



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

RECORD OF DECISION

**ACTION ID:** SPK-2005-00888, SPK-2000-00414, SPK-2006-00602, SPK-2006-00603, SPK-2006-00604, SPK-2006-00605, SPK-2008-00795

**APPLICANTS:**

1. **Backbone Infrastructure (SPK-2005-00888):** City of Rancho Cordova, Attn: Mr. Patrick Hindmarsh
2. **Sierra Sunrise (SPK-2000-00414):** Lennar, Attn: Mr. Larry Gualco
3. **Jaeger Ranch (SPK-2006-00602):** Investek Properties, LLC., Attn: Mr. William Trevor
4. **Kamilos Project (SPK-2006-00603):** Callahan SunCreek, LLC., Attn: Mr. Gerry N. Kamilos
5. **Grantline 220 (SPK-2006-00604):** Grantline & Chrysanthy 220 Investors, LLC., Attn: Mr. Angelo Christie
6. **Shalako Property (SPK-2006-00605):** Shalako Investors, Attn: Mr. Larry Gilzean
7. **Smith Property (SPK-2008-00795):** Smith Dunmore Venture, LLC., Attn: Mr. Chris Vrame

**PROJECT NAME:** Suncreek Specific Plan - Backbone Infrastructure, Sierra Sunrise, Jaeger Ranch, Kamilos Property, Grantline 220, Shalako Property, and Smith Property

I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning the permit applications for the proposed actions, as well as the stated views of interested agencies and the public. In doing so, I have considered the possible consequences of the proposed actions in accordance with regulations published in 33 Code of Federal Regulations (CFR) Parts 320 through 332 and 40 CFR Part 230.

The proposed Suncreek Specific Plan Area (SPA) is an approximately 1,200 acre area in eastern Sacramento County consisting of seven applications for the proposed discharge of fill material into waters of the U.S. for the construction of a mixed-use development and associated infrastructure. The applications being evaluated by the Corps under Section 404 of the Clean Water Act are: Backbone Infrastructure (SPK-2005-00888), Sierra Sunrise (SPK-2000-00414), Jaeger Ranch (SPK-2006-00602), Kamilos Project (SPK-2006-00603), Grantline 220 (SPK-2006-00604), Shalako Property (SPK-2006-00605), and Smith Property (SPK-2008-00795).

## **I. Background and Description of the Proposed Actions.**

**a. Background :** Pre-application meetings on the proposed actions began in 2005 with pre-application meetings with the Suncreek owners group, the City of Rancho Cordova, and the Corps for the Suncreek SPA. On October 25, 2005, the Corps accepted EDAW (now AECOM) as the third-party contractor to prepare a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS), with the City of Rancho Cordova as the lead agency for compliance with the California Environmental Quality Act. The Notice of Intent (NOI) to prepare and EIS was published in the Federal Register on July 13, 2006 (71 FR 39675). A public scoping meeting was held with the City of Rancho Cordova on July 26, 2006. A public notice was issued on December 1, 2009. Complete applications for Department of the Army permits under Section 404 of the Clean Water Act were received in 2012 and 2014. The U.S. Environmental Protection Agency and Sacramento Metropolitan Air Quality Management District agreed to be cooperating agencies on the EIR/EIS.

In October 2012, a Draft EIR/EIS was issued by the City of Rancho Cordova and Corps. A Notice of Availability (NOA) was published in the Federal Register on October 5, 2012 (77 FR 60986). A public notice for the DEIS was issued by the Corps on October 5, 2012. A public meeting was held on October 23, 2012. During the Draft EIS public review period, 13 comments were received.

The City of Rancho Cordova and Corps issued a Final EIR/EIS in October 2013. An NOA was published in the Federal Register on November 8, 2013 (78 FR 67141). A public notice announcing the Final EIS was issued November 13, 2013.

The proposed action as described in the Draft EIR/EIS, development of the proposed Suncreek SPA would result in the discharge of fill material into 24.18 acres of waters of the U.S. on-site and off-site for the construction of a mixed-use development and associated infrastructure. On-site, development of the proposed SPA would result in a discharge of fill material into 22.96 acres of waters of the U.S., consisting of 13.57 acres of vernal pools, 1.02 acres of seasonal wetlands, 4.41 acres of seasonal wetland swales, 0.90 acre of ephemeral drainages, 0.17 acre of intermittent drainages, 2.06 acres of ponds, and 0.83 acre of perennial streams. In addition, off-site, construction of backbone infrastructure would result in the discharge of fill material into 1.22 acres of waters of the U.S., consisting of 0.93 acre of vernal pool, 0.09 acre of seasonal wetlands, 0.12 acre of seasonal wetland swales, and 0.08 acre of perennial streams. The EIR/EIS evaluated the environmental effects of a reasonable range of alternatives for development of the entire Suncreek SPA. While the EIR/EIS did not specify the effects specifically for each site within the SPA, development of the each site would not result in any additional effects not already evaluated in the EIR/EIS.

Since publishing of the Final EIS, minor modifications have been made to the proposed actions within the SPA, resulting in a slight reduction in the proposed discharge of fill material into waters of the U.S., as further described in Section I.b. Overall, the modified proposed actions would result in the on-site and off-site discharge of fill material into 23.72 acres of waters of the U.S., a 0.46-acre reduction in the proposed discharge into waters of the U.S. While the amended proposed actions would reduce the acreage of waters of the U.S. that would be permanently affected compared to the originally-proposed actions, these reductions are not a substantial change in the proposed action or the nature of the effects to the aquatic environment. Additionally, the reduction in permanent affects to waters of the

U.S. does not constitute significant new circumstances or information relevant to the Corps' consideration of environmental effects. Therefore, the reduction in permanent effects to waters of the U.S. as a result of the modified proposed actions does not warrant preparation of a supplemental EIS or Environmental Assessment (EA).

The proposed Suncreek SPA is located within the area covered by the South Sacramento Habitat Conservation Plan (SSHCP). The SSHCP is a regional approach to address issues related to planned development and species habitat conservation, following a comprehensive conservation strategy, over a 50-year period. The SSHCP covers 28 species of plants and wildlife, including ten that are state and/or federally-listed as threatened or endangered. The boundaries of the 317,655-acre SSHCP Plan Area are generally U.S. Highway 50 to the north, the Sacramento River levee and County Road J11 to the west, the county line with El Dorado and Amador Counties to the east, and the county line with San Joaquin County to the south. As the lead Federal Agency, the Sacramento Field Office of the United States Fish and Wildlife Service (USFWS) prepared a Draft and Final EIS for the proposed SSHCP. The Corps was a cooperating agency on the EIS. On June 12, 2019, the USFWS issued an Incidental Take Permit under Section 10 of the Endangered Species Act to the SSHCP Permit Applicants (Sacramento County, City of Galt, City of Rancho Cordova, Sacramento County Water Agency, Sacramento Regional County Sanitation District, and Southeast Connector Joint Powers Authority). Before issuance of its ITP, the USFWS completed an intra-agency consultation under Section 7 of the ESA, and completed a ROD. On July 25, 2019, the Corps issued a ROD approving a Section 404 Permit Strategy for proposed activities covered under the SSHCP. The Permit Strategy consists of a Programmatic General Permit, Letter of Permission Procedures, and an abbreviated Standard Permit (SP) process, as identified in the July 25, 2019, ROD (SPK-1995-00386). The Permit Strategy identifies that the abbreviated SP process would apply to SSHCP covered activities requiring a permit under Section 404 of the Clean Water Act that may significantly affect the quality of the human environment, requiring the preparation of an EIS. Under the abbreviated SP process the Corps would prepare an EIS that tiers from the SSHCP EIS, to evaluate the project-specific effects of the proposed action. All other information for compliance with Section 404 of the Clean Water Act, including an evaluation of compliance with the Section 404(b)(1) Guidelines and a public interest review would still be conducted for all projects evaluated under the abbreviated SP process. In addition to the Section 404 Permit Strategy, on May 16, 2019, the Corps approved the South Sacramento In-Lieu Fee (ILF) Program. Under the ILF Program, the ILF Program Sponsor, South Sacramento Conservation Agency, would transfer compensatory mitigation credits to projects receiving authorization under the SSHCP that would result in the loss of waters of the U.S. The applicants for the Suncreek SPA have identified their intent to develop the SPA in accordance with the terms and conditions of the SSHCP, and the applicants for each of the proposed actions in the Suncreek SPA have worked with Sacramento County to ensure compliance with all applicable terms and conditions of the SSHCP, including all applicable avoidance and minimization measures. Although the EIR/EIS for the Suncreek SPA was issued prior to approval of the Section 404 Permit Strategy aligned with the SSHCP, the EIR/EIS contains the project-level analysis of effects required by the abbreviated SP process, and no additional analysis under NEPA is required for the proposed actions within the Suncreek SPA for purposes of evaluation under the abbreviated SP process.

**b. Description of the Individual Proposed Actions:**

**(1) Backbone Infrastructure (SPK-2005-00888):** The Backbone Infrastructure Project, as currently proposed by the City of Rancho Cordova, would result in the discharge of fill material into 7.58 acres of waters of the U.S., consisting of 4.65 acres of vernal pools, 0.45 acre of seasonal wetlands, 1.55 acres of seasonal wetland swales, 0.16 acre of ephemeral drainages, 0.16 acre of intermittent drainages, and 0.61 acre of perennial streams for the construction of major backbone infrastructure. The proposed Backbone Infrastructure Project consists of major circulation roads, sanitary sewer, drainage and flood control, and water supply. The applicant originally proposed to discharge fill material into 8.36 acres of waters of the U.S. for the construction of off-site infrastructure. The reduction in the proposed discharge of fill material into waters of the U.S. is a result of avoidance of waters of the U.S. for the construction of a sewer line and access road/bike trail crossing on the Shalako property, as well as minor reductions in the proposed discharge as a result of refinements in the proposed project's design.

**(2) Sierra Sunrise (SPK-2000-00414):** Lennar is proposing to discharge fill material into 4.68 acres of waters of the U.S., consisting of 1.77 acres of vernal pools, 0.003 acre of seasonal wetlands, 0.84 acre of seasonal wetland swales, 0.008 acre of intermittent drainages, and 2.06 acres of ponds for the construction of a mixed-use development on the Sierra Sunrise property. Additional discharges of fill material would also occur for the construction of backbone infrastructure, which are identified in Section I.b.1. The proposed discharges of fill material associated with the Backbone Infrastructure Project are being evaluated separately, and would occur prior to or concurrent with the proposed discharges associated with this project. Under the proposed action, the applicant would establish a 48-acre on-site preserve containing 3.25 acres of waters of the U.S., consisting of 1.26 acres of vernal pools, 0.17 acre of seasonal wetlands, 1.03 acres of seasonal wetland swales, and 0.80 acre of intermittent drainages. No changes to the discharge of fill material into waters of the U.S. has been proposed since the Draft EIR/EIS was published.

**(3) Jaeger Ranch (SPK-2006-00602):** Investek Properties, LLC. is proposing to discharge fill material into 1.67 acres of waters of the U.S., consisting of 1.24 acres of vernal pools, 0.18 acre of seasonal wetlands, 0.15 acre of seasonal wetland swales, and 0.10 acre of perennial stream for the construction of a mixed-use development on the Jaeger Ranch property. Additional discharges of fill material would also occur for the construction of backbone infrastructure, which are identified in Section I.b.1. The proposed discharges of fill material associated with the Backbone Infrastructure Project are being evaluated separately, and would occur prior to or concurrent with the proposed discharges associated with this project. Under the proposed action, the applicant would establish a 40.1-acre on-site preserve and an 18.2-acre buffer area (which would not be preserved) containing 2.79 acres of waters of the U.S., consisting of 1.24 acres of vernal pools, 0.06 acre of seasonal wetlands, 0.05 acre of seasonal wetland swales, and 1.45 acres of perennial stream. No changes to the discharge of fill material into waters of the U.S. has been proposed since the Draft EIR/EIS was published.

**(4) Kamilos Project (SPK-2006-00603):** Callahan Suncreek, LLC. is proposing to discharge fill material into 1.61 acres of waters of the U.S., consisting of 1.23 acres of vernal pools, 0.08 acre of seasonal wetlands, and 0.30 acre of seasonal wetland swales for the construction of a mixed-use development on the Kamilos property. Additional discharges of fill material would also occur for the construction of backbone infrastructure, which are identified in Section I.b.1. The proposed discharges of fill material associated with the Backbone Infrastructure Project are being evaluated separately, and would occur prior to or concurrent with the proposed discharges associated with this project. Under the proposed action, the applicant would establish a 24.4-acre on-site preserve containing 2.29 acres of waters of the U.S., consisting of 1.91 acres of vernal pools, 0.14 acre of seasonal wetlands, and 0.24 acre of seasonal wetland swales. No changes to the discharge of fill material into waters of the U.S. has been proposed since the Draft EIR/EIS was published.

**(5) Grantline 220 (SPK-2006-00604):** Grantline & Chrysanthy 220 Investors, LLC. is proposing to discharge fill material into 3.96 acres of waters of the U.S., consisting of 2.51 acres of vernal pools, 0.13 acre of seasonal wetlands, 0.59 acre of seasonal wetland swales, and 0.72 acre of ephemeral drainages for the construction of a mixed-use development on the Grantline 220 property. Additional discharges of fill material would also occur for the construction of backbone infrastructure, which are identified in Section I.b.1. The proposed discharges of fill material associated with the Backbone Infrastructure Project are being evaluated separately, and would occur prior to or concurrent with the proposed discharges associated with this project. The applicant is not proposing to avoid any waters of the U.S. A 100- to 150-foot wide drainage corridor containing a meandering constructed channel would be constructed along the eastern property boundary, adjacent to Grant Line Road, in order to maintain hydrology with the ephemeral drainage located on the Arista del Sol property to the north and the ephemeral drainage to the south. No changes to the proposed discharge of fill material into waters of the U.S. has been proposed since the Draft EIR/EIS was published.

**(6) Shalako Property (SPK-2006-00605):** Shalako Investors is proposing to discharge fill material into 2.27 acres of waters of the U.S., consisting of 1.67 acres of vernal pools, 0.27 acre of seasonal wetlands, 0.15 acre of seasonal wetland swales, 0.04 acre of ephemeral drainages, and 0.16 acre of perennial streams for the construction of a mixed-use development on the Shalako property. Additional discharges of fill material would also occur for the construction of backbone infrastructure, which are identified in Section I.b.1. The proposed discharges of fill material associated with the Backbone Infrastructure Project are being evaluated separately, and would occur prior to or concurrent with the proposed discharges associated with this project. Under the proposed action, the applicant would establish a 79.6-acre on-site preserve and 11.7-acre buffer (which will not be preserved) containing 10.12 acres of waters of the U.S., consisting of 7.98 acres of vernal pools, 1.03 acres of seasonal wetlands, 0.02 acre of seasonal wetland swales, and 1.09 acres of perennial stream. The proposed discharge of fill material into waters of the U.S. has been slightly reduced by 0.02 acre since the publishing of the Final EIR/EIS, as a result of refinements in the proposed preserve design to avoid and preserve waters of the U.S. at the edge of the preserve.

**(7) Smith Property (SPK-2008-00795):** Smith Dunmore Venture, LLC, is proposing to discharge fill material into 1.96 acres of waters of the U.S., consisting of 0.79 acre of vernal pools, 0.01 acre of seasonal wetlands, and 1.15 acres of seasonal wetland swales, for the construction of a mixed-use development on the Smith property. Additional discharges of fill material would also occur for the construction of backbone infrastructure, which are identified in Section I.b.1. The proposed discharges of fill material associated with the Backbone Infrastructure Project are being evaluated separately, and would occur prior to or concurrent with the proposed discharges associated with this project. Under the proposed action, the applicant would establish a 10.42-acre on-site preserve containing 0.93 acres of waters of the U.S., consisting of 0.33 acre of vernal pools, 0.59 acre of seasonal wetland swales, and 0.01 acre of intermittent drainage. The proposed discharge of fill material into waters of the U.S. has slightly increased (0.07 acre) since the publishing of the Final EIR/EIS, as a result in refinements between discharge proposed for backbone infrastructure and the proposed discharge associated with the Smith property project. However, the overall proposed discharge including both the proposed discharge associated with backbone infrastructure and the Smith Property remains the same.

## II. Project Purpose and Need

### a. NEPA Purpose and Need:

**(1) Purpose:** To provide a large-scale, mixed-use community within eastern Sacramento County, within the Urban Services Boundary.

**(2) Need:** Sacramento County has been undergoing continuous growth, and increased housing needs have been identified within eastern Sacramento County. The commercial uses are anticipated to meet a local and regional need for retail and office space.

**b. Section 404(b)(1) Guidelines - Basic and Overall Project Purpose:** For activities requiring a permit under Section 404 of the CWA, the Corps identifies a basic and overall project purpose for compliance with the USEPA's Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material (Corps' SOP and Section 404(b)(1) Guidelines; 40 C.F.R. 230.10(a)). As explained in more detail below, the basic purpose helps determine whether a project is water dependent. In the event a project results in the discharge of dredge or fill material into special aquatic sites, a determination that a project is not water dependent triggers a set of rebuttable assumptions. For activities that would result in the discharge of dredged and/or fill material into special aquatic sites (i.e. sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle and pool complexes), the basic project purpose is used to identify whether or not the activity is water dependent (i.e. requires access or proximity to or sighting within the special aquatic site in question to fulfill its basic purpose (40 C.F.R. 230.10(a)(3)). Per the Guidelines, no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic environment, so long as the alternative does not have other significant adverse environmental consequences. In addition, for any activity that is not water dependent and would result in the discharge of dredged or fill material into special aquatic sites, the Corps presumes: (1) practicable alternatives that do not involve special aquatic sites are available, unless clearly demonstrated otherwise; and (2) practicable alternatives that do not involve special aquatic

sites have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise (40 C.F.R. 230.10(a)(3)).

**(1) Basic Project Purpose** The basic project purpose is housing. Housing does not require access or proximity to, or siting within special aquatic sites. Therefore, the proposed actions are not water dependent.

**(2) Overall Project Purpose:** The overall project purpose is used to evaluate whether there are less environmentally damaging practicable alternatives (Corps SOP, Section 12 and 40 C.F.R. 230.10(a)). The Corps has identified the overall project purpose is the same as the basic purpose identified in Section II.a.i.

