVSP. These special conditions will take into account EIS mitigation measures BIO-1, BIO-2a and 2 b, BIO-3, BIO-4a and 4b, BIO-5a and 5b, BIO-10, CR-1, CR-2, PVSP EIR mitigation measures 4.4-4, 4.4-5, 4.4-6, 4.4-8, 4.4-9, 4.4-12a and 4.4-12b, and would also include additional conditions that avoid, minimize and compensate for impacts to waters of the U.S. and those that ensure compliance with Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act.

With respect to those mitigation measures within the Corps' jurisdiction, EIS Mitigation Measure BIO-1 requires that the Applicants prepare a detailed compensatory mitigation plan that will be incorporated into the permit conditions. The applicants have submitted the Placer Vineyards Mitigation Strategy (Strategy), dated September 22, 2015, a conceptual mitigation strategy that is based upon the proposed conservation strategy in the draft Placer County Conservation Plan (PCCP). The Strategy proposes to replace impacted waters of the U.S. by establishing or re-establishing aquatic habitats at a 1.5:1 ratio, preserving aquatic habitats at a 1.36:1 ratio, and preserving associated land covers at a 0.55:1 ratio. All compensation habitats would be provided legal protection and management, and all compensatory mitigation would occur within the PCCP's Reserve Acquisition Area (RAA). The RAA is a reserve system of at least 30,000 acres that was identified by Placer County as an area capable of protecting, managing, restoring and creating natural and semi-natural communities.

As the Strategy does not meet Corps' standards for a compensatory mitigation plan, individual applicants within the PVSP will need to submit to the Corps project-specific compensatory mitigation plans that are consistent with current Corps guidance for review prior to the Corps completing decisions for DA permits. Additionally, the Corps has determined the Strategy may not result in replacement ratios for permittee-responsible (PR) or in-lieu fee (ILF) mitigation projects that are consistent with the SPD Mitigation Ratio Setting Checklist (checklist). In particular, even if the applicants are establishing higher quality habitats than they impacted, the ratios determined by the checklist would be higher for PR and ILF mitigation projects due to temporal loss and risk and uncertainty. Therefore we have determined that for PR and ILF mitigation projects, the applicants would need to increase their compensatory mitigation ratios to account for temporal loss and risk and uncertainty. According to the checklist for their compensatory mitigation to ensure no net loss of aquatic habitat functions, ratios would generally need to increase by the amounts shown in the following table:

Table 2: Ratio Adjustments

	Mitigation Bank	NFWF Sacramento District ILF Program	Permittee Responsible
Base = 1:5:1	0	0.5 (becomes 2:1)	0.7 (becomes 2.2:1)

In determining that the Strategy as modified by the ratio adjustments in table 2 would adequately replace lost aquatic habitat functions, the Corps made general and mitigation type-specific assumptions.

For all mitigation types the Corps assumed that (1) compensatory mitigation would occur through the establishment or re-establishment of aquatic habitats, (2) be in-kind or to a regionally more important aquatic habitat type (e.g. vernal pools), and (3) occur in the same HUC-8 watershed as the impact site.

For mitigation bank credits the Corps assumed that (1) the bank would be Corps-approved and (2) the credits would be mature (i.e. the habitats were constructed several years prior and are meeting final performance standards) or normalized to address temporal loss and risk and uncertainty.

For permittee-responsible mitigation the Corps assumed that (1) compensatory mitigation would occur concurrently to, or in advance of, impacts to waters of the U.S., (2) sufficient financial assurances would be provided to minimize any risk or uncertainty, (3) the baseline ratio as determined by Step 3 of the checklist for any project specific mitigation proposal would not exceed 1:1, and (4) adequate monitoring, management, and legal protection (e.g. conservation easement) would be provided.

Applicants within the PVSP will need to submit project-specific mitigation plans to the Corps for approval. To obtain approval, a compensatory mitigation plan will need to be in accordance with the findings of this ROD and current guidance or regulations regarding compensatory mitigation. In their mitigation plans, applicants may address risk and uncertainty in accordance with Table 2 and supporting assumptions, or they may propose alternative methods of addressing temporal loss and risk and uncertainty, such as constructing compensatory mitigation substantially in advance of impacts to waters of the U.S. The Corps reserves the right to reconsider its determination regarding the adequacy of the Strategy as new regulations or guidance is implemented but expects that such reconsideration will not be necessary for 10 years.

VII. Compliance with 404(b)(1) Guidelines

The EIS analyzed a reasonable range of alternatives for the Proposed Action under NEPA. In accordance with 40 C.F.R. §230.10(a)(4), compliance with the EPA's 404(b)(1) Guidelines will be demonstrated for the 23 pending permit applications on a case-by-case basis. Additional mitigation, including avoidance and minimization, may be required at the project-level for consistency with the environmentally preferred alternative and to demonstrate compliance with the Guidelines.

VIII. Public Interest Review

a. The relative extent of the public and private need for the proposed structure or work has been considered: The proposed project is intended to meet a local demand for housing and commercial development. As such, approval by Placer County indicates a public need for the project. The proposed project would provide housing units and commercial space for the public within the target market.

b. There are unresolved conflicts as to resource use, however there are practicable reasonable alternative locations or methods to accomplish the objective of the proposed work. As part of this evaluation, a reasonable range of on-site and off-site alternatives were considered. We have determined that there are no practicable alternate locations that would accomplish the purpose of the proposed work. However, we have determined that at the specific plan level the Combined Alternatives 1 through 5 alternative is a practicable alternative that would accomplish the purpose of the proposed work and that would have fewer impacts than the proposed project on waters of the U.S. Therefore the Combined Alternatives 1 through 5 alternative, as described above, is the environmentally preferred alternative as it is the least impacting of the action alternatives to the aquatic environment, meets the overall project purpose, and is practicable at the specific plan level.

c. The extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited has been reviewed. The proposed project would result in the permanent loss of 119.3 acres of Waters of the U.S., including wetlands. The loss of 119.3 acres of Waters of the U.S. would cause a permanent and detrimental effect. The Combined Alternatives 1-5 alternative would result in the permanent loss of 110.8 acres of Waters of the U.S., and would also cause a permanent and detrimental effect. The loss of Waters of the U.S. on-site would be offset by the mitigation required by the Corps in the DA permits, if issued. In addition, the proposed parks and recreational trails are also expected to provide a permanent beneficial effect to the public. The residential, commercial and recreational areas built in the development would provide a permanent benefit to the community.

A project specific review of public interest factors will be conducted for each of the 23 pending permit applications and will be documented in the supplemental NEPA documents prepared for each project.

IX. Findings

a. The evaluation of the Proposed Action and alternatives was completed in accordance with all applicable laws, executive orders, regulations, and agency regulations. The EIS and supporting documents were completed in accordance with NEPA, are adequate, and contain sufficient information upon which reasoned permit decisions can be made.

b. The Combined Alternatives 1 through 5 alternative, with special conditions in individual DA permits that minimize environmental harm and potential adverse impacts of the discharges on the aquatic ecosystem and the human environment, is considered the environmentally preferred alternative under NEPA. The Combined Alternatives 1 through 5 alternative is the least impacting of the action alternatives to the aquatic environment, meets the overall project purpose, and is practicable at the specific plan level.

c. For the 23 projects within the PVSP with pending DA permit applications at the time of this ROD, the Corps will prepare supplemental NEPA documents, as necessary, that tier from the EIS. If the Corps determines that a supplemental NEPA document is not necessary, the Corps will prepare a ROD based on the PVSP EIS that is specific to a project or group of related projects. A supplemental NEPA document (if required) and permit decision will only be completed after the applicant submits on-site avoidance consistent with the environmentally preferred alternative and minimization information for compliance with the 404(b)(1) Guidelines as well as a final compensatory mitigation plan that follows the Strategy, as amended by Table 2 and the supporting assumptions, complies with the Corps' standards for a compensatory mitigation plan, and is approved by the Corps. In addition, the Corps must determine project compliance with Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, in most cases through a PA, and Section 401 of the Clean Water Act.

d. For the five properties within the PVSP without pending DA permit applications at the time of this ROD, the Corps will prepare site-specific NEPA documents. A NEPA document will only be prepared following receipt of a complete DA permit application and issuance of a public notice. The NEPA document may be a supplemental Environmental Assessment or EIS, depending on the nature of the proposed project, consistency with the environmentally preferred alternative, length of time that has elapsed since issuance of the EIS, and changes to the affected environment.

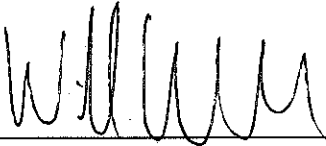
e. Compensatory mitigation for individual DA permits within the PVSP area and the RGP will be provided in accordance with the Strategy, as amended by Table 2 and the supporting assumptions, and subject to compliance with the Corps' standards for a compensatory mitigation plan, as described in Section VI above. Prior to the issuance of any DA permit or RGP verification, the applicant shall provide a compensatory mitigation plan, consistent with Strategy and current Corps regulations and guidance, to the Corps for approval.

f. Regarding the Combined Alternatives 1 through 5 alternative, the identified Environmentally Preferred alternative, the Corps will evaluate the practicability under the 404(b)(1) Guidelines of avoiding additional waters of the U.S. within each of the individual projects within the PVSP. However, those projects which are consistent with the Environmentally Preferred alternative will not require an evaluation of off-site alternatives or detailed information about on-site avoidance; instead, the focus will be on minimizing impacts to waters of the U.S. in demonstrating compliance with the 404(b)(1) Guidelines.

g. For DA permit applications where the project is within the PVSP but is inconsistent with the Environmentally Preferred alternative, the Corps would need to prepare a stand-alone NEPA document and conduct project-specific Section 7 consultation.

h. For the Backbone Infrastructure RGP, the Corps will complete the permit decision and prepare a ROD based on the PVSP EIS. The RGP will be issued once the Corps can determine compliance with Section 7 of the Endangered Species Act.

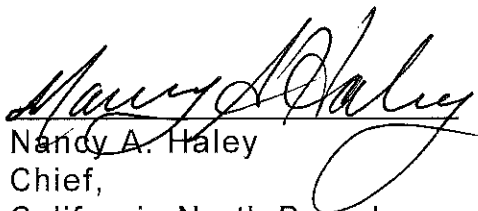
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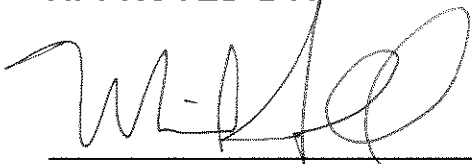


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