**III. Alternatives Considered:** A reasonable range of alternatives were considered in the EIS for development of the entire Sun creek SPA. The EIS also identified those alternatives that were considered but rejected from further analysis. Two off-site alternatives were considered but rejected from further analysis as identified in Chapter 2.9.6, page 2-89, of the Draft EIR/EIS. The two off-site alternatives were determined to not be practicable due to the number of individual parcels that would require acquisition (74 and 351, respectively). Therefore, these two alternatives will not be further discussed. In addition, alternatives information was submitted for each of the seven proposed projects within the Sun creek SPA. These alternatives were considered but rejected from further analysis in the Final EIS, as they consist of minor variations of the alternatives evaluated and fall within the reasonable range of alternatives analyzed in the Draft EIR/EIS. The practicability of these alternatives will be evaluated in this ROD for purposes of compliance with the U.S. Environmental Protection Agency's Section 404(b)(1) Guidelines (404(b)(1) Guidelines). The alternatives information submitted for each of the sites, in conjunction with the analysis of alternatives in Chapter 2 of the EIR/EIS, is being utilized in this Record of Decision (ROD) to conduct the alternatives analysis required for compliance with the 404(b)(1) Guidelines. This section will evaluate the practicability of alternatives evaluated in the EIR/EIS for the entire Sun creek SPA, as well as alternatives for each of the seven proposed projects.

**a. Alternatives Evaluated in the EIR/EIS for the Sun creek SPA:** Chapter 2 of the Draft EIR/EIS contains a full description of each alternative evaluated.

**(1) No Action Alternative (No USACE Permit Alternative):** Under this alternative, no discharge of fill material into waters of the U.S. would occur as a result of the construction of a mixed-use development. Under this alternative, approximately 670 acres of the approximately 1,200 acre site would consist of an avoidance area containing all waters of the U.S. The avoided waters of the U.S. would not be preserved under a conservation easement, but would instead be designated "Natural Resources" under the City of Rancho Cordova General Plan, and would be set aside as natural habitat with no urban development. While open space trails may be located adjacent to these areas, the City of Rancho Cordova would prohibit public access into the area. This alternative would reduce proposed residential development by 115 acres (338 fewer residential units), and would eliminate approximately 75 acres of commercial uses, including the proposed 60-acre Local Town Center (proposed adjacent to Grant Line Road on the Grantline 220 Property). The practicability of this alternative has been evaluated for each individual project (including backbone infrastructure), as described in Section III.b.

**(2) Draft EIR/EIS Proposed Action:** As described in Section 1.a, the proposed action as described in the Draft EIR/EIS would result in the discharge of fill material into 24.18 acres of waters of the U.S. on-site and off-site for the construction of a mixed-use development and associated infrastructure. On-site, development of the proposed SPA would result in a discharge of fill material into 22.96 acres of waters of the U.S. consisting of 13.57 acres of vernal pools, 1.02 acres of seasonal wetlands, 4.41 acres of seasonal wetland swales, 0.90 acre of ephemeral drainages, 0.17 acre of intermittent drainages, 2.06 acres of ponds, and 0.83 acre of perennial streams. In addition, off-site, construction of backbone infrastructure for the SPA would result in the discharge of fill material into 1.22 acres of waters of the U.S., consisting of 0.93 acre of vernal pool, 0.09 acre of seasonal wetlands, 0.12 acre of seasonal wetland swales, and 0.08 acre of perennial streams. Under this alternative, an approximately 203-acre wetland preserve containing 19.50 acres of waters of the U.S., consisting of 12.72 acres of vernal pools, 1.52 acres of seasonal wetlands, 1.94 acres of ephemeral drainages, 0.81 acre of intermittent drainages, and 2.51 acres of perennial streams. The practicability of this alternative has been evaluated for each individual project (including backbone infrastructure), as described in Section III.d.

**(3) Biological Impact Minimization Alternative:** Under this alternative, the applicants would discharge fill material into 13.54 acres of waters of the U.S. onsite and 1.19 acres of waters of the U.S. off-site. The waters of the U.S. that would be filled on-site consist of 8.22 acres of vernal pools, 0.81 acre of seasonal wetlands, 1.77 acres of seasonal wetlands swales, 0.09 acre of ephemeral drainages, 0.004 acre of intermittent drainages, 2.06 acres of ponds, and 0.57 acre of perennial streams, for the construction of a mixed-use development. In addition, off-site, development of this alternative would result in the discharge of fill material into 0.95 acre of vernal pools, 0.11 acre of seasonal wetlands, 0.04 acre of seasonal wetlands swales, and 0.09 acre of perennial stream. A 411-acre open-space preserve containing 28.95 acres of waters of the U.S., consisting of 18.08 acres of vernal pools, 1.73 acres of seasonal wetlands, 4.58 acres of seasonal wetland swales, 0.81 acre of ephemeral drainages, 0.98 acre of intermittent drainages, and 2.76 acres of perennial streams, would be established under this alternative. This alternative would reduce proposed residential development by approximately 20 acres (466 fewer residential units), and would eliminate all commercial uses, including the 60-acre Local Town Center. The practicability of this alternative has been evaluated for each individual project (excluding backbone infrastructure), as described in Section III.d.

**(4) Conceptual Level Strategy:** Under this alternative, the applicants would discharge fill material into 21.20 acres of waters of the U.S. on-site and 1.38 acres of waters of the U.S. off-site. The waters of the U.S. that would be filled on-site consist of 12.94 acres of vernal pools, 1.00 acre of seasonal wetlands, 3.63 acres of seasonal wetlands swales, 0.90 acre of ephemeral drainages, 0.11 acre of intermittent drainages, 2.06 acres of ponds, and 0.56 acre of perennial streams, for the construction of a mixed-use development. In addition, off-site, development of this alternative would result in the discharge of fill material into 1.04 acre of vernal pools, 0.11 acre of seasonal wetlands, 0.14 acre of seasonal wetlands swales, 0.002 acre of intermittent drainages, and 0.09 acre of perennial stream. A 310-acre open-space preserve containing 21.28 acres of waters of the U.S., consisting of 13.35 acres of vernal pools, 1.55 acres of seasonal wetlands, 2.72 acres of seasonal wetland swales, 0.87 acre of intermittent drainages, and 2.79 acres of perennial streams would be established under this alternative. This alternative would increase proposed residential development by approximately 15 acres, but would result in 126 fewer residential units, and would eliminate 70 acres of commercial uses, including the 60-acre Local Town Center. Because this alternative would result in a similar amount of discharge into waters of the U.S. as the proposed action, yet would not allow for the construction of a local town center as required by the City of Rancho Cordova, we have determined it is not the least environmentally damaging practicable alternative.

**(5) Increased Development Alternative:** Under this alternative, the applicants would discharge fill material into 30.10 acres of waters of the U.S. on-site and 1.76 acres of waters of the U.S. off-site. The waters of the U.S. that would be filled on-site consist of 18.70 acres of vernal pools, 2.32 acres of seasonal wetlands, 5.62 acres of seasonal wetlands swales, 0.45 acre of ephemeral drainages, 0.20 acre of intermittent drainages, 2.06 acres of ponds, and 0.75 acre of perennial streams, for the construction of a mixed-use development. In addition, off-site, development of this alternative would result in the discharge of fill material into 1.06 acres of vernal pools, 0.15 acre of seasonal wetlands, 0.12 acre of seasonal wetlands swales, 0.15 acre of ponds, and 0.28 acre of perennial stream. A 97-acre open-space preserve containing 12.37 acres of waters of the U.S. would be established under this alternative. Because this alternative would result in a greater discharge into waters of the U.S., and greater direct and indirect adverse effects to the aquatic environment, we have determined it is not the least environmentally damaging practicable alternative.

**b. Alternatives Specific to Each Alternative:**

**(1) Backbone Infrastructure:** On March 26, 2018, the applicant submitted the *Section 404(b)(1) Onsite Alternatives Information, SunCreek Specific Plan, Backbone Infrastructure Project* (Backbone Infrastructure Alternatives Information), prepared by ECORP Consulting, to address the practicability of two on-site alternatives, the no-action alternative, and Alternative B2, the currently proposed Backbone Infrastructure Project alternative. Other alternatives to backbone infrastructure were evaluated within the Alternatives Information for the individual properties, as their practicability is associated with development of these properties.

(a) No Action Alternative: Under this alternative, the on-site and off-site infrastructure would be installed without any discharge of fill material into waters of the U.S. Utility lines would be installed using all jack and bore techniques, and all roadways would be installed using clear-span crossings. Based on the Backbone Infrastructure Alternatives Information, construction of this alternative would cost approximately \$476,000,000, as compared to approximately \$135,000,000 in construction costs for the original proposed action (an approximate increase of \$341,000,000. We have determined the significant additional costs of this alternative are not practicable, and therefore this alternative is not the least environmentally damaging practicable alternative.

(b) Alternative B2 (Current Proposed Action): This alternative is the current proposed action for the Backbone Infrastructure Project. This alternative would avoid the discharge of fill material into 0.23 acre of waters of the U.S., as compared to the proposed action alternative evaluated in the Draft EIR/EIS, on the Shalako property. Under this alternative, the applicant would realign a proposed sewer line, trail, and access road through the proposed preserve on the Shalako property. The proposed sewer line below waters of the U.S. would be installed using jack and bore techniques, and the proposed access road/trail would utilize clear-span crossings over streams and seasonal wetland swales. The applicant identified this alternative as practicable and modified their proposed action to incorporate this alternative.

**(2) Sierra Sunrise:** On March 27, 2018, the applicant submitted the *Section 404(b)(1) Onsite Alternatives Information, Sierra Sunrise* (Sierra Sunrise Alternatives Information), prepared by ECORP Consulting, to address the practicability of on-site alternatives. See Section I.b.2 for a complete description of the proposed action.

(a) No Action: Under this alternative all waters of the U.S. would be avoided on the Sierra Sunrise site. This alternative would result in development occurring in small, isolated pockets throughout the site, reducing residential development from 783 units to 275 units (65% reduction). We have determined the significant reduction in residential development associated with the proposed action would not meet the overall project purpose, and therefore this alternative is not the least environmentally damaging practicable alternative.

(b) Alternative 1: This alternative would reduce the proposed discharge of fill material into water of the U.S. by 1.09 acre (0.93 acre vernal pools and 0.16 acre seasonal wetland swales), as compared to the proposed action. The waters of the U.S. that would be avoided under this alternative consist of vernal pools and seasonal wetland swales on the southern portion of the Sierra Sunrise property. Under this alternative a wetland preserve would be established that would allow for a hydrologic connection between the avoided waters and the perennial creek proposed to be preserved downstream. This alternative would reduce the watershed for the avoided aquatic resources by approximately 45%, and would result in additional indirect effects as a result of residential development directly adjacent to the preserve. While this alternative would reduce the amount of direct fill of waters of the U.S., the indirect effects would result in overall similar effects to the aquatic environment as the proposed action, while reducing proposed residential development by 9 acres. We have determined, because this alternative would result in similar effects to the aquatic environment as the proposed action, this alternative is not the least environmentally damaging practicable alternative.

(c) Biological Impact Minimization Alternative: This alternative would result in the discharge of fill material into 3.95 acres of waters of the U.S., reducing the proposed discharge by 0.73 acre, as compared to the proposed action. The additional avoidance would occur on the north-western portion of the project site, currently proposed for medium and high density residential uses. This alternative would preserve an additional 21.5 acres of the Sierra Sunrise site, reducing residential development from 783 units to 585 units (25% reduction). Medium density residential uses would be surrounded by a preserve under this alternative, resulting in indirect effects to the avoided waters of the U.S. We have determined the reduction of 25% of the residential uses to avoid an additional 0.73 acre of waters of the U.S., that would be indirectly affected by surrounding development, does not meet the overall project purpose, and therefore this alternative is not the least environmentally damaging practicable alternative.

**(3) Jaeger Ranch:** On March 27, 2018, the applicant submitted the *Section 404(b)(1) Onsite Alternatives Information, Jaeger Ranch Project* (Jaeger Ranch Alternatives Information), prepared by ECORP Consulting, to address the practicability of on-site alternatives. See Section I.b.3 for a complete description of the proposed action.

(a) No Action Alternative: Under this alternative all waters of the U.S. would be avoided on the Jaeger Ranch site. This alternative would result in development occurring in small, isolated pockets throughout the site, reducing the development footprint by 54%. In addition, this alternative would result substantial bridges to be constructed over waters of the U.S. for infrastructure, which would substantially increase the cost of construction. The increase in costs for construction of clear-span bridges combined with the loss of 54% of development is not practicable. Therefore we have determined this alternative is not the least environmentally damaging practicable alternative.

(b) Alternative 1: This alternative would avoid the discharge of fill material into 0.14 acre of waters of the U.S. in the north-western portion of the site as compared to the proposed action. The vernal pools that would be avoided under this alternative are located directly adjacent to the existing Jaeger Road, and would be surrounded by proposed commercial development. The northern portion of one vernal pool would be filled from the proposed road to the north. Avoidance of this area would create a small, isolated preserve with over 81 percent of the surrounding watershed being developed. Over time, the hydrology and functions and services provided by the vernal pools would be severely degraded as a result of indirect effects from surrounding development. Because this alternative would not reduce overall adverse effects to the aquatic environment as compared to the proposed action, we have determined it is not the least environmentally damaging practicable alternative.

(c) Alternative 2: This alternative would avoid the discharge of fill material into 0.09 acre of waters of the U.S., including an ephemeral drainage and vernal pool on the eastern portion of the Jaeger Ranch site, as compared to the proposed action. This alternative was identified as part of the 1.09 acres of waters of the U.S. that would be avoided under Alternative 1 on the Sierra Sunrise property (See Section 1.b.2.b), and would allow hydrologic connectivity of the waters of the U.S. on the Sierra Sunrise property to the perennial creek proposed to be preserved on the Jaeger Ranch property. As identified in Section 1.b.2.b, we have determined avoidance of the 1.09 acres of waters of the U.S. on the Sierra Sunrise site is not practicable. Therefore, this alternative would avoid a minimal amount of waters of the U.S. that would be surrounded by development. In addition, 85% of the watershed surrounding these waters of the U.S. would be developed, severely affecting the hydrology and other functions and services being provided by the waters of the U.S. due to indirect effects. Because this alternative would not reduce overall adverse effects to the aquatic environment as compared to the proposed action, we have determined it is not the least environmentally damaging practicable alternative.

(d) Biological Impact Minimization Alternative: This alternative would avoid the discharge of fill material into 0.63 acre of waters of the U.S., as compared to the proposed action. The waters of the U.S. that would be avoided under this alternative include two complexes of vernal pools in the north-western portion of the site, and vernal pools and seasonal wetlands adjacent to the currently proposed preserve. The northern vernal pool complex that would be avoided is the same area identified as avoided for Alternative 1 (see Section 1.b.2.b). As described for Alternative 1, we have determined avoidance of vernal pools in the north-western corner of the Jaeger Ranch site is not practicable. Avoidance of the vernal pool complex immediately south of Alternative 1 would result in establishment of a preserve where the majority of the watershed is developed and is hydrologically disconnected from the proposed preserve. This would result in severe adverse effects to the avoided waters of the U.S. due to indirect effects. Because this alternative would not substantially reduce overall adverse effects to the aquatic environment as compared to the proposed action, we have determined it is not the least environmentally damaging practicable alternative.

**(4) Kamilos Project:** On March 27, 2018, the applicant submitted the *Section 404(b)(1) Onsite Alternatives Information, Kamilos Project* (Kamilos Alternatives Information), prepared by ECORP Consulting, to address the practicability of on-site alternatives.

As identified in Section 1.7 of Appendix C of the Kamilos Alternatives Information, the existing schools serving the Suncreek Specific Plan Area do not have capacity to accommodate the number of students anticipated at buildout of the Specific Plan. Therefore, three elementary school sites, a middle school, and a high school are needed within the Suncreek Specific Plan Area. The applicants for the Kamilos Property and the Smith Property immediately to its west have proposed to construct a joint middle/high school to meet the needs of the area. Based on the information provided in Section 1.7 of Appendix C of the Kamilos Alternatives information, we concur the construction of a joint middle/high school is appropriate, as it would allow for a smaller facility and would result in discharge of fill material into fewer waters of the U.S. than would constructing separate middle and high schools. In addition, California Education Code 35275 identifies criteria for the location of schools, including those related to the proximity to major roadways and hazardous areas. The Elk Grove Unified School District (EGUSD), who would serve the

proposed schools, stated that the size for a co-located middle/high school is  $\pm 70$  acres. During discussions with the applicant, EGUSD identified that a minimum of 80 acres was necessary for the proposed joint middle/high school. Using a minimum of 80 acres and the siting criteria identified in the California Education Code, the applicant provided information showing that there are only two locations within the Suncreek Specific Plan Area that meet these criteria, the proposed location and the Jaeger Ranch site. Given the location of the Jaeger Ranch site, siting the proposed school at this location would be inconsistent with the City of Rancho Cordova General Plan, which identifies schools should be within walking distance of most residences, and should connect with trails, bikeways, and pedestrian paths. Therefore, we have determined that in order to be practicable, alternatives for the proposed Kamilos site must include the construction of a joint middle/high school on the eastern portion of the Kamilos property and western portion of the Smith properties.

(a) No Action Alternative: Under this alternative all waters of the U.S. would be avoided on the Kamilos site. This alternative would make development of the proposed school on the Kamilos and Smith properties infeasible, due to the configuration of the development area under this alternative. Because this alternative would not allow for the construction of a joint middle/high school, we have determined this alternative is not the least environmentally damaging practicable alternative.

(b) Alternative 1: This alternative would avoid the discharge of fill material into 0.67 acre of waters of the U.S. on the western portion of the Kamilos Site. These waters, consisting of seasonal wetland swales and wetlands, drain south and west, through the Anatolia site to the west, into Suncreek to the south. This alternative was identified to reduce potential indirect effects to the proposed preserve on the Kamilos property, as the waters of the U.S. proposed to be preserved are connected to Suncreek in the south through the waters that would be avoided under this alternative. This alternative would eliminate 10.7 acres of proposed medium density and high density residential development adjacent to Jaeger Road (approximately 20% overall reduction in development). Under this alternative, high density residential uses adjacent to transit services would be eliminated, which would not comply with the City of Rancho Cordova General Plan. In addition, the avoided waters would be surrounded by development with the majority of their watershed impacted, resulting in degradation of the functions and services provided and a reduction in hydrology due to indirect effects. The applicant identified that the proposed action included maintenance of the hydrology from the on-site preserve to Suncreek in the south through the construction of a 48-inch diameter drain pipe to convey hydrology from the preserve south along Jaeger Road. Because of the indirect effects that would occur, and the maintenance of downstream flows, this alternative would result in similar adverse effects as the proposed action. Therefore, we have determined this alternative is not the least environmentally damaging practicable alternative.

(c) Alternative 2: This alternative would avoid the discharge of fill material into 0.67 acre of waters of the U.S. on the Smith property (to the east) by shifting the proposed joint middle/high school to the west. The 0.67-acre of avoided waters of the U.S. would be surrounded by a school, roads, and residential development on the north, east, and west. Although the waters of the U.S. proposed to be avoided under this alternative would occur on the Smith property, it is evaluated for the Kamilos property as the overall effects to the practicability are associated with the Kamilos property. Under this alternative approximately 20.9 acres of proposed medium and high density residential development on the Kamilos property would be eliminated, resulting in a 38% reduction of developable acres and in parallel, 38% of the proposed residential units. In addition, this alternative would require shifting of the proposed West Park Road to the east, which would result in a less than 1/4 mile distance between West Park Road and its intersection with North Campus Road/Rancho Cordova Parkway. We have determined because this alternative would substantially reduce proposed development on the Kamilos site while avoiding less than 1 acre additional waters of the U.S. that would be indirectly affected by surrounding roads, a school, and residential development, it is not the least environmentally damaging practicable alternative.

(d) Biological Impact Minimization Alternative: This alternative would avoid the discharge of fill material into 1.10 acre of waters of the U.S., as compared to the proposed action. The waters of the U.S. that would be avoided under this alternative consist of those waters that would be avoided under Alternative 1, as well as additional waters along the western portion of the site. This alternative would eliminate the ability to construct a minimum 80-acre joint middle/high school on the Kamilos and Smith properties. Therefore, we have determined this alternative is not the least environmental damaging practicable alternative.

**(5) Grantline 220:** On March 26, 2018, the applicant submitted the *Section 404(b)(1) Onsite Alternatives Information, Grantline 220 Project* (Grantline 220 Alternatives Information), prepared by ECORP Consulting, to address the practicability of on-site alternatives. See Section I.b.5 for a complete description of the proposed action.

The proposed Grantline 220 project includes the construction of an approximately 60-acre Regional Town Center, intended to provide regional commercial uses along Grant Line Road. As identified in Section 5.2.6 of the Grantline 220 Alternatives Information, in order to be consistent with the City of Rancho Cordova General Plan, the City of Rancho Cordova determined a Regional Town Center was necessary within the Suncreek Specific Plan Area. In 2011, the City of Rancho Cordova commissioned a study to determine the amount of commercial land necessary to maintain the employment base and recommend where commercial development should be located. This study is located in Appendix F of the Grantline 220 Alternatives Information. The study identified the corner of Grant Line Road and Chrysanthy Boulevard as being a critical location for future commercial development. In a letter dated March 26, 2019, the City of Rancho Cordova identified to the applicant for Grantline 220 (see Appendix G of the Grantline 220 Alternatives Information) that locating the Regional Town Center, intended to be a combination of large-scale community serving retail with some potential office employment, is dependent on its "relationship to Grant Line Road and the future Capital Southeast Connector Road." The City of Rancho Cordova also identified that "(t)his visual relationship extends well beyond seeing buildings and relies on customers having familiarity with the individual stores in the center and readily apparent access to the site. As separation from Grant Line Road

increases, the viability of the site for major commercial uses decreases." Because the City of Rancho Cordova is the local land-use authority for determining zoning, we have determined they are the appropriate authority to determine the necessary location for a regional town center. In addition, in the development agreement for the Sun creek Specific Plan Area, the City of Rancho Cordova identified the regional town center must be a minimum of 53.4 acres, as identified in the Grantline 220 Alternatives Information (page 34). Therefore, we have determined, in order for an alternative to be practicable, a minimum 53.4-acre regional town center located near the intersection of Grant Line Road and Chrysanthy Boulevard is necessary.

(a) No Action Alternative: Under this alternative, all waters of the U.S. would be avoided. This alternative would result in the loss of a minimum of 91 developable acres, with development occurring in small, isolated areas. The loss of developable acres would result in a 93% reduction (from 457 to 40) of residential units. In addition, under this alternative, a regional town center would not be constructed. We have determined, because this alternative would significantly reduce available development and eliminate the required regional town center, that it is not the least environmentally damaging practicable alternative.

(b) Alternative GL1, GL1a, GL1b, GL1c, and GL1d: These alternatives consist of different configurations and buffers to avoid waters of the U.S. on the western portion of the Grantline 220 site as follows:

GL1: This alternative would avoid the placement of fill material into 0.48 acre of waters of the U.S. through the preservation of an existing ephemeral drainage and seasonal wetland swale with abutting wetlands, with a 100-foot buffer extending outward from the preserved waters of the U.S.

GL1a: This alternative would avoid the placement of fill material into 0.25 acre of waters of the U.S. through the preservation of an existing ephemeral drainage and seasonal wetland swale with portions of abutting wetlands, with a 50-foot buffer extending outward from preserved waters of the U.S. Under this alternative, a portion of the ephemeral drainage would be realigned around the proposed detention basin, and one vernal pool would be partially filled.

GL1b: This alternative would avoid the placement of fill material into 0.33 acre of waters of the U.S. through the preservation of an existing ephemeral drainage and seasonal wetland swale with portions of abutting wetlands, with a 25-foot buffer extending outward from preserved waters of the U.S. Under this alternative, the majority of a vernal pool abutting the ephemeral drainage would be filled.

GL1c: This alternative would avoid the placement of fill material into 0.21 acre of waters of the U.S. through the preservation of an existing ephemeral drainage and seasonal wetland swale with portions of abutting wetlands, with a 25-foot buffer extending outward from preserved waters of the U.S. Under this alternative, a portion of the ephemeral drainage would be realigned around the proposed detention basin, and the majority of one vernal pool abutting the ephemeral drainage would be filled.

GL1d: This alternative would not avoid any additional waters of the U.S. as compared to the proposed action, but would result in the applicant constructing a new channelized drainage extending from the northern property boundary, in order to maintain downstream hydrology.

For Alternative GL1 through GL1c, the watershed encompassing these features is approximately 297 acres, 60% of which is located on the Arista del Sol property to the north (SPK-2006-00604) and Ranch at Sunridge property to the east (SPK-2004-00707). The discharge of fill material into waters of the U.S. has been authorized for the Arista del Sol project, although has not yet been constructed. No preservation of waters of the U.S. directly north and hydrologically connected to the aquatic resources avoided by Alternatives GL1 through GL1c was required in the permit authorization for the Arista del Sol project. Between 80 and 86% of the existing watershed for the aquatic resources avoided under alternative GL1 through GL1C would be eliminated under this alternative (assuming Arista del Sol is constructed), severely affecting the functions and services provided by the ephemeral drainage, seasonal wetland swale, and abutting wetlands. Overall, while Alternatives GL1, GL1a, GL1b, and GL1c would reduce direct impacts to waters of the U.S., the loss of functions and services to these aquatic resources would result in similar adverse effects to the aquatic environment. Therefore, these alternatives are not the least environmentally damaging practicable alternatives. Alternative GL1d was designed to ensure maintenance of hydrology from aquatic resources within the Arista del Sol project site. However, because the Arista del Sol project has been authorized with no avoided aquatic resources that flow into the constructed channel under Alternative GL1d, alternative GL1d would not result in an overall decrease in effects to the aquatic environment. Therefore, we have also determined that Alternative GL1d is not the least environmentally damaging practicable alternative.

(c) Alternative GL2 and GL2a: These alternatives were designed to avoid waters of the U.S. in the south-central portion of the Grantline 220 site, as follows:

GL2: This alternative would avoid the placement of fill material into 1.74 acres of waters of the U.S., consisting primarily of vernal pools with some seasonal wetlands and seasonal wetland swales within a 21.85-acre preserve.

GL2a: This alternative would avoid the placement of fill material into 1.74 acres of waters of the U.S., consisting primarily of vernal pools with some seasonal wetlands and seasonal wetland swales within a 17.85-acre preserve.

Based on information provided in the Grantline 220 Alternatives Information, the cost per developable acre for the Grantline 220 project is \$266,273/acre, which is the highest of all of the projects within the Suncreek Specific Plan Area, and is 12% higher than the average cost for the other projects. Implementation of alternatives GL2 and GL2a would increase the cost per developable acre to \$314,756 and \$299,488 per acre (respectively). While this is not a substantial increase when compared to the proposed action on Grantline 220, it is 32% and 25% higher than the average cost of all other projects within the Suncreek Specific Plan Area. Currently, the property to the south of the Grantline 220 site is owned by Sacramento County and is undeveloped. Because alternatives GL2 and GL2a would substantially increase the cost per acre of development when compared to other projects within the Suncreek Specific Plan Area, we have determined these alternatives are not the least environmentally damaging practicable alternatives.

(d) Alternatives GL3, GL3a, GL3b(i), GL 3b(ii), and GL3d: These alternatives were designed to avoid an ephemeral drainage and abutting wetlands in the eastern portion of the site, which flows through the proposed regional town center site. These alternatives were identified to maintain hydrology from the preserve containing the upstream portions of the ephemeral drainage and vernal pools required in the issued permit for the Arista del Sol property to the north. The additional avoidance of waters of the U.S. for each of these alternatives is as follows:

GL3: This alternative would avoid the placement of fill material into 0.50 acre of waters of the U.S., consisting of an ephemeral drainage and vernal pools with some seasonal wetlands and seasonal wetland swales within a 17.28-acre preserve.

GL3a: This alternative would avoid the placement of fill material into 0.50 acre of waters of the U.S., consisting of an ephemeral drainage with a 100-foot buffer and vernal pools with some seasonal wetlands and seasonal wetland swales within a 14.34-acre preserve.

GL3b(i): This alternative would avoid the placement of fill material into 0.49 acre of waters of the U.S., consisting of an ephemeral drainage with a 100-foot buffer and vernal pools with some seasonal wetlands and seasonal wetland swales within an 18.11-acre preserve. This alternative would result in a preserve of the north-eastern portion of the site, at the intersection of Grant Line Road and Chrysanthy Boulevard.

GL 3b(ii): This alternative would avoid the placement of fill material into 0.52 acre of waters of the U.S., consisting of an ephemeral drainage with a 100-foot buffer and vernal pools with some seasonal wetlands and seasonal wetland swales within an 11.90-acre preserve.

Alternative GL3d: This alternative would avoid the placement of fill material into 0.34 acre of waters of the U.S., consisting of an ephemeral drainage with a 25-foot buffer and vernal pools with some seasonal wetlands and seasonal wetland swales within a 4.87-acre preserve through the regional town center site. Under this alternative, the first 200 feet of the ephemeral drainage would be piped from the confluence with the Arista del Sol property.

Alternatives GL3, GL3a, GL3b(i), GL3b(ii), and GL3d would result in the construction of a regional town center with preserved waters of the U.S. running through the commercial development. While these alternatives would maintain the hydrology of the features, indirect effects would occur as a result of surrounding residential development, decreasing the functions and services provided by the ephemeral drainage. The functions that would remain would consist of maintenance of the hydrologic connection between the portion of the ephemeral drainage on the Arista del Sol property to the north, and the ephemeral drainage to the south. The proposed action would reconstruct a meandering drainage channel along Grant Line Road, in order to ensure the hydrologic connection of the ephemeral drainage is maintained. Although these alternatives would include the construction of a regional town center, for Alternative GL3, the regional town center would be less than the required 53.4-acre minimum site, and for Alternatives GL3a, GL3b(i), GL3b(ii), and GL3d, the applicant contacted two local commercial developers in the area, Colliers International, and CBRE (Appendix I of the Grantline 220 Alternatives Information), to request their evaluation of an alternative where an open space preserve would bisect the

proposed regional town center. Both Colliers International and CBRE identified that in their opinion, the configuration and bisection of the regional town center with an open-space preserve would likely make the regional town center unviable. Because these alternatives would not substantially reduce the effects of the proposed action and, according to experienced commercial developers, may result in a regional town center that is not viable, we have determined they are not the least environmentally damaging practicable alternatives.

(e) Alternative GL3c: This alternative would fill the existing ephemeral drainage on the eastern portion of the site as under the proposed action, but would reconstruct a meandering ephemeral drainage within a 150-foot drainage corridor, similar to the proposed action, although up to 50-feet wider in some areas. Overall, this alternative would not reduce the direct effects to waters of the U.S., although indirect effects from adjacent development may be slightly decreased with the additional buffer. Based on the information submitted by the applicant, this alternative is practicable. The applicant has revised the proposed action to incorporate a 100- to 150-foot buffer for the proposed drainage corridor. Incorporating a 150-foot buffer along the entirety of the reconstructed drainage channel would not substantially reduce indirect effects, and, in general, a 100-foot buffer should be adequate to minimize adverse effects to the aquatic environment.

(f) Biological Impact Minimization Alternative: This alternative would avoid the discharge of fill material into 0.79 acre of waters of the U.S., 3.17 acres less than the proposed action. The areas avoided consist of all areas identified for Alternative GL1-GL1d, GL2, GL2a, GL3-GL3b(ii), and GL3d, as well as some additional vernal pools and seasonal wetlands north of the waters of the U.S. avoided under Alternative GL2. We have determined that, because Alternatives L1-GL1d, GL2, GL2a, GL3-GL3b(ii), and GL3d are not practicable as described above, that this alternative is not the least environmentally damaging practicable alternative.

**(6) Shalako Property:** On March 27, 2018, the applicant submitted the *Section 404(b)(1) Onsite Alternatives Information, Shalako Property* (Shalako Alternatives Information), prepared by ECORP Consulting, to address the practicability of on-site alternatives. See Section I.b.6 for a complete description of the proposed action.

(a) No Action Alternative: This alternative would avoid all waters of the U.S. on the site. Under this alternative, approximately 45 acres of residential development (29% of the proposed residential development) would be eliminated. Development would occur within irregularly shaped areas. In addition, a number of avoided vernal pools would be placed into isolated pockets surrounded by adjacent development, substantially affecting their existing functions and services to due indirect effects. The Shalako project contains the highest percentage of open space preserve of all the projects within the Suncreek Specific Plan Area, with approximately 25% of the site proposed to be preserved, containing 74% of the existing waters of the U.S. We have determined the loss of an additional 29% of development is not practicable for the Shalako property, given the substantial avoidance that has already been proposed.

(b) Alternative 1: This alternative would avoid the discharge of fill material into 0.09 acre of waters of the U.S., as compared to the proposed action. The waters of the U.S. that would be avoided consist of a vernal pool that is proposed to be partially filled under the proposed action. This alternative was identified in order to minimize adverse indirect effects to the waters of the U.S. proposed to be avoided. The vernal pool that would be avoided is supported by a 0.86-acre watershed, of which the proposed action would eliminate 68%, substantially decreasing the functions and services provided by the vernal pool due to indirect effects. In addition, avoidance of this feature would have negligible beneficial effect to the waters of the U.S. proposed to be preserved, as it is hydrologically separated by a man-made berm. We have determined, because this alternative would not substantially reduce adverse effects to the aquatic environment, that it is not the least environmentally damaging practicable alternative.

(c) Alternative 2: This alternative would avoid 0.21 acre of vernal pools and seasonal wetlands on the western portion of the proposed preserve. Under this alternative, approximately 4.1 acres of residential development (6% of the proposed residential development) would be eliminated. The Shalako project contains the highest percentage of proposed open space preservation of all the projects within the Suncreek Specific Plan Area, with approximately 25% of the site proposed to be preserved, containing 74% of the existing waters of the U.S. The additional avoidance of 0.21 acre of vernal pools and seasonal wetlands would provide a minimal reduction in adverse effects to the aquatic environment, while reducing development that has already been reduced by the proposed avoidance. Because this alternative would not substantially reduce adverse effects to the aquatic environment, we have determined that this alternative is not the least environmentally damaging practicable alternative.

(d) Biological Impact Minimization Alternative: This alternative would avoid 1.46 acres of vernal pools and seasonal wetlands in the western portion of the proposed preserve. The waters of the U.S. that would be avoided under this alternative are primarily those adjacent to the proposed preserves. Under this alternative, approximately 27.2 acres of residential development (16% of the proposed residential development) would be eliminated. The Shalako project contains the highest percentage of proposed open space preservation of all the projects within the Suncreek Specific Plan Area, with approximately 25% of the site proposed to be preserved, containing 74% of the existing waters of the U.S. We have determined the loss of an additional 16% of development is not practicable for the Shalako property, given the substantial avoidance that has already been proposed.

**(7) Smith Property:** On March 26, 2018, the applicant submitted the *Section 404(b)(1) Onsite Alternatives Information, Smith Property* (Smith Alternatives Information), prepared by ECORP Consulting, to address the practicability of on-site alternatives.

As identified in Section 1.7 of Appendix C of the Smith Alternatives Information, the existing schools serving the Suncreek Specific Plan Area do not have capacity to accommodate the number of students anticipated on buildout of the Specific Plan. Therefore, three elementary school sites, a middle school, and a high school are needed within the Suncreek Specific Plan Area. The applicants for the Smith Property and the Kamilos Property immediately east, have proposed to construct a joint middle/high school to meet the needs of the area. Based on the information provided in Section 1.7 of Appendix C of the Smith Alternatives information, we concur that construction of a joint middle/high school is appropriate, as it would allow a smaller facility and result in discharge of fill

material into fewer waters of the U.S. than would constructing separate schools. In addition, California Education Code 35275 identifies criteria for the location of schools, including those related to the proximity to major roadways and hazardous areas. The EGUSD, who would serve the proposed schools, stated that the size for a co-located middle/high school is  $\pm 70$  acres. During discussions with the applicant, EGUSD identified a minimum 80 acres was necessary for the proposed joint middle/high school. Using a minimum 80 acres and the siting criteria identified in the Education Code, the applicant provided information showing there are only two locations within the Sun creek Specific Plan Area that meet these criteria, the proposed location and the Jaeger Ranch site. Given the location of the Jaeger Ranch site, siting the proposed school at this location would be inconsistent with the City of Rancho Cordova General Plan, which identifies schools should be within walking distance of most residences and should connect with trails, bikeways, and pedestrian paths. Therefore, we have determined that in order to be practicable alternatives for the proposed Smith site must include the construction of a joint middle/high school on the western portion of the Smith property and eastern portion of the Kamilos property.

(a) No Action Alternative : Under this alternative, no waters of the U.S. on the Smith Property would be filled. Given the location and configuration of waters of the U.S. on the Smith Property, this alternative would eliminate 91% of proposed development, including the joint middle/high school. Because this alternative would eliminate almost all development and would not allow for the construction of the joint middle/high school, we have determined it is not the least environmentally damaging practicable alternative.

(b) Alternative 1a, 1b, 1c, and 2: Alternatives 1a, 1b, 1c, and 2 would avoid vernal pools and seasonal wetland swales on the northern portion of the site, within the proposed joint middle/high school. Under this alternative, an 80-acre school project could not be constructed. Because these alternatives would eliminate the required joint middle/high school, we have determined they are not the least environmentally damaging practicable alternatives.

(c) Biological Impact Minimization Alternative: This alternative is similar to the No Action Alternative, although would allow some additional development in the western portion of the site. This alternative would avoid the discharge of fill material into 1.72 acres of waters of the U.S. as compared to the proposed action. Approximately 71% of the site would not be able to be developed, and the required joint middle/high school would be eliminated. Because this alternative would eliminate the joint middle/high school, we have determined it is not the least environmentally damaging practicable alternative.

**c. Determination of Practicable Alternatives:** As identified above, we have determined that for the Backbone Infrastructure, Sierra Sunrise, Jaeger Ranch, Kamilos, Grantline 220, Shalako, and Smith Property projects, there are no other practicable alternatives that would have fewer adverse effects to the aquatic environment other than those currently proposed.

**d. Alternative(s) Considered to be Environmentally Preferable:** The practicable alternative(s) considered to be environmentally preferable for the Backbone Infrastructure, Sierra Sunrise, Jaeger Ranch, Kamilos, Grantline 220, Shalako, and Smith Property projects are the currently proposed actions, as described above.

**IV. Comments on the Final Environmental Impact Statement:** Comments were received from the U.S. Environmental Protection Agency (USEPA) and the U.S. Coast Guard (USCG) on the Final EIS. The USCG stated it appears the project does not involve bridges under USCG jurisdiction and they have no further interest. Because the proposed actions would not result in the construction of bridges over navigable waters, no further discussion of the USCG comments is provided.

**a. U.S. Environmental Protection Agency (USEPA):** USEPA submitted a comment letter on December 6, 2013, with the following comments:

**Comments:**

(1) USEPA stated that although they appreciate information in the Final EIS that addressed their concerns regarding groundwater contamination, their rating on the Draft EIS of Environmental Objections-Insufficient Information, remains. USEPA further stated the proposed project "continues to appear to have significant potential impacts on aquatic resources."

(2) USEPA stated the project may have significant challenges in complying with the 2008 Compensatory Mitigation Rule and SunRidge ROD, as well as generally achieving "no net loss of wetland functions and values."

(3) USEPA stated that "the practice of deferring, until the conclusion of the NEPA process, the disclosure of information needed to evaluate compliance with the Clean Water Act Section 404(b)(1) Guidelines makes it difficult for agencies and the public to provide timely and substantive input on the evaluation of alternatives. USEPA further identified the discussion of alternatives in the Final EIS does not provide the information needed for the evaluation of alternatives under the Section 404(b)(1) Guidelines, and they are therefore unable to evaluate whether the proposed action may be the least environmentally damaging practicable alternative or whether it complies with the other restrictions on discharge under the 404(b)(1) Guidelines. USEPA "strongly" recommended the Corps make information on compliance with the Guidelines and Compensatory Mitigation Rule available to USEPA, the public, and other stakeholders through the EIS process.

(4) USEPA reiterated a comment on the Draft EIS recommending the Final EIS include a table displaying criteria pollutant emission estimates from projects within the cumulative air quality study area, noting the Final EIS did not include such a table. USEPA further noted such information was provided in the Draft EIS' for the Placer Vineyards and Westbrook EIS', and notes that the information helps clarify the intensity of cumulative impacts, as well as future challenges the region would face in attaining federal air quality standards. USEPA "strongly" recommended that this information be included in future Draft EIS'.

**Corps Response:**

(1) With regards to comment IV.a.1, this comment is noted. The Draft and Final EIR/EIS, and the applicants' final proposed compensatory mitigation contain sufficient information regarding the impacts of the proposed action on the aquatic environment, in consideration of compensatory mitigation, for the Corps to complete the factual determinations required to determine whether or not the proposed action would result in

significant degradation of the aquatic environment. While ideally all information for compliance with the Section 404(b)(1) Guidelines would be available prior to the publishing of a Draft and Final EIS, the Corps does not have the authority to delay the completion of an EIS while awaiting for information regarding compliance with the Section 404(b)(1) Guidelines from the applicant, including information regarding practicable alternatives and a final compensatory mitigation plan. However, a final determination for compliance with the Section 404(b)(1) Guidelines would not be made within an EIS, as an EIS is intended to identify the direct, indirect, and cumulative environmental effects of a proposed action and reasonable alternatives. The ROD, not the EIS, is the document used to document the final decision on compliance with other laws (including the 404(b)(1) Guidelines), and make a final decision on whether or not to issue a permit for the proposed actions.

**(2)** With regards to comment IV.a.2, since the publishing of the Final EIR/EIS, the applicants for each project have submitted final proposed compensatory mitigation for each of the projects in the Sun creek Specific Plan Area. Each applicant has proposed to compensate for the loss of waters of the U.S. through purchasing of credits from the South Sacramento In-Lieu Fee Program. See Section VI for the Corps determination regarding the proposed compensatory mitigation.

**(3)** With regards to comment IV.a.3, USEPA's concerns are noted. However, as described for response to comment IV.a.1, while the Corps' preference is to ensure all information in the Final EIR/EIS is sufficient to ensure compliance with the Section 404(b)(1) Guidelines, the Corps does not have the authority to delay the completion of the NEPA process while awaiting information regarding compliance with the Section 404(b)(1) Guidelines from the applicant, including information regarding practicable alternatives and a final compensatory mitigation plan final information from the applicant regarding alternatives and compensatory mitigation. It should also be noted that USEPA is not the authority to ensure compliance with the Section 404(b)(1) Guidelines for permit applications. The Corps ensured the EIR/EIS contained information regarding direct, secondary, and cumulative effects of the proposed actions on the aquatic environment, which, when combined with the final compensatory mitigation proposals submitted after publishing of the Final EIR/EIS, are sufficient to complete the factual determinations required in the Section 404(b)(1) Guidelines in order to determine whether or not the proposed actions would result in significant degradation to the aquatic ecosystem.

**(4)** With regards to comment IV.a.4, the Corps fully responded to the comment by USEPA regarding inserting a table containing air emissions from other reasonably foreseeable future actions in the Sacramento Valley Air Basin (SVAB), including both the construction and operational phases. The analysis of impacts of a proposed action on air quality is, in essence, a cumulative impact analysis, as it incorporates past, present, and reasonably foreseeable, future actions in the modelling used to estimate the air quality impacts of the proposed action and other alternatives. Incorporating a table identifying the air quality impacts of future projects within the air basin is not practicable, as information is not available for all activities, and this information would not change the conclusions that the impacts to air quality from operations of the proposed action are significant. In addition, even if the Corps had such information readily available, the information would not contain all projects within the SVAB, as there are a number of activities that do not require a Corps permit that could be conducted within the SVAB. Conducting necessary research to create a table identifying emissions associated with a small number of the overall projects that occur within the SVAB would result in additional expense for the applicant, while not

providing any additional information or changing the outcome of analysis conducted in the EIR/EIS.

## V. Consideration of Applicable Laws and Policies

**a. National Environmental Policy Act (NEPA):** The proposed action is in compliance with NEPA. The EIS was completed to evaluate a reasonable range of alternatives and the direct, indirect, and cumulative effects associated with 5 alternatives. The Corps followed the NEPA process identified in 40 CFR 1500, 33 CFR 230, and 33 CFR 325, Appendix B, including noticing and timeline requirements, to produce an EIS that discloses to the public the probable impacts of each alternative, taking into account mitigation. The EIS is being utilized to make permit decisions on the proposed actions.

**b. Section 401 of the Clean Water Act Section 401 of the CWA:** The proposed actions are in compliance with Section 401 of the CWA, as follows:

**(1) Backbone Infrastructure:** On November 15, 2018, the Central Valley Regional Water Quality Control Board (CVRWQCB) issued a Section 401 Water Quality Certification (WQC) to the City of Rancho Cordova for the proposed Backbone Infrastructure Project (WDID # 5A34CR00716).

**(2) Sierra Sunrise:** On January 15, 2019, the CVRWQCB issued a Section 401 WQC to Lennar Communities for the proposed Sierra Sunrise Project (WDID # 5A34CR00620).

**(3) Jaeger Ranch:** On April 5, 2019, the CVRWQCB issued a Section 401 WQC to Investek Properties, LLC. for the proposed Jaeger Ranch Project (WDID # 5A34CR00706).

**(4) Kamilos Property:** On March 15, 2019, the CVRWQCB issued a Section 401 WQC to Gallahan Sun Creek, LLC. for the proposed Kamilos Project (WDID # 5A34CR00618).

**(5) Grantline 220:** On March 15, 2019, the CVRWQCB issued a Section 401 WQC to Grantline & Chrysanthy 220 Investors, LLC. for the proposed Grantline 220 Project (WDID # 5A34CR0016).

**(6) Shalako:** On January 4, 2019, the CVRWQCB issued a Section 401 WQC to Shalako Investors for the proposed Shalako Project (WDID # 5A34CR00619).

**(7) Smith Property:** On March 15, 2019, the CVRWQCB issued a Section 401 WQC to Sierra Holdings, LLC. for the proposed Smith Property Project (WDID # 5A34CR00621).

**c. Endangered Species Act of 1973 (ESA):** The proposed action is in compliance with Section 7 of ESA. Chapter 3.4 of the Draft EIS identifies the impacts of the proposed action on Federally-listed threatened and/or endangered species. On June 14, 2019, the U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion (BO) (USFWS # 08ESMF00-2013-F-0049) for proposed impacts to vernal pool fairy shrimp (*Branchinecta lynchi*), and vernal pool tadpole shrimp (*Lepidurus packadi*) for all of the projects within the Suncreek Specific Plan Area. In addition, the USFWS concurred the proposed action may affect, but

is not likely to affect, valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), slender Orcutt grass (*Orcuttia tenuis*), and Sacramento Orcutt grass (*Orcuttia viscida*). Compliance with the BO will be added as a special condition of any DA permit. The BO is located in Appendix B. As identified in Section 1.a of this ROD, the applicants for the projects within the Sun creek SPA are proposing to be covered by Section 10 of the ESA, under the SSHCP. The above-referenced USFWS BO was issued prior to approval of the SSHCP by the USFWS. Within the BO, the USFWS determined the proposed actions are not likely to jeopardize the continued existence of threatened/endangered species as the proposed avoidance, minimization and mitigation measures are consistent with the SSHCP.

**d. Fish and Wildlife Coordination Act (FWCA):** The proposed action is in compliance with the FWCA. Chapter 3.4 of the Draft EIS identifies the impacts of the proposed action on fish and wildlife species. The Corps has coordinated extensively with the USFWS on the proposed action, including meetings to obtain input, and providing a copy of the Draft EIS for review. During preparation of the Draft EIS, the Corps requested that USFWS be a cooperating agency. USFWS did not provide comments on the Draft EIS for compliance with the Fish and Wildlife Coordination Act.

**e. Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):** The proposed action is in compliance with the MSFCMA. The proposed action would not result in any adverse effects to Essential Fish Habitat (EFH), as the site is not located in or near EFH.

**f. Section 106 of the National Historic Preservation Act (NHPA):** The proposed action is in compliance with Section 106 of the NHPA. The Corps has determined that the proposed action would have no effect or no adverse effect to resources listed on or eligible for listing on the National Register of Historic Places. The State Historic Preservation Officer concurred with this determination by letter dated June 19, 2013 (SHPO # COE\_2013\_0318\_001).

**g. Section 176(C) of the Clean Air Act (CAA) General Conformity Rule Review:** The proposed action has 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 11988: Floodplain Management:** There are no FEMA mapped floodplains on the site, although the proposed actions are located within the 100-year floodplain of Kite Creek, as mapped by Sacramento County and the Regional Master Drainage Study for the site. The majority of the floodplain would be avoided, although some road crossings and development would encroach into the floodplain. As identified in Section III, there are no other practicable alternatives to the currently proposed discharges. The proposed action would comply with the City of Rancho Cordova's requirements for construction within floodplains, and has been approved by the City of Rancho Cordova. See Chapter 3.9 of the Draft EIS for additional information regarding the effects of the proposed action on floodplains.

**i. Executive Order 13175: Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians:** The proposed action is in compliance with Executive Order 13175. Native American coordination was initiated by contact with the Native American Heritage Commission (NAHC), who provided a letter regarding the absence of previously identified sacred sites within the APE, and a list of contacts in the Native American community. On January 20, 2008, the archaeological consultant sent letters to the Native American contacts provided by the NAHC, and on March 17, 2008, sent emails and a fax to the Native American Contacts. One response was received from Ms. Jeri Scambler of the Miwok Tribe of the El Dorado Rancheria. Ms. Scambler stated that the tribe had no concerns, but since the project is within their traditional area, they request to be kept informed of any discoveries made during ground disturbance and/or construction. These are documented in the Cultural Resources Report. Because no concerns were received from Federally-recognized tribes, no additional tribal coordination was conducted. Documentation of all Native American coordination is located in the administrative record.

**j. Executive Order 12898: Environmental Justice:** The proposed action is in compliance with Title VI of the Civil Rights Act and Executive Order 12898. The proposed action is not expected to negatively impact any community, and therefore is not expected to cause disproportionately high and adverse impacts to minority or low-income communities.

**VI. Consideration of Mitigation Measures:** The Draft 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 those associated traffic, air quality, and noise. Many of the mitigation measures are requirements of the local land use agency (City of Rancho Cordova). As such, these mitigation measures are enforced by the City of Rancho Cordova 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 are identified in Section VIII, and take into account the mitigation measures identified in Chapters 3.3 and 3.9, and also include additional conditions that avoid, minimize, and compensate for effects to waters of the U.S., and those that ensure compliance with Section 7 of the ESA and Section 401 of the Clean Water Act.

As identified in Section I.a of this ROD, the applicants for each of the projects in the Suncreek SPA are proposing to conduct their proposed activities to be largely consistent with the SSHCP. This includes adherence to the majority of the avoidance and minimization measures required by the SSHCP. As identified in Section V.c of this ROD, the USFWS has determined the proposed avoidance, minimization and compensatory mitigation is consistent with the SSHCP. The applicant for each of the projects within the Suncreek SPA have proposed to purchase credits, at a 1:1 ratio, from the South Sacramento ILF Program. Consistent with the Corps' July 25, 2019, Record of Decision for the SSHCP, we have determined the purchase of credits from the South Sacramento ILF Program at a 1:1 ratio, is sufficient to compensate for the direct loss of waters of the U.S. on the project site. No compensatory mitigation is being required for potential indirect effects, as compensatory mitigation for indirect effects under the SSHCP is conducted through the preservation of aquatic resources, which is not included in the approved ILF. Although the Corps is not specifically requiring compensatory mitigation for the indirect effects, these will be compensated through the SSHCP's overall conservation strategy, as described in the above-mentioned Corps ROD for the SSHCP.

In addition, the applicants are proposing to establish the preserves to be managed and monitored in compliance with the SSHCP, including, but not limited to transfer of fee title and payment of applicable fees. We have determined management of the preserves as required under the SSHCP is appropriate, as the SSHCP requirements are consistent with the requirements in 33 CFR 332, including those for long-term management and funding.

**VII: Compliance with 404(b)(1) Guidelines**

**a. Restrictions on Discharge:**

Yes  No  Based on the discussion in Section 4.0, are there available, practicable alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into "waters of the U.S." or at other locations within these waters?

Yes  No  If the project is in a special aquatic site and is not water dependent, has the applicant clearly demonstrated that there are no practicable alternative sites available?

Will the discharge:

Yes  No  Violate state water quality standards?

Yes  No  Violate toxic effluent standards under Section 307 of the Clean Water Act?

Yes  No  Jeopardize endangered or threatened species or their critical habitat?

Yes  No  Violate standards set by the Department of Commerce to protect marine sanctuaries?

Evaluation of the information in Section 6 above indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s):

based on the above information, the material is not a carrier of contaminants.

the levels of contaminants are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas.

acceptable constraints are available and will be implemented to reduce contamination to acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site.

Will the discharge contribute to significant degradation of "waters of the U.S." through adverse impacts to:

Yes  No  Human health or welfare, through pollution of municipal water supplies, fish, shellfish, wildlife and/or special aquatic sites?

Yes  No  Life stages of aquatic life and/or wildlife?

Yes  No  Diversity, productivity, and stability of the aquatic life and other wildlife? Or wildlife habitat or loss of the capacity of wetlands to assimilate nutrients, purify water or reduce wave energy?

Yes  No  Recreational, aesthetic and economic values?

Yes  No  Will all appropriate and practicable steps be taken to minimize adverse impacts of the discharge on the aquatic ecosystem? Does the proposal include satisfactory compensatory mitigation for losses of aquatic resources?

**b. Factual Determinations:**

**(1) Physical Substrate Determination:** Chapters 3.7, *Geology, Soils, Minerals, and Paleontological Resources*, and 3.8, *Hazards and Hazardous Materials*, of the Draft EIS, identify the nature and degree of effects that the proposed action will have, individually and cumulatively, on the characteristics of the substrate at the disposal site for development of the proposed action. Avoidance and preservation of waters of the U.S. and the surrounding uplands on the site, the Special Conditions identified in Section VIII, and the avoidance and minimization measures required by the SSHCP would minimize effects to the substrate.

**(2) Water circulation, fluctuation, and salinity determinations:** Chapters 3.3, *Biological Resources*, and 3.9, *Hydrology and Water Quality*, of the Draft EIS, identify the nature and degree of effects that the proposed action will have, individually and cumulatively on water, current patterns, circulation including downstream flows, and normal water fluctuation for development of the proposed action. The avoidance and preservation of waters of the U.S., additional upland buffers, the requirements of the Special Conditions identified in Section VIII, and the avoidance and minimization measures required by the SSHCP would minimize effects to water circulation, fluctuation, and salinity.

**(3) Suspended particulate/turbidity determinations:** Chapters 3.3, *Biological Resources*, 3.7, *Geology, Soils, Minerals, and Paleontological Resources* and 3.9, *Hydrology and Water Quality*, of the Draft EIS, identify the nature and degree of effects that the proposed action will have, individually and cumulatively, in terms of potential changes and concentrations of suspended particulate/turbidity in the vicinity of the disposal site for the proposed action. Avoidance and preservation of waters of the U.S. and the surrounding uplands on the site, adherence to the Section 401 WQC and National Pollutant Discharge Elimination System (NPDES) permit, the Special Conditions identified in Section VIII, and the avoidance and minimization measures required by the SSHCP would minimize effects from suspended particulates and turbidity.

**(4) Contaminant determinations:** Chapters 3.7, *Geology, Soils, Minerals, and Paleontological Resources*, and 3.8, *Hazards and Hazardous Materials* of the Draft EIS, identify the degree to which the material proposed for discharge will introduce, relocate, or increase contaminants for the proposed action. No known contaminants occur on the proposed action site, and imported fill material would be obtained from an existing commercial source. In addition, Special Condition 8 on each of the permits requires that only clean and non-toxic fill material shall be used, which would ensure that imported material does not contain contaminants, thereby minimizing effects.

**(5) Aquatic ecosystem and organism determinations:** Chapter 3.3, *Biological Resources*, of the Draft EIS, identifies the nature and degree of effect that the proposed action will have, individually and cumulatively, on aquatic ecosystems and organisms. Avoidance and preservation of waters of the U.S. and the surrounding uplands on the site, the required compensatory mitigation identified in Special Condition 3, other Special Conditions identified in Section VIII, and the avoidance and minimization measures required by the SSHCP, would minimize effects and ensure no net loss of aquatic resource functions and services.

**(6) Proposed disposal site determination:** Because Special Condition 9 of each of the permits would require all activities be conducted when the waters of the U.S. on the site are naturally dewatered or dewatered in accordance with a Corps-approved dewatering plan, the proposed action would not result in the discharge of fill material into waters of the U.S. Therefore, no effects to the mixing zone would occur.

**(7) Determination of cumulative effects on the aquatic ecosystem:** Chapters 3.3, *Biological Resources*, and 3.9, *Hydrology and Water Quality*, of the Draft EIR/EIS identifies the cumulative effects of development of the proposed action on the aquatic ecosystem. The compensatory mitigation required for each project, avoidance and preservation of waters of the U.S., the avoidance and minimization measures required by the SSHCP, and the requirements of the special conditions for each project would ensure that cumulative effects on the aquatic ecosystem are minimized to the maximum extent practicable.

**(8) Determination of secondary effects on the aquatic ecosystem:** Chapters 3.3, *Biological Resources*, and 3.9, *Hydrology and Water Quality*, of the Draft EIR/EIS identifies the secondary (indirect) effects of development of the proposed actions on the aquatic ecosystem. Avoidance and preservation of waters of the U.S. and the surrounding uplands on the sites, the avoidance and minimization requirements of the SSHCP, and the Special Conditions identified in Section VIII would minimize secondary effects on the aquatic ecosystem.

## VIII. Public Interest Review

**a. The relative extent of the public and private need for the proposed work has been considered:** The proposed actions are intended to meet a local demand for mixed-use development. As such, local approvals indicates a public need for the action. The modified proposed actions would provide residential and commercial development for the public within the target market, as well as educational and recreational facilities for the public.

**b. The practicability of using reasonable alternative locations and/or methods to accomplish the objective of the proposed structure or work has been evaluated:** The Corps has determined that there are no practicable alternate locations that would accomplish the purpose of the proposed work. The Corps has also determined that there are no practicable alternative methods to accomplish the purpose of the proposed work that would have fewer direct or indirect effects than the current proposed actions. As described in Section III.c, the proposed action for each of the project sites represents the LEDPA.

**c. The extent and permanence of the beneficial and/or detrimental effects that the proposed structures or work may have on the public and private uses which the area is suited has been reviewed:** For each of the proposed actions, the permanent direct and indirect adverse effects and a loss of waters of the U.S. will occur from the discharge of fill material into waters of the U.S. The purchase of the ILF credits will provide a permanent benefit to the aquatic environment as well as the public through the implementation of the SSHCP's conservation strategy wherein aquatic resource compensatory mitigation sites will be located within SSHCP preserves. The proposed actions would result in a permanent beneficial effect to economics for Federal, state, and local agencies and the applicant, as well as a beneficial effect to nearby residents due to the increase in recreation and commercial opportunities. Additional permanent and temporary adverse and beneficial effects would occur to other resource areas, as identified in Chapter 3 of the Draft EIS.

## **IX. Special Conditions**

The following special conditions will be included in the DA permits to ensure the projects are not contrary to the public interest and comply with the 404 (b)(1) Guidelines:

### **a. Backbone Infrastructure (SPK-2005-00888):**

Special Condition 1: Prior to the initiation of construction activities in waters of the U.S. associated with each segment of the backbone infrastructure, you shall submit the following information electronically to this office for review and written approval:

a. A plan-view drawing of the work proposed to be conducted within that segment, clearly identified the waters of the U.S. that would be filled for the segment;

b. Cross-section view figures of all road and utility line crossings of waters of the U.S. to be constructed within that segment. Typical cross-section view figures may be submitted provided that you identify which figure applies to the specific crossings;

c. Pre-construction color photographs of the upstream and downstream area of each road and utility line crossing to be constructed for the segment. The compass angle and location of each photograph shall be identified on the plan-view drawing.

d. A description and table identifying the acreage and type of waters of the U.S. where fill material would be permanently or temporarily discharged, consistent with the August 21, 2019, *Figure 1, backbone infrastructure potential Impacts to Waters of the U.S.*, and August 21, 2019, *Map Book, backbone infrastructure Potential Impacts to Waters of the U.S. (Sheet 1 of 22)*, prepared by ECORP Consulting, Inc., for the segment;

e. A description of any deviations (including changes in phasing sequence or boundaries of phases) from the authorized work for the segment. You shall ensure that the description provided includes information regarding any temporary discharge of fill material into waters of the U.S.

f. The amount of compensatory mitigation that would be required for each aquatic resource type for the segment, in accordance with the ratios required by Special Condition 2.

g. A table identifying the backbone infrastructure segments where construction in waters of the U.S. has been initiated, including the cumulative acreage and type of waters of the U.S. where discharge has been initiated (i.e., for the applicable segment and all prior segments).

h. Information to show compliance with all applicable requirements of the South Sacramento Habitat Conservation Plan (SSHCP) for that segment.

All required information shall be submitted electronically either via email to SPKRegulatoryMailbox@usace.army.mil, via a File Transfer Protocol (FTP) accessible by this office, or on a DVD mailed to this office at the address listed in the letterhead.

**Rationale:** *This condition is necessary to review the final plans for each backbone infrastructure segment, ensure appropriate compensatory mitigation would be conducted, ensure compliance with the permit and applicable conditions, and ensure that no changes have occurred to the proposed action prior to each phase. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 326).*

Special Condition 2: Prior to the initiation of construction activities in waters of the U.S. for each segment of the Backbone Infrastructure Project as identified on Figure 1 and the Map Book (referenced above), you shall compensate for the permanent direct loss of waters of the U.S. as follows:

a. For the direct loss of vernal pools, purchase vernal pool credits from the South Sacramento In-Lieu Fee Program (ILF) at a 1:1 ratio.

b. For the loss of seasonal wetlands, swales (i.e. seasonal wetland swales), ephemeral drainages, intermittent drainages, and streams containing suitable habitat for federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*) or vernal pool tadpole shrimp (*Lepidurus packardii*), purchase the appropriate type of credits from the South Sacramento ILF at a 1:1 ratio.

c. For the loss of seasonal wetlands and swales (i.e. seasonal wetland swales) that do not contain suitable habitat for federally-listed vernal pool fairy shrimp or vernal pool tadpole shrimp, purchase seasonal wetland credits from the South Sacramento ILF at a 1:1 ratio.

d. For the loss of ephemeral drainages, intermittent drainages, and streams that do not contain suitable habitat for federally-listed vernal pool fairy shrimp or vernal pool tadpole shrimp, purchase stream/creek credits from the South Sacramento ILF at a 1:1 ratio.

The proof of purchase of the required ILF credits shall be submitted to this office electronically (see Special Condition 1) prior to initiation of the discharge of fill material into waters of the U.S. authorized for each segment, and may be submitted with the information required in Special Condition 1, as applicable.

***Rationale:*** *This special condition is necessary to ensure successful compensatory mitigation for the unavoidable losses of waters of the U.S. due to the construction of the Proposed Action. (33 CFR 320.4(r)(1); 33 CFR 325.4(a)(3); 33 CFR 332, 40 CFR 230).*

Special Condition 3: You shall ensure that trenching activities in waters of the U.S. associated with the installation 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 the Corps) to seal the trench. For utility line trenches, during construction, you shall remove and stockpile, separately, the top 6 – 12 inches of topsoil. Following installation of the utility line(s), you shall replace the stockpiled topsoil on top and seed the area with native vegetation. All utility lines in waters of the U.S. shall be reviewed and approved by the Corps prior to initiation of construction activities in waters of the U.S., as identified in Special Condition 1. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each segment of the Backbone Infrastructure Project.

***Rationale:*** *This special condition is necessary to ensure minimization of effects to avoided and preserved waters of the U.S. due to trenching for the installation of utility lines areas (33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 332, 40 CFR 230).*

Special Condition 4: Prior to initiation of construction activities within waters of the U.S. associated with each segment of the Backbone Infrastructure Project, you shall install construction best management practices (BMPs) within 50-feet of avoided on-site and off-site waters of the U.S. adjacent to the construction limits for the segment. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities (or prior to the initiation of each segment of the project) and shall remain until construction activities are completed for that segment. You shall inspect all BMPs a minimum of one time every two weeks and maintain, repair, or replace BMPs, as needed, until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office electronically (see Special Condition 1) prior to the initiation of construction activities in waters of the U.S. for that segment. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each segment of the Backbone Infrastructure Project.

***Rationale:*** *This condition is necessary to minimize adverse effects to avoided waters of the U.S., including effects to water quality from construction activities to the maximum extent practicable (33 CFR 320.3(a), 33 CFR 320.4(d), 33 CFR 325.4(a)(3)).*

Special Condition 5: Prior to initiating construction activities in waters of the U.S. for each segment of the Backbone Infrastructure Project, you shall notify this office electronically (see Special Condition 1) in writing of the anticipated start date for the work. No later than 10 calendar following completion of construction activities in waters of the U.S. for each segment of the Backbone Infrastructure Project, you shall notify this office electronically in writing that construction activities have been completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).*

Special Condition 6: You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a hard copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4, 33 CFR 326).*

Special Condition 7: You shall clearly identify the limits of all construction areas located within 100 feet of avoided waters of the U.S. with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities in waters of the U.S. for that segment. You shall maintain such identification properly until construction areas and soils have been stabilized. You are prohibited from undertaking any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each segment of the Backbone Infrastructure Project.

**Rationale:** *This condition is necessary to ensure the construction activities do not occur outside of the project area, which could cause adverse effects to the aquatic ecosystem (33 CFR 325.4(a)(3)).*

Special Condition 8: You shall use only clean and non-toxic fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

Special Condition 9: All crossings of creeks, seasonal wetland swales, intermittent or ephemeral drainage, where the upstream or downstream portions of the feature are intended to be avoided, shall be conducted when the project area is naturally dewatered, or is dewatered in accordance with dewatering plan specifically approved by this office in writing. No work shall be conducted in flowing waters.

**Rationale:** *This condition is necessary to ensure that contaminated material is not placed within waters of the U.S. (33 CFR 325.4(a)(3), 40 CFR 230).*

Special Condition 10: This Corps permit does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number 08ESMF00-2013-F-0049, dated June 18, 2019), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its/their Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

**Rationale:** *This condition is necessary to ensure compliance with Section 7 of the Endangered Species Act (16 USC 1531 et seq, 50 CFR 402, 33 CFR 320.4(j)(4), 33 CFR 325.2(b)(5), 33 CFR 325.4(a)(1)).*

Special Condition 11: Within 60 days following completion of construction activities associated with each backbone infrastructure segment authorized by this permit, or at the expiration of the construction window of this permit, whichever occurs first, you shall submit a description and as-built figures of the work conducted on the site. The information shall be submitted to this office electronically (see Special Condition 1) and include the following:

- a. The Department of the Army Permit number.
- b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings. The drawing should show all "earth disturbance," impacts to waters of the U.S., structures, and the boundaries of any on-site and/or off-site mitigation or avoidance areas. The drawings shall contain, at a minimum, 1-foot topographic contours of the entire site.
- c. Post-construction color photographs of the upstream and downstream area of each road and utility line crossing. The compass angle and location of each photograph shall be similar to the pre-construction photographs required by Special Condition 1, and shall be identified on the plan-view drawing.
- d. A description and list of all deviations between the work as authorized by this permit and the work as constructed and between the compensatory mitigation as required

by this permit and the compensatory mitigation as constructed. Clearly indicate on the as-built drawings the location of any deviations that have been listed.

**Rationale:** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has been conducted in accordance with the permit and all applicable conditions. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3); 33 CFR 326).*

**b. Sierra Sunrise (SPK-2000-00414): Lennar, Attn: Mr. Larry Gualco**

Special Condition 1: Prior to the initiation of construction activities in waters of the U.S. associated with each phase of development, you shall submit the following information electronically to this office for review and written approval:

a. A plan-view drawing of the work proposed to be conducted within that phase, clearly identifying the waters of the U.S. that would be filled for that phase of development, as well as the proposed phasing of the preserve required in Special Condition 3;

b. A description and table identifying the acreage and type of waters of the U.S. where fill material would be permanently or temporarily discharged consistent with the August 16, 2019 Figure 1, *Sierra Sunrise Property, Potential Waters of the U.S.*, prepared by ECORP Consulting, Inc., for that phase of development;

c. A description of any deviations (including changes in phasing sequence or boundaries of phases) from the authorized work. You shall ensure that the description provided includes information regarding any temporary discharge of fill material into waters of the U.S.

d. The amount of compensatory mitigation that would be required for each aquatic resource type for that phase of development, in accordance with the ratios required by Special Condition 2.

e. A table identifying the phases of development where construction in waters of the U.S. has been initiated, including the cumulative acreage and type of waters of the U.S. where discharge has been initiated (i.e., for all phases to-date).

f. Information to show compliance with all applicable requirements of the South Sacramento Habitat Conservation Plan (SSHCP) for that phase.

All required information shall be submitted electronically either via email to SPKRegulatoryMailbox@usace.army.mil, via a File Transfer Protocol (FTP) accessible by this office, or on a DVD mailed to this office at the address listed in the letterhead.

**Rationale:** *This condition is necessary to review the final plans for phasing of the proposed action, ensure appropriate compensatory mitigation and preserve establishment would be conducted, ensure compliance with the permit and applicable conditions, and ensure that no changes have occurred to the proposed action prior to each phase. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 326).*

Special Condition 2: Prior to the initiation of construction activities in waters of the U.S. for each phase of development as identified on Figure 1 (referenced above) , prepared by ECORP Consulting, Inc., you shall compensate for the permanent direct loss of waters of the U.S. as follows:

a. For the loss of vernal pools, purchase vernal pool credits from the South Sacramento In-Lieu Fee Program (ILF) at a 1:1 ratio.

b. For the loss of seasonal wetlands, swales, and intermittent drainages containing suitable habitat for federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*) or vernal pool tadpole shrimp (*Lepidurus packardii*), purchase vernal pool credits from the South Sacramento ILF at a 1:1 ratio.

c. For the loss of ponds, purchase open water credits from the South Sacramento ILF at a 1:1 ratio.

The proof of purchase of the required ILF credits shall be submitted to this office electronically (see Special Condition 1) prior to initiation of the discharge of fill material into waters of the U.S. authorized for each phase of development, and may be submitted with the information required in Special Condition 1, as applicable.

**Rationale:** *This special condition is necessary to ensure successful compensatory mitigation for the unavoidable losses of waters of the U.S. due to the construction of the Proposed Action. (33 CFR 320.4(r)(1); 33 CFR 325.4(a)(3); 33 CFR 332, 40 CFR 230).*

Special Condition 3: In total, you shall establish an approximately 48.43-acre on-site preserve containing 3.25 acres of waters of the U.S. as identified on Figure 1 (referenced above). Prior to discharge of fill material into waters of the U.S. authorized for each phase of development, you shall meet all on-site preserve establishment obligations for that phase of development. The on-site preserve shall be maintained in perpetuity and managed in accordance with a Final Preserve Management Plan approved under the SSHCP. You shall provide proof to this office of acceptance of the preserve or preserve phase (including payment of the SSHCP mitigation fees for that phase) under the SSHCP prior to the initiation of construction activities in waters of the U.S. authorized by this permit for that phase of development.

**Rationale:** *This special condition is necessary to ensure avoidance and minimization of impacts to waters of the U.S., and ensure the preserves are managed in accordance with the SSHCP and the Corps' Permit Strategy for the SSHCP. (33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 332(k)(iv), 40 CFR 230).*

Special Condition 4: Prior to initiation of construction activities within waters of the U.S. associated with each phase of development, you shall install construction best management practices (BMPs) in areas where avoided off-site waters of the U.S. are located within 50-feet of the property boundary. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities (or prior to the initiation of each phase of the project) and shall remain until construction activities are completed for that phase. You shall inspect all BMPs a minimum

of one time every two weeks and maintain, repair, or replace BMPs, as needed, until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office electronically (see Special Condition 1) prior to the initiation of construction activities in waters of the U.S. for each phase of development. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to minimize adverse effects to avoided waters of the U.S., including effects to water quality from construction activities to the maximum extent practicable (33 CFR 320.3(a), 33 CFR 320.4(d), 33 CFR 325.4(a)(3)).*

Special Condition 5: Prior to initiating construction activities in waters of the U.S. for each phase of the project, you shall notify this office electronically (see Special Condition 1) in writing of the anticipated start date for the work. No later than 10 calendar days following completion of construction activities in waters of the U.S. for each phase of your project, you shall notify this office electronically in writing that construction activities have been completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).*

Special Condition 6: You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a hard copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4, 33 CFR 326).*

Special Condition 7: You shall clearly identify the limits of all construction areas located within 100 feet of avoided waters of the U.S. with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities in waters of the U.S. for that phase of development. You shall maintain such identification properly until construction areas and soils have been stabilized. You are prohibited from undertaking any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to ensure the construction activities do not occur outside of the project area, which could cause adverse effects to the aquatic ecosystem (33 CFR 325.4(a)(3)).*

Special Condition 8: You shall use only clean and non-toxic fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**Rationale:** *This condition is necessary to ensure that contaminated material is not placed within waters of the U.S. (33 CFR 325.4(a)(3), 40 CFR 230).*

Special Condition 9: This Corps permit does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number 08ESMF00-2013-F-0049, dated June 18, 2019), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its/their Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

**Rationale:** *This condition is necessary to ensure compliance with Section 7 of the Endangered Species Act (16 USC 1531 et seq, 50 CFR 402, 33 CFR 320.4(j)(4), 33 CFR 325.2(b)(5), 33 CFR 325.4(a)(1)).*

Special Condition 10: Within 60 days following completion of construction activities associated with each phase of development authorized by this permit, or at the expiration of the construction window of this permit, whichever occurs first, you shall submit a description and as-built figures of the work conducted on the site. The information shall be submitted to this office electronically (see Special Condition 1) and include the following:

- a. The Department of the Army Permit number.
- b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings. The drawing should show all "earth disturbance," impacts to waters of the U.S. The drawings shall contain, at a minimum, 1-foot topographic contours of the entire site.

c. A description and list of all deviations between the work as authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings the location of any deviations that have been listed.

**Rationale:** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has been conducted in accordance with the permit and all applicable conditions. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3); 33 CFR 326).*

**c. Jaeger Ranch (SPK-2006-00602): Investek Properties, LLC., Attn: Mr. William Trevor**

Special Condition 1: Prior to the initiation of construction activities in waters of the U.S. associated with each phase of development, you shall submit the following information electronically to this office for review and written approval:

a. A plan-view drawing of the work proposed to be conducted within that phase, clearly identifying the waters of the U.S. that would be filled for that phase of development as well as the proposed phasing of the preserve required in Special Condition 3;

b. A description and table identifying the acreage and type of waters of the U.S. where fill material would be permanently or temporarily discharged, consistent with the August 16, 2019, *Figure 1, Jaeger Ranch Property, Impacts to Waters of the U.S.*, prepared by ECORP Consulting, Inc., for that phase of development;

c. A description of any deviations (including changes in phasing sequence or boundaries of phases) from the authorized work. You shall ensure that the description provided includes information regarding any temporary discharge of fill material into waters of the U.S.

d. The amount of compensatory mitigation that would be required for each aquatic resource type for that phase of development, in accordance with the ratios required by Special Condition 2.

e. A table identifying the phases of development where construction in waters of the U.S. has been initiated, including the cumulative acreage and type of waters of the U.S. where discharge has been initiated (i.e., for all phases to-date).

f. Information to show compliance with all applicable requirements of the South Sacramento Habitat Conservation Plan (SSHCP) for that phase.

All required information shall be submitted electronically either via email to SPKRegulatoryMailbox@usace.army.mil, via a File Transfer Protocol (FTP) accessible by this office, or on a DVD mailed to this office at the address listed in the letterhead.

**Rationale:** *This condition is necessary to review the final plans for phasing of the proposed action, ensure appropriate compensatory mitigation and preserve establishment would be conducted, ensure compliance with the permit and applicable conditions, and*

*ensure that no changes have occurred to the proposed action prior to each phase. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 326).*

Special Condition 2: Prior to the initiation of construction activities in waters of the U.S. for each phase of development as identified on Figure 1 (referenced above), prepared by ECORP Consulting, Inc., you shall compensate for the permanent loss of waters of the U.S. as follows:

a. For the loss of vernal pools, purchase vernal pool credits from the South Sacramento In-Lieu Fee Program (ILF) at a 1:1 ratio.

b. For the loss of seasonal wetlands, swales, and streams containing suitable habitat for federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*) or vernal pool tadpole shrimp (*Lepidurus packardii*), purchase vernal pool credits from the South Sacramento ILF at a 1:1 ratio.

The proof of purchase of the required ILF credits shall be submitted to this office electronically (see Special Condition 1) prior to initiation of the discharge of fill material into waters of the U.S. authorized for each phase of development, and may be submitted with the information required in Special Condition 1, as applicable.

***Rationale:*** *This special condition is necessary to ensure successful compensatory mitigation for the unavoidable losses of waters of the U.S. due to the construction of the Proposed Action. (33 CFR 320.4(r)(1); 33 CFR 325.4(a)(3); 33 CFR 332, 40 CFR 230).*

Special Condition 3: In total, you shall establish an approximately 38.58-acre on-site preserve containing 2.79 acres of waters of the U.S. as identified on Figure 1 (referenced above). Prior to discharge of fill material into waters of the U.S. authorized for each phase of development, you shall meet all on-site preserve establishment obligations for that phase of development. The onsite preserve shall be maintained in perpetuity and managed in accordance with a Final Preserve Management Plan approved under the SSHCP. You shall provide proof to this office of acceptance of the preserve or preserve phase (including payment of the SSHCP mitigation fees for that phase) under the SSHCP prior to the initiation of construction activities in waters of the U.S. authorized by this permit for that phase of development.

***Rationale:*** *This special condition is necessary to ensure avoidance and minimization of impacts to waters of the U.S., and ensure the preserves are managed in accordance with the SSHCP and the Corps' Permit Strategy for the SSHCP. (33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 332(k)(iv), 40 CFR 230).*

Special Condition 4: Prior to initiation of construction activities within waters of the U.S. associated with each phase of development, you shall install construction best management practices (BMPs) in areas where avoided off-site waters of the U.S. are located within 50-feet of the property boundary. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities (or prior to the initiation of each phase of the project) and shall remain until construction activities are completed for that phase. You shall inspect all BMPs a minimum

of one time every two weeks and maintain, repair, or replace BMPs, as needed, until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office electronically (see Special Condition 1) prior to the initiation of construction activities in waters of the U.S. for that phase of development. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to minimize adverse effects to avoided waters of the U.S., including effects to water quality from construction activities to the maximum extent practicable (33 CFR 320.3(a), 33 CFR 320.4(d), 33 CFR 325.4(a)(3)).*

Special Condition 5: Prior to initiating construction activities in waters of the U.S. for each phase of the project, you shall notify this office electronically (see Special Condition 1) in writing of the anticipated start date for the work. No later than 10 calendar days following completion of construction activities in waters of the U.S. for each phase of your project, you shall notify this office electronically in writing that construction activities have been completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).*

Special Condition 6: You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a hard copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4, 33 CFR 326).*

Special Condition 7: You shall clearly identify the limits of all construction areas located within 100 feet of avoided waters of the U.S. with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities in waters of the U.S. for that phase of development. You shall maintain such identification properly until construction areas and soils have been stabilized. You are prohibited from undertaking any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to ensure the construction activities do not occur outside of the project area, which could cause adverse effects to the aquatic ecosystem (33 CFR 325.4(a)(3)).*

Special Condition 8: You shall use only clean and non-toxic fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**Rationale:** *This condition is necessary to ensure that contaminated material is not placed within waters of the U.S. (33 CFR 325.4(a)(3), 40 CFR 230).*

Special Condition 9: This Corps permit does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number 08ESMF00-2013-F-0049, dated June 18, 2019), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its/their Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

**Rationale:** *This condition is necessary to ensure compliance with Section 7 of the Endangered Species Act (16 USC 1531 et seq, 50 CFR 402, 33 CFR 320.4(j)(4), 33 CFR 325.2(b)(5), 33 CFR 325.4(a)(1)).*

Special Condition 10: Within 60 days following completion of construction activities associated with each phase of development authorized by this permit, or at the expiration of the construction window of this permit, whichever occurs first, you shall submit a description and as-built figures of the work conducted on the site. The information shall be submitted to this office electronically (see Special Condition 1) and include the following:

- a. The Department of the Army Permit number.
- b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings. The drawing should show all "earth disturbance," impacts to waters of the U.S. The drawings shall contain, at a minimum, 1-foot topographic contours of the entire site.

c. A description and list of all deviations between the work as authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings the location of any deviations that have been listed.

**Rationale:** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has been conducted in accordance with the permit and all applicable conditions. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3); 33 CFR 326).*

**d. Kamilos Project (SPK-2006-00603): Callahan SunCreek, LLC., Attn: Mr. Gerry N. Kamilos**

Special Condition 1: Prior to the initiation of construction activities in waters of the U.S. associated with each phase of development, you shall submit the following information electronically to this office for review and written approval:

a. A plan-view drawing of the work proposed to be conducted within that phase, clearly identifying the waters of the U.S. that would be filled for that phase of development;

b. A description and table identifying the acreage and type of waters of the U.S. where fill material would be permanently or temporarily discharged, consistent with the August 16, 2019, *Figure 1. Kamils Property, Potential Impacts to Waters of the U.S.*, prepared by ECORP Consulting, Inc., for that phase of development;

c. A description of any deviations (including changes in phasing sequence or boundaries of phases) from the authorized work. You shall ensure that the description provided includes information regarding any temporary discharge of fill material into waters of the U.S.

d. The amount of compensatory mitigation that would be required for each aquatic resource type for that phase of development, in accordance with the ratios required by Special Condition 2.

e. A table identifying the phases of development where construction in waters of the U.S. has been initiated, including the cumulative acreage and type of waters of the U.S. where discharge has been initiated (i.e., for all phases to-date).

f. Information to show compliance with all applicable requirements of the South Sacramento Habitat Conservation Plan (SSHCP) for that phase.

All required information shall be submitted electronically either via email to SPKRegulatoryMailbox@usace.army.mil, via a File Transfer Protocol (FTP) accessible by this office, or on a DVD mailed to this office at the address listed in the letterhead.

**Rationale:** *This condition is necessary to review the final plans for phasing of the proposed action, ensure appropriate compensatory mitigation and preserve establishment would be conducted, ensure compliance with the permit and applicable conditions, and ensure that no changes have occurred to the proposed action prior to each phase. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 326).*

Special Condition 2: Prior to the initiation of construction activities in waters of the U.S. for each phase of development as identified on Figure 1 (referenced above), you shall compensate for the permanent direct loss of waters of the U.S. as follows:

a. For the loss of vernal pools, purchase vernal pool credits from the South Sacramento In-Lieu Fee Program (ILF) at a 1:1 ratio.

b. For the loss of seasonal wetlands, and swales, and intermittent drainages containing suitable habitat for federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*) or vernal pool tadpole shrimp (*Lepidurus packardii*), purchase vernal pool credits from the South Sacramento ILF at a 1:1 ratio.

The proof of purchase of the required ILF credits shall be submitted to this office electronically (see Special Condition 1) prior to initiation of the discharge of fill material into waters of the U.S. authorized for each phase of development, and may be submitted with the information required in Special Condition 1, as applicable.

**Rationale:** *This special condition is necessary to ensure successful compensatory mitigation for the unavoidable losses of waters of the U.S. due to the construction of the Proposed Action. (33 CFR 320.4(r)(1); 33 CFR 325.4(a)(3); 33 CFR 332, 40 CFR 230).*

Special Condition 3: In total, you shall establish an approximately 24.60-acre on-site preserve containing 2.31 acres of waters of the U.S. as identified on Figure 1 (referenced above). Prior to discharge of fill material into waters of the U.S. authorized for each phase of development, you shall meet all onsite preserve establishment obligations for that phase of development. The on-site preserve shall be maintained in perpetuity and managed in accordance with a Final Preserve Management Plan approved under the SSHCP. You shall provide proof to this office of acceptance of the preserve or preserve phase (including payment of the SSHCP mitigation fees for that phase) under the SSHCP prior to the initiation of construction activities in waters of the U.S. authorized by this permit for that phase of development.

**Rationale:** *This special condition is necessary to ensure avoidance and minimization of impacts to waters of the U.S., and ensure the preserves are managed in accordance with the SSHCP and the Corps' Permit Strategy for the SSHCP. (33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 332(k)(iv), 40 CFR 230).*

Special Condition 4: Prior to initiation of construction activities within waters of the U.S. associated with each phase of development, you shall install construction best management practices (BMPs) in areas where avoided off-site waters of the U.S. are located within 50-feet of the property boundary. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities (or prior to the initiation of each phase of the project) and shall remain until construction activities are completed for that phase. You shall inspect all BMPs a minimum of one time every two weeks and maintain, repair, or replace BMPs, as needed, until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office electronically (see Special Condition 1) prior to the initiation of construction activities in waters of the U.S. for that phase of development. Alternately, you

shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to minimize adverse effects to avoided waters of the U.S., including effects to water quality from construction activities to the maximum extent practicable (33 CFR 320.3(a), 33 CFR 320.4(d), 33 CFR 325.4(a)(3)).*

Special Condition 5: Prior to initiating construction activities in waters of the U.S. for each phase of the project, you shall notify this office electronically (see Special Condition 1) in writing of the anticipated start date for the work. No later than 10 calendar days following completion of construction activities in waters of the U.S. for each phase of your project, you shall notify this office electronically in writing that construction activities have been completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).*

Special Condition 6: You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a hard copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4, 33 CFR 326).*

Special Condition 7: You shall clearly identify the limits of all construction areas located within 100 feet of avoided waters of the U.S. with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities in waters of the U.S. for that phase of development. You shall maintain such identification properly until construction areas and soils have been stabilized. You are prohibited from undertaking any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to ensure the construction activities do not occur outside of the project area, which could cause adverse effects to the aquatic ecosystem (33 CFR 325.4(a)(3)).*

Special Condition 8: You shall use only clean and non-toxic fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils

contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**Rationale:** *This condition is necessary to ensure that contaminated material is not placed within waters of the U.S. (33 CFR 325.4(a)(3), 40 CFR 230).*

Special Condition 9: This Corps permit does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number 08ESMF00-2013-F-0049, dated June 18, 2019), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its/their Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

**Rationale:** *This condition is necessary to ensure compliance with Section 7 of the Endangered Species Act (16 USC 1531 et seq, 50 CFR 402, 33 CFR 320.4(j)(4), 33 CFR 325.2(b)(5), 33 CFR 325.4(a)(1)).*

Special Condition 10: Within 60 days following completion of construction activities associated with each phase of development authorized by this permit, or at the expiration of the construction window of this permit, whichever occurs first, you shall submit a description and as-built figures of the work conducted on the site. The information shall be submitted to this office electronically (see Special Condition 1) and include the following:

- a. The Department of the Army Permit number.
- b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings. The drawing should show all "earth disturbance," impacts to waters of the U.S. The drawings shall contain, at a minimum, 1-foot topographic contours of the entire site.
- c. A description and list of all deviations between the work as authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings the location of any deviations that have been listed.

**Rationale:** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has*

*been conducted in accordance with the permit and all applicable conditions. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3); 33 CFR 326).*

**e. Grantline 220 (SPK-2006-00604): Grantline & Chrysanthy 220 Investors, LLC.,  
Attn: Mr. Angelo Christie**

Special Condition 1: Prior to the initiation of construction activities in waters of the U.S. associated with each phase of development, you shall submit the following information electronically to this office for review and written approval:

a. A plan-view drawing of the work proposed to be conducted within that phase, clearly identifying the waters of the U.S. that would be filled for that phase of development;

b. A description and table identifying the acreage and type of waters of the U.S. where fill material would be permanently or temporarily discharged, consistent with the August 16, 2019, *Figure 1, Grantline 220 Property Potential Impacts to Waters of the U.S.*, and *Figure 2, Grantline 220 Property, Realigned Drainage Channel*, prepared by ECORP Consulting, Inc., for that phase of development.

c. A description of any deviations (including changes in phasing sequence or boundaries of phases) from the authorized work. You shall ensure that the description provided includes information regarding any temporary discharge of fill material into waters of the U.S.

d. The amount of compensatory mitigation that would be required for each aquatic resource type for that phase of development, in accordance with the ratios required by Special Condition 2.

e. A table identifying the phases of development where construction in waters of the U.S. has been initiated, including the cumulative acreage and type of waters of the U.S. where discharge has been initiated (i.e., for all phases to-date).

f. Information to show compliance with all applicable requirements of the South Sacramento Habitat Conservation Plan (SSHCP) for that phase.

All required information shall be submitted electronically either via email to SPKRegulatoryMailbox@usace.army.mil, via a File Transfer Protocol (FTP) accessible by this office, or on a DVD mailed to this office at the address listed in the letterhead.

***Rationale:*** *This condition is necessary to review the final plans for phasing of the proposed action, ensure appropriate compensatory mitigation and preserve establishment would be conducted, ensure compliance with the permit and applicable conditions, and ensure that no changes have occurred to the proposed action prior to each phase. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 326).*

Special Condition 2: Prior to the initiation of construction activities in waters of the U.S. for each phase of development as identified on Figure 1 (referenced above) , prepared by ECORP Consulting, Inc., you shall compensate for the permanent loss of waters of the U.S. as follows:

a. For the loss of vernal pools, purchase vernal pool credits from the South Sacramento In-Lieu Fee Program (ILF) at a 1:1 ratio.

b. For the loss of seasonal wetlands, swales, ephemeral drainages, and streams containing suitable habitat for federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*) or vernal pool tadpole shrimp (*Lepidurus packardii*), purchase vernal pool credits from the South Sacramento ILF at a 1:1 ratio.

The proof of purchase of the required ILF credits shall be submitted to this office electronically (see Special Condition 1) prior to initiation of the discharge of fill material into waters of the U.S. authorized for each phase of development, and may be submitted with the information required in Special Condition 1, as applicable.

**Rationale:** *This special condition is necessary to ensure successful compensatory mitigation for the unavoidable losses of waters of the U.S. due to the construction of the Proposed Action. (33 CFR 320.4(r)(1); 33 CFR 325.4(a)(3); 33 CFR 332, 40 CFR 230).*

Special Condition 3: You shall ensure hydrology is maintained along the eastern portion of the site through the construction of a realigned drainage channel within a 100- to 150-foot- wide buffer, as shown on the enclosed June 25, 2019, Grantline 220 Property Realigned Drainage Channel figure, prepared by ECORP Consulting, Inc. You shall ensure the bottom elevation of the realigned channel is constructed to allow unrestricted flows downstream. You shall construct the drainage channel when there is no flowing water within the upstream and downstream portions of the ephemeral drainage, and you shall complete construction of the drainage channel prior to the discharge of fill material into the existing ephemeral drainage. Within 30-days following completion of the drainage channel, you shall submit as-built cross-section and plan-view figures, as well as ground-level photographs. The cross-section view figures shall include the northern and southern boundaries of the realigned channel, as well as a minimum of one additional cross-section view figure. The photographs shall include the upstream and downstream portions of the realigned creek at the northern and southern boundary, as well as upstream and downstream photographs every 250-feet along the length of the realigned channel. The compass angle and location of the photographs shall be identified on a plan-view figure. Within one year following completion of construction of the realigned channel, you shall submit a second set of post-construction ground photographs, taken during the rainy season (November to May) when there is flowing water in the realigned channel. The ground-level photographs taken during the rainy season shall be in a similar location as the previous ground photographs, with the compass angle and location identified on a plan-view figure. The required figures and photographs shall be submitted electronically (see Special Condition 1).

**Rationale:** *This special condition is necessary to ensure hydrology is maintained within the intermittent drainage located upstream and downstream of the project site, in order to avoid and minimize adverse effects to off-site waters of the U.S. (33 CFR 320.3(a), 33 CFR 320.4(d), 33 CFR 325.4(a)(3)).*

Special Condition 4: Prior to initiation of construction activities within waters of the U.S. associated with each phase of development, you shall install construction best management practices (BMPs) in areas where avoided off-site waters of the U.S. are located within 50-feet of the property boundary. Methods shall include the use of

appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities (or prior to the initiation of each phase of the project) and shall remain until construction activities are completed for that phase. You shall inspect all BMPs a minimum of one time every two weeks and maintain, repair, or replace BMPs, as needed, until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office electronically (see Special Condition 1) prior to the initiation of construction activities in waters of the U.S. for that phase of development. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

***Rationale:*** *This condition is necessary to minimize adverse effects to avoided waters of the U.S., including effects to water quality from construction activities to the maximum extent practicable (33 CFR 320.3(a), 33 CFR 320.4(d), 33 CFR 325.4(a)(3)).*

Special Condition 5: Prior to initiating construction activities in waters of the U.S. for each phase of the project, you shall notify this office electronically (see Special Condition 1) in writing of the anticipated start date for the work. No later than 10 calendar days following completion of construction activities in waters of the U.S. for each phase of your project, you shall notify this office electronically in writing that construction activities have been completed.

***Rationale:*** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).*

Special Condition 6: You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a hard copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.

***Rationale:*** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4, 33 CFR 326).*

Special Condition 7: You shall clearly identify the limits of all construction areas located within 100 feet of avoided waters of the U.S. with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities in waters of the U.S. for that phase of development. You shall maintain such identification properly until construction areas and soils have been stabilized. You are prohibited from undertaking any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to ensure the construction activities do not occur outside of the project area, which could cause adverse effects to the aquatic ecosystem (33 CFR 325.4(a)(3)).*

Special Condition 8: You shall use only clean and non-toxic fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**Rationale:** *This condition is necessary to ensure that contaminated material is not placed within waters of the U.S. (33 CFR 325.4(a)(3), 40 CFR 230).*

Special Condition 9: This Corps permit does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number 08ESMF00-2013-F-0049, dated June 18, 2019), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its/their Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

**Rationale:** *This condition is necessary to ensure compliance with Section 7 of the Endangered Species Act (16 USC 1531 et seq, 50 CFR 402, 33 CFR 320.4(j)(4), 33 CFR 325.2(b)(5), 33 CFR 325.4(a)(1)).*

Special Condition 10: Within 60 days following completion of construction activities associated with each phase of development authorized by this permit, or at the expiration of the construction window of this permit, whichever occurs first, you shall submit a description and as-built figures of the work conducted on the site. The information shall be submitted to this office electronically (see Special Condition 1) and include the following:

- a. The Department of the Army Permit number.
- b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings. The drawing should show all "earth disturbance," impacts to

waters of the U.S. The drawings shall contain, at a minimum, 1-foot topographic contours of the entire site.

c. A description and list of all deviations between the work as authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings the location of any deviations that have been listed.

***Rationale:*** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has been conducted in accordance with the permit and all applicable conditions. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3); 33 CFR 326).*

**f. Shalako Property (SPK-2006-00605): Shalako Investors, Attn: Mr.Larry Gilzean**

Special Condition 1: Prior to the initiation of construction activities in waters of the U.S. associated with each phase of development, you shall submit the following information electronically to this office for review and written approval:

a. A plan-view drawing of the work proposed to be conducted within that phase, clearly identifying the waters of the U.S. that would be filled for that phase of development as well as the proposed phasing of the preserve required in Special Condition 3;

b. A description and table identifying the acreage and type of waters of the U.S. where fill material would be permanently or temporarily discharged, consistent with the August 16, 2019, *Figure 1, Shalako Property, Potential Impacts to Waters of the U.S.*, prepared by ECORP Consulting, Inc., for that phase of development;

c. A description of any deviations (including changes in phasing sequence or boundaries of phases) from the authorized work. You shall ensure that the description provided includes information regarding any temporary discharge of fill material into waters of the U.S.

d. The amount of compensatory mitigation that would be required for each aquatic resource type for that phase of development, in accordance with the ratios required by Special Condition 2.

e. A table identifying the phases of development where construction in waters of the U.S. has been initiated, including the cumulative acreage and type of waters of the U.S. where discharge has been initiated (i.e., for all phases to-date).

f. Information to show compliance with all applicable requirements of the South Sacramento Habitat Conservation Plan (SSHCP) for that phase.

All required information shall be submitted electronically either via email to SPKRegulatoryMailbox@usace.army.mil, via a File Transfer Protocol (FTP) accessible by this office, or on a DVD mailed to this office at the address listed in the letterhead.

***Rationale:*** *This condition is necessary to review the final plans for phasing of the proposed action, ensure appropriate compensatory mitigation and preserve establishment would be conducted, ensure compliance with the permit and applicable conditions, and*

*ensure that no changes have occurred to the proposed action prior to each phase. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 326).*

Special Condition 2: Prior to the initiation of construction activities in waters of the U.S. for each phase of development as identified on Figure 1 (referenced above), you shall compensate for the permanent direct loss of waters of the U.S. as follows:

- a. For the loss of vernal pools, purchase vernal pool credits from the South Sacramento In-Lieu Fee Program (ILF) at a 1:1 ratio.
- b. For the loss of seasonal wetlands, swales, and ephemeral drainages containing suitable habitat for federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*) or vernal pool tadpole shrimp (*Lepidurus packardii*), purchase vernal pool credits from the South Sacramento ILF at a 1:1 ratio.
- c. For the direct loss of streams that do not contain suitable habitat for federally-listed vernal pool fairy shrimp and vernal pool tadpole shrimp, purchase stream/creek credits from the South Sacramento ILF at a 1:1 ratio.

The proof of purchase of the required ILF credits shall be submitted to this office electronically (see Special Condition 1) prior to initiation of the discharge of fill material into waters of the U.S. authorized for each phase of development, and may be submitted with the information required in Special Condition 1, as applicable.

***Rationale:*** *This special condition is necessary to ensure successful compensatory mitigation for the unavoidable losses of waters of the U.S. due to the construction of the Proposed Action. (33 CFR 320.4(r)(1); 33 CFR 325.4(a)(3); 33 CFR 332, 40 CFR 230).*

Special Condition 3: In total, you shall establish an approximately 77.2-acre on-site preserve containing 10.12 acres of waters of the U.S. as identified on Figure 1 (referenced above). Prior to discharge of fill material into waters of the U.S. authorized for each phase of development, you shall meet all on-site preserve establishment obligations for that phase of development. The on-site preserve shall be maintained in perpetuity and managed in accordance with a Final Preserve Management Plan approved under the SSHCP. You shall provide proof to this office of acceptance of the preserve or preserve phase (including payment of the SSHCP mitigation fees for that phase) under the SSHCP prior to the initiation of construction activities in waters of the U.S. authorized by this permit for that phase of development.

***Rationale:*** *This special condition is necessary to ensure avoidance and minimization of impacts to waters of the U.S., and ensure the preserves are managed in accordance with the SSHCP and the Corps' Permit Strategy for the SSHCP. (33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 332(k)(iv), 40 CFR 230).*

Special Condition 4: Prior to initiation of construction activities within waters of the U.S. associated with each phase of development, you shall install construction best management practices (BMPs) in areas where avoided off-site waters of the U.S. are located within 50-feet of the property boundary. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the

displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities (or prior to the initiation of each phase of the project) and shall remain until construction activities are completed for that phase. You shall inspect all BMPs a minimum of one time every two weeks and maintain, repair, or replace BMPs, as needed, until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office electronically (see Special Condition 1) prior to the initiation of construction activities in waters of the U.S. for that phase of development. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

***Rationale:*** *This condition is necessary to minimize adverse effects to avoided waters of the U.S., including effects to water quality from construction activities to the maximum extent practicable (33 CFR 320.3(a), 33 CFR 320.4(d), 33 CFR 325.4(a)(3)).*

Special Condition 5: Prior to initiating construction activities in waters of the U.S. for each phase of the project, you shall notify this office electronically (see Special Condition 1) in writing of the anticipated start date for the work. No later than 10 calendar days following completion of construction activities in waters of the U.S. for each phase of your project, you shall notify this office electronically in writing that construction activities have been completed.

***Rationale:*** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).*

Special Condition 6: You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a hard copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.

***Rationale:*** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4, 33 CFR 326).*

Special Condition 7: You shall clearly identify the limits of all construction areas located within 100 feet of avoided waters of the U.S. with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities in waters of the U.S. for that phase of development. You shall maintain such identification properly until construction areas and soils have been stabilized. You are prohibited from undertaking any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to ensure the construction activities do not occur outside of the project area, which could cause adverse effects to the aquatic ecosystem (33 CFR 325.4(a)(3)).*

Special Condition 8: You shall use only clean and non-toxic fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**Rationale:** *This condition is necessary to ensure that contaminated material is not placed within waters of the U.S. (33 CFR 325.4(a)(3), 40 CFR 230).*

Special Condition 9: This Corps permit does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number 08ESMF00-2013-F-0049, dated June 18, 2019), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its/their Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

**Rationale:** *This condition is necessary to ensure compliance with Section 7 of the Endangered Species Act (16 USC 1531 et seq, 50 CFR 402, 33 CFR 320.4(j)(4), 33 CFR 325.2(b)(5), 33 CFR 325.4(a)(1)).*

Special Condition 10: Within 60 days following completion of construction activities associated with each phase of development authorized by this permit, or at the expiration of the construction window of this permit, whichever occurs first, you shall submit a description and as-built figures of the work conducted on the site. The information shall be submitted to this office electronically (see Special Condition 1) and include the following:

- a. The Department of the Army Permit number.
- b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings. The drawing should show all "earth disturbance," impacts to waters of the U.S. The drawings shall contain, at a minimum, 1-foot topographic contours of the entire site.

c. A description and list of all deviations between the work as authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings the location of any deviations that have been listed.

**Rationale:** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has been conducted in accordance with the permit and all applicable conditions. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3); 33 CFR 326).*

**g. Smith Property (SPK-2008-00795): Smith Dunmore Venture, LLC., Attn: Mr. Chris Vrame**

Special Condition 1: Prior to the initiation of construction activities in waters of the U.S. associated with each phase of development, you shall submit the following information electronically to this office for review and written approval:

a. A plan-view drawing of the work proposed to be conducted within that phase, clearly identifying the waters of the U.S. that would be filled for that phase of development;

b. A description and table identifying the acreage and type of waters of the U.S. where fill material would be permanently or temporarily discharged, consistent with the August 16, 2019, *Figure 1. Smith Property, Potential Impacts to Waters of the U.S.*, prepared by ECORP Consulting, *Inc.*, for that phase of development;

c. A description of any deviations (including changes in phasing sequence or boundaries of phases) from the authorized work. You shall ensure that the description provided includes information regarding any temporary discharge of fill material into waters of the U.S.

d. The amount of compensatory mitigation that would be required for each aquatic resource type for that phase of development, in accordance with the ratios required by Special Condition 2.

e. A table identifying the phases of development where construction in waters of the U.S. has been initiated, including the cumulative acreage and type of waters of the U.S. where discharge has been initiated (i.e., for all phases to-date).

f. Information to show compliance with all applicable requirements of the South Sacramento Habitat Conservation Plan (SSHCP) for that phase.

All required information shall be submitted electronically either via email to SPKRegulatoryMailbox@usace.army.mil, via a File Transfer Protocol (FTP) accessible by this office, or on a DVD mailed to this office at the address listed in the letterhead.

**Rationale:** *This condition is necessary to review the final plans for phasing of the proposed action, ensure appropriate compensatory mitigation and preserve establishment would be conducted, ensure compliance with the permit and applicable conditions, and ensure that no changes have occurred to the proposed action prior to each phase. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 326).*

Special Condition 2: Prior to the initiation of construction activities in waters of the U.S. for each phase of development as identified on Figure 1 (referenced above), you shall compensate for the permanent direct loss of waters of the U.S. as follows:

a. For the loss of vernal pools, purchase vernal pool credits from the South Sacramento In-Lieu Fee Program (ILF) at a 1:1 ratio.

b. For the loss of seasonal wetlands, and swales, and intermittent drainages containing suitable habitat for federally-listed vernal pool fairy shrimp (*Branchinecta lynchi*) or vernal pool tadpole shrimp (*Lepidurus packardii*), purchase vernal pool credits from the South Sacramento ILF at a 1:1 ratio.

The proof of purchase of the required ILF credits shall be submitted to this office electronically (see Special Condition 1) prior to initiation of the discharge of fill material into waters of the U.S. authorized for each phase of development, and may be submitted with the information required in Special Condition 1, as applicable.

**Rationale:** *This special condition is necessary to ensure successful compensatory mitigation for the unavoidable losses of waters of the U.S. due to the construction of the Proposed Action. (33 CFR 320.4(r)(1); 33 CFR 325.4(a)(3); 33 CFR 332, 40 CFR 230).*

Special Condition 3: In total, you shall establish an approximately 10.44-acre on-site preserve containing 0.93 acre of waters of the U.S. as identified on Figure 1 (referenced above). Prior to discharge of fill material into waters of the U.S. authorized for each phase of development, you shall meet all on-site preserve establishment obligations for that phase of development. The on-site preserve shall be maintained in perpetuity and managed in accordance with a Final Preserve Management Plan approved under the SSHCP. You shall provide proof to this office of acceptance of the preserve or preserve phase (including payment of the SSHCP mitigation fees for that phase) under the SSHCP prior to the initiation of construction activities in waters of the U.S. authorized by this permit for that phase of development.

**Rationale:** *This special condition is necessary to ensure avoidance and minimization of impacts to waters of the U.S., and ensure the preserves are managed in accordance with the SSHCP and the Corps' Permit Strategy for the SSHCP. (33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3), 33 CFR 332(k)(iv), 40 CFR 230).*

Special Condition 4: Prior to initiation of construction activities within waters of the U.S. associated with each phase of development, you shall install construction best management practices (BMPs) in areas where avoided off-site waters of the U.S. are located within 50-feet of the property boundary. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities (or prior to the initiation of each phase of the project) and shall remain until construction activities are completed for that phase. You shall inspect all BMPs a minimum of one time every two weeks and maintain, repair, or replace BMPs, as needed, until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office electronically (see Special Condition 1) prior to the initiation of

construction activities in waters of the U.S. for that phase of development. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to minimize adverse effects to avoided waters of the U.S., including effects to water quality from construction activities to the maximum extent practicable (33 CFR 320.3(a), 33 CFR 320.4(d), 33 CFR 325.4(a)(3)).*

Special Condition 5: Prior to initiating construction activities in waters of the U.S. for each phase of the project, you shall notify this office electronically (see Special Condition 1) in writing of the anticipated start date for the work. No later than 10 calendar days following completion of construction activities in waters of the U.S. for each phase of your project, you shall notify this office electronically in writing that construction activities have been completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).*

Special Condition 6: You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit authorization. You shall ensure that a hard copy of the permit authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.

**Rationale:** *This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4, 33 CFR 326).*

Special Condition 7: You shall clearly identify the limits of all construction areas located within 100 feet of avoided waters of the U.S. with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencement of construction activities in waters of the U.S. for that phase of development. You shall maintain such identification properly until construction areas and soils have been stabilized. You are prohibited from undertaking any activity (e.g. equipment usage or materials storage) that impacts waters of the U.S. outside of the permit limits. Alternately, you shall provide documentation that avoidance and minimization measure(s) required by the SSHCP address this special condition in a substantive manner. Adequacy of SSHCP-required measures must be confirmed in writing by the Corps prior to initiation of construction activities within waters of the U.S. associated with each phase of development.

**Rationale:** *This condition is necessary to ensure the construction activities do not occur outside of the project area, which could cause adverse effects to the aquatic ecosystem (33 CFR 325.4(a)(3)).*

Special Condition 8: You shall use only clean and non-toxic fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils

contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

**Rationale:** *This condition is necessary to ensure that contaminated material is not placed within waters of the U.S. (33 CFR 325.4(a)(3), 40 CFR 230).*

Special Condition 9: This Corps permit does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number 08ESMF00-2013-F-0049, dated June 18, 2019), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its/their Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

**Rationale:** *This condition is necessary to ensure compliance with Section 7 of the Endangered Species Act (16 USC 1531 et seq, 50 CFR 402, 33 CFR 320.4(j)(4), 33 CFR 325.2(b)(5), 33 CFR 325.4(a)(1)).*

Special Condition 10: Within 60 days following completion of construction activities associated with each phase of development authorized by this permit, or at the expiration of the construction window of this permit, whichever occurs first, you shall submit a description and as-built figures of the work conducted on the site. The information shall be submitted to this office electronically (see Special Condition 1) and include the following:

- a. The Department of the Army Permit number.
- b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings. The drawing should show all "earth disturbance," impacts to waters of the U.S. The drawings shall contain, at a minimum, 1-foot topographic contours of the entire site.
- c. A description and list of all deviations between the work as authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings the location of any deviations that have been listed.

**Rationale:** *This condition is necessary to ensure compliance with the permit and applicable conditions and to ensure that the proposed work and final restoration work has*

*been conducted in accordance with the permit and all applicable conditions. (33 USC 1344(a), 33 USC 401 et. seq., 33 CFR 320.4(r)(1), 33 CFR 325.4(a)(3); 33 CFR 326).*

## **X. Findings**

a. The evaluation of the proposed action and alternatives was done in accordance with all applicable laws, executive orders, regulations, and agency regulations. The EIS and supporting documents are adequate and contain sufficient information to make a reasoned permit decision.

b. The selected alternative is the current proposed action for each project, with appropriate and practicable mitigation measures to minimize environmental harm and potential adverse impacts of the discharges on the aquatic ecosystem and the human environment. The proposed actions, as mitigated by these conditions, are considered the environmentally preferred alternative under NEPA.

c. The discharges comply with the Section 404(b)(1) guidelines, and the proposed actions are considered the least environmentally damaging practicable alternative, with the inclusion of appropriate and practicable general and special conditions in the permit to minimize pollution or adverse effects to the affected ecosystem.

d. Issuance of Department of the Army permits, with the inclusion of the special conditions on the permits identified in Section IX, as prescribed by regulations published in 33 CFR Parts 320 to 330, and 40 CFR Part 320 are not contrary to the public interest.

e. The compensatory mitigation identified in Section VIII is consistent with Finding H of our July 25, 2019, Record of Decision for the SSHCP Permit Strategy. The purchase of ILF credits at a 1:1 ratio is sufficient to ensure no net loss of aquatic resource functions and services, based on the inclusion of the projects within the SSHCP.

**PREPARED BY:**

\_\_\_\_\_  
Lisa M. Gibson  
Regulatory Permit Specialist  
Regulatory Division

5 Sep 2019  
Date

**REVIEWED BY:**

\_\_\_\_\_  
Nancy A. Haley  
Chief, North Section

5 Sep 2019  
Date

**APPROVED BY:**

\_\_\_\_\_  
Paul Maniccia  
Acting Chief, Regulatory Division

5 Sep 2019  
Date

# **Attachment A**

**FEIS Public Notice and  
Federal Register Notice**

**From:** [Imamura, Eileen R SPK](#)  
**To:** [Gibson, Lisa M SPK](#)  
**Subject:** FW: Public Notice SPK-2005-00888, FEIS the SunCreek Specific Plan Project, Sacramento County, CA (UNCLASSIFIED)  
**Date:** Wednesday, November 13, 2013 10:13:59 AM

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Classification: UNCLASSIFIED

Caveats: NONE

This PN notification was sent to the following addresses on the Sacramento County, CA; California State; and Special PN e-mail notification lists.

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From: Imamura, Eileen R SPK On Behalf Of CESPCK-REGULATORY-INFO  
Sent: Wednesday, November 13, 2013 9:54 AM  
To: Gibson, Lisa M SPK  
Subject: Public Notice SPK-2005-00888, FEIS the SunCreek Specific Plan Project, Sacramento County, CA (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

The U.S. Army Corps of Engineers Sacramento District has posted Public Notice SPK-2005-00888 to [www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx](http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx)  
<<http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx>>

The Final Environmental Impact Statement (FEIS) for the SunCreek Specific Plan Project, located east of Sunrise Boulevard, north and west of Grant Line Road, and south of Kiefer Boulevard, in Rancho Cordova, California, is available for review and comment on the Sacramento District Website at <http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/EnvironmentalImpactStatements.aspx>. A Notice of Availability was posted in the Federal Register on November 8, 2013.

Written comments and/or a request for a paper copy of the notice may be submitted to project manager Lisa Gibson at 1325 J Street, Room 1350, Sacramento, California 95814, email [Lisa.M.Gibson2@usace.army.mil](mailto:Lisa.M.Gibson2@usace.army.mil) <<mailto:Lisa.M.Gibson2@usace.army.mil>> , or telephone 916-557-5288.

Comments must be received by December 12, 2013.

Eileen Imamura  
Administrative Officer, Regulatory Division  
US Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1350, Sacramento, CA 95814-2922  
916-557-5262 FAX: 916-557-7803  
[Eileen.R.Imamura@usace.army.mil](mailto:Eileen.R.Imamura@usace.army.mil) <<mailto:Eileen.R.Imamura@usace.army.mil>>

Let us know how we're doing. Please complete the survey at: <http://per2.nwp.usace.army.mil/survey.html>

Information on the Regulatory Program.  
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>

Regulatory Public Notices: <http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx>

Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

**From:** [Imamura, Eileen R SPK](#) on behalf of [CESPK-REGULATORY-INFO](#)  
**To:** [Gibson, Lisa M SPK](#)  
**Subject:** Public Notice SPK-2005-00888, FEIS the SunCreek Specific Plan Project, Sacramento County, CA (UNCLASSIFIED)  
**Date:** Wednesday, November 13, 2013 9:54:08 AM

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Classification: UNCLASSIFIED  
Caveats: NONE

The U.S. Army Corps of Engineers Sacramento District has posted Public Notice SPK-2005-00888 to [www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx](http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx)  
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Classification: UNCLASSIFIED  
Caveats: NONE



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**US Army Corps of Engineers**  
**BUILDING STRONG®**

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SPK-2005-00888, SunCreek Specific Plan FEIS, Sacramento County

*Posted 11/13/2013*

**CESPK-RD-S**

**SUBJECT:** Final Environmental Impact Statement (FEIS) for the SunCreek Specific Plan Project, Rancho Cordova, California.

**AUTHORITY:** The FEIS for the SunCreek Specific Plan Project, located east of Sunrise Boulevard, north and west of Grant Line Road, and south of Kiefer Boulevard, in Rancho Cordova, California, is available for review and comment. A Notice of Availability (NOA) was posted in the Federal Register on November 8, 2013. The FEIS may be viewed at the Sacramento District Website at <http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/EnvironmentalImpactStatements.aspx>. Written comments on the FEIS should be submitted by **December 12, 2013** to:

Lisa M. Gibson  
U.S. Army Corps of Engineers  
Regulatory Division  
1325 J Street, Room 1350  
Sacramento, California 95814-2922  
Email: [Lisa.M.Gibson2@usace.army.mil](mailto:Lisa.M.Gibson2@usace.army.mil)

For further information, please contact Ms. Lisa M. Gibson by telephone at 916-557-5288.

**SUPPLEMENTARY INFORMATION:****I. General Information***A. Does this notice apply to me?*

This action is directed to the public in general. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How can I get copies of this document and other related information?*

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPPT-2003-0004. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

**II. What action is the Agency taking?**

Under EPA Contract Number EP-W-09-033, contractor ERG of 14555 Avion Parkway, Suite 200 and Energy Services, Inc., of 1300 Metropolitan Blvd., Tallahassee, FL, are assisting EPA by reviewing technical documents and providing technical expertise in the natural gas pipeline industry.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA

Contract Number EP-W-09-033, ERG and its subcontractor required access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ERG and its subcontractor's personnel were given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA has provided ERG and its subcontractor access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract is taking place at EPA Headquarters and ERG's Chantilly, VA, site in accordance with EPA's *TSCA CBI Protection Manual*.

Access to TSCA data, including CBI, will continue until September 30, 2014. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

ERG and its subcontractor's personnel have signed nondisclosure agreements and were briefed on appropriate security procedures before they were permitted access to TSCA CBI.

**List of Subjects**

Environmental protection,  
Confidential business information.

Dated: October 21, 2013.

**Matthew G. Leopard,**

*Director, Information Management Division,  
Office of Pollution Prevention and Toxics.*

[FR Doc. 2013-26763 Filed 11-7-13; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9902-70-OEI]

**Office of Environmental Information;  
Pause the Development of the Draft  
Quality Standard for Environmental  
Data Collection, Production, and Use  
by Non-EPA (External) Organizations  
and Two Associated QA Handbooks**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency published a document in the **Federal Register** of December 26, 2012, concerning request for comments for the Draft Quality Standard for Environmental Data Collection, Production, and Use by Non-EPA (External) Organizations and two associated QA Handbooks. EPA has decided to pause the development of the

draft Quality Standards for Data Collection, Production and Use. This decision was made after careful consideration of the comments received from external stakeholders and discussion with our internal stakeholders.

This pause will allow the Agency to revise the existing EPA Quality Policy and Procedure to integrate the relevant sections of the EPA Order 5360.1, EPA Quality Manual and draft Quality Standards. At the conclusion of this revision, we will revise the draft Quality Standards to align with the revised Quality Policy and Procedure and integrate the relevant sections of our existing QA Requirements documents (R-2, R-5). Throughout the process, EPA plans to solicit input from both internal and external stakeholders and provide frequent status updates. We believe this approach will address many of the concerns raised by our stakeholders during the public comment period for the Quality Standard.

**FOR MORE INFORMATION CONTACT:**

Katherine Chalfant, Environmental Protection Agency; 1200 Pennsylvania Avenue, MC 2811T; Washington, DC 20460; Phone: 202-564-1511; email address: [quality@epa.gov](mailto:quality@epa.gov).

**Monica D. Jones,**

*Director, Quality Staff.*

[FR Doc. 2013-26866 Filed 11-7-13; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-9011-8]

**Environmental Impacts Statements;  
Notice of Availability**

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements  
Filed 10/28/2013 Through 11/01/2013,  
Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>

*EIS No. 20130318, Final EIS, USFS, CA, Harris Vegetation Management Project, Review Period Ends: 12/23/2013, Contact: Emelia Barnum 530-926-4511*

*EIS No. 20130319, Draft EIS, USFS, UT, High Uintas Wilderness Colorado*

River Cutthroat Trout (CRCT) Habitat Enhancement, Comment Period Ends: 12/23/2013, Contact: Ronald Brunson 435-781-5202

*EIS No. 20130320, Final EIS, USACE, CA, Suncreek Specific Plan, Review Period Ends: 12/09/2013, Contact: Lisa M. Gibson 916-557-5288*

*EIS No. 20130321, Draft Supplement, USFS, AZ, Bill Williams Mountain Restoration Project, Comment Period Ends: 12/23/2013, Contact: Marcos Roybal 928-635-8210*

*EIS No. 20130322, Draft EIS, BLM, MT, Lewistown Field Office Greater Sage-Grouse Draft Resource Management Plan Amendment, Comment Period Ends: 02/05/2014, Contact: Adam Carr 406-538-1913*

*EIS No. 20130323, Draft EIS, USFS, OR, Malheur National Forest Site-Specific Invasive Plants Treatment Project, Comment Period Ends: 12/23/2013, Contact: Joseph H. Rausch 541-575-3141*

*EIS No. 20130324, Final EIS, BLM, CA, Stalene Solar Farm Project, Proposed Final Plan Amendment, Review Period Ends: 02/05/2014, Contact: Jeffery Childers 951-807-6737*

*EIS No. 20130325, Draft EIS, NPS, MO, Ozark National Scenic Riverways Draft General Management Plan, Wilderness Study, Comment Period Ends: 12/30/2013, Contact: William Black 573-323-4236*

*EIS No. 20130326, Draft EIS, USFS, CA, California Pacific Electricity Company 625 and 650 Electrical Line Upgrade Project, Comment Period Ends: 01/07/2014, Contact: Robert Rodman, Jr. 530-543-2613*

*EIS No. 20130327, Draft EIS, NPS, CA, Channel Islands National Park Draft General Management Plan, Wilderness Study, Comment Period Ends: 01/09/2014, Contact: Greg Jarvis 303-969-2263*

*EIS No. 20130328, Final EIS, USACE, CA, Pier S Development and Back Channel Navigational Safety Improvements in the Port of Long Beach, Review Period Ends: 12/09/2013, Contact: John Markham 805-585-2150*

#### Amended Notices

*EIS No. 20130288, Final EIS, USACE, TX, Luce Bayou Interbasin Transfer Project, Review Period Ends: 11/18/2013, Contact: Jayson Hudson 409-766-3108. Revision of FR Notice Published 10/04/2013; Extending Review Period from 11/04/2013 to 11/18/2013.*

*EIS No. 20130297, Draft EIS, USACE, LA, Calcasieu Lock Louisiana Feasibility Study, Comment Period Ends: 12/02/2013, Contact: Timothy*

*K. George 314-331-8459. Revision to FR Notice Published 10/04/2013; Extending Comment Period from 11/18/2013 to 12/02/2013.*

*EIS No. 20130303, Final Supplement, FTA, HI, Honolulu Rail Transit Project/Amended Record of Decision, Contact: Ted Matley 415-744-3133. Revision to FR Notice Published 10/25/2013; Under MAP-21 section 1319, FHWA has issued a FSEIS and Amended ROD. Therefore, the 30-day wait/review period under NEPA does not apply to this action.*

Dated: November 5, 2013.

#### Cliff Rader,

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2013-26870 Filed 11-7-13; 8:45 am]

**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2012-0724; FRL-9902-45]

#### Antimony Trioxide (ATO) TSCA Chemical Risk Assessment; Notice of Public Meetings and Opportunity To Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** On September 27, 2013, EPA announced that it would be holding three peer review meetings by web connect and teleconference on October 16, 2013, October 31, 2013, and November 14, 2013, regarding EPA's draft Toxic Substances Control Act (TSCA) chemical risk assessment, "TSCA Workplan Chemical Risk Assessment for ATO." Due to the government shutdown, however, EPA has rescheduled the peer review meetings and is announcing the rescheduled meetings in this notice. EPA is also extending the due date for public comments.

**DATES: Meetings.** The peer review meetings will be held on Wednesday, November 13, 2013, from 10 a.m. to noon EST; Friday, December 6, 2013, from 11:30 a.m. to 4:30 p.m. EST; and Monday, January 6, 2014, from 11 a.m. to 1 p.m. EST.

**Comments.** Written comments on the assessment must be submitted on or before December 16, 2013.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2012-0724, by one of the methods described in the September 27, 2013 **Federal Register** notice, a copy of which is available in

the docket at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

*For technical information contact:* Stan Barone, Jr., Risk Assessment Division (7403M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-1169; email address: [barone.stan@epa.gov](mailto:barone.stan@epa.gov).

*For peer review meeting logistics contact:* Susie Warner, the Scientific Consulting Group (SCG), Inc., 656 Quince Orchard Rd., Suite 210, Gaithersburg, MD 20878-1409; telephone number: (301) 670-4990, ext. 227; fax number: (301) 670-3815; email address: [SWARNER@scgcorp.com](mailto:SWARNER@scgcorp.com).

**SUPPLEMENTARY INFORMATION:** For details about the meetings regarding the peer review of EPA's draft Toxic Substances Control Act (TSCA) chemical risk assessment, "TSCA Workplan Chemical Risk Assessment for ATO," please see the announcement that published in the **Federal Register** of September 27, 2013 (78 FR 59679) (FRL-9400-5). However, due to the government shutdown, EPA has rescheduled the three peer review meetings and is announcing the rescheduled meetings in this notice. EPA is also extending the due date for public comments. To be sure your comments are contained in the peer review record and are available to the peer reviewers; please submit the comments on or before December 16, 2013.

The first rescheduled peer review panel meeting on November 13, 2013, will be devoted to providing the peer review panel an overview of the assessment and its charge and providing an opportunity for public comment on the draft ATO TSCA risk assessment.

The rescheduled second peer review panel meeting on December 6, 2013, will be devoted to deliberations of the draft ATO TSCA risk assessment by the peer review panel, guided by the charge questions to the peer review panel.

The third and final peer review panel meeting on January 6, 2014, will focus on the peer review panel's discussion of its draft ATO TSCA risk assessment recommendations to EPA, which will be posted on the contractor Web site prior to the final peer review meeting.

#### List of Subjects

Environmental protection, ATO, Chemicals, Flame retardant synergist. Peer review, Risk assessments.

# **Attachment B**

## **FEIS Public Notice Comments**

**From:** [Blonn, Jennifer](#)  
**To:** [Gibson, Lisa M SPK](#)  
**Cc:** [Jones, Paul](#)  
**Subject:** [EXTERNAL] EPA Comments on SunCreek FEIS  
**Date:** Friday, December 6, 2013 5:59:35 PM  
**Attachments:** [2013\\_12\\_6\\_EPA\\_SunCreekFEIS.pdf](#)

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Hi Lisa,

Please find EPA's comments on the SunCreek FEIS attached. We appreciate the opportunity to review the document. Please give me a call if you'd like to discuss any of our comments.

Jen Blonn  
Environmental Review Office  
U.S. EPA Region 9  
75 Hawthorne Street (CED-2)  
San Francisco, CA 94105  
(415) 972-3855



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

**DEC 06 2013**

Lisa Gibson  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1350  
Sacramento, California 95814

Subject: Final Environmental Impact Statement for the SunCreek Specific Plan Project, Sacramento County, California (CEQ# 20120309)

Dear Ms. Gibson:

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the SunCreek Specific Plan Project pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

EPA commented on the Draft EIS in a November 16, 2012 letter, in which we rated the DEIS Environmental Objections – Insufficient Information, based on significant impacts to aquatic resources and the potential inability to both comply with the 2008 Compensatory Mitigation Rule and achieve “no net loss of wetland functions and values.” While we appreciate information in the FEIS that addresses our concerns regarding groundwater contamination, our objections to the project remain. Based on the FEIS, the proposed project continues to appear to have significant potential impacts on aquatic resources, as described in our comments on the DEIS. The project may also have significant challenges in complying with the 2008 Compensatory Mitigation Rule and SunRidge ROD (which requires mitigation for impacts to vernal pools in the Mather Core Recovery Area to occur in the same designated area), as well as generally achieving “no net loss of wetland functions and values.” The availability of appropriate mitigation sites in the Mather Core Recovery Area and surrounding nearby areas has not been demonstrated. The fill of waters without proximate mitigation should be avoided. Additional outstanding issues are discussed below.

Section 1502.14 of the Council on Environmental Quality’s Regulations for Implementing the National Environmental Policy Act states that the FEIS should identify the lead agency’s preferred alternative unless another law prohibits expression of such a preference. The FEIS does not appear to identify the U.S. Army Corps of Engineers’ preferred alternative. The absence of such information eliminates the opportunity for EPA, the public, and other stakeholders to comment on the selection of the preferred alternative. In future FEISs, please clearly identify the Corps’ preferred alternative, or explain why it is not identified.

The practice of deferring, until the conclusion of the NEPA process, the disclosure of information needed to evaluate compliance with the Clean Water Act section 404(b)(1) Guidelines makes it difficult for agencies and the public to provide timely and substantive input on the evaluation of alternatives. Page 29 of the Corps South Pacific Division (SPD) February 8, 2013 Regulatory Program Standard Operating Procedure for Preparing and Coordinating EISs (12509-SPD) states:

Districts will make all reasonable efforts to ensure the NEPA alternatives analysis is thorough and robust enough to provide the information needed for the evaluation of alternatives under the section 404(b)(1) Guidelines (“Guidelines”) and the public interest review. The goal of integrating the NEPA alternatives analysis and the section 404(b)(1) alternatives analysis is to gain efficiencies, facilitate agency decision-making and avoid unnecessary duplication.

The discussion of alternatives in the FEIS ~~does not provide~~ the information needed for the evaluation of alternatives under Section 404(b)(1). EPA, therefore, is still unable to evaluate whether the Proposed Action may be the LEDPA, or whether it complies with the other restrictions on discharge under the Guidelines. In the future, we strongly recommend that the Corps make information on compliance with the Guidelines and the Compensatory Mitigation Rule available to EPA, the public, and other stakeholders through the EIS process.

EPA’s comments on the DEIS recommended that the FEIS include a table displaying criteria pollutant emissions estimates from projects within the cumulative air quality study area. The FEIS does not include this information. We note that quantitative information on cumulative air quality impacts was provided in DEISs for nearby Corps projects, including Placer Vineyards and Westbrook. Such information helps clarify the intensity of cumulative impacts, as well as future challenges the region would face in attaining federal air quality standards. We strongly recommend that the Corps include this information in future DEISs.

We appreciate the opportunity to review this FEIS, and are available to discuss our comments. If you have any questions, please contact Jen Blonn, the lead reviewer for this project. Ms. Blonn can be reached at 415-972-3855 or [blonn.jennifer@epa.gov](mailto:blonn.jennifer@epa.gov).

Sincerely,



for

Jeff Scott, Director  
Waste Management Division and  
Communities and Ecosystems Division

Cc via email:

Mike McKeever, Sacramento Area Council of Governments

**From:** [David.H.Sulouff@uscg.mil](mailto:David.H.Sulouff@uscg.mil) on behalf of [Sulouff, David H CIV](#)  
**To:** [CESPK-REGULATORY-INFO](#); [Gibson, Lisa M SPK](#)  
**Subject:** [EXTERNAL] RE: Public Notice SPK-2005-00888, FEIS the SunCreek Specific Plan Project, Sacramento County, CA (UNCLASSIFIED)  
**Date:** Friday, November 15, 2013 1:39:52 PM

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It appears this project, as proposed, does not involve bridges under USCG jurisdiction.

If there are no proposed bridge related impacts, there will be no further interest by the USCG for bridge regulatory purposes, concerning this project.

Thank you,

David H. Sulouff  
Chief, Bridge Section  
Eleventh Coast Guard District  
50-2 Coast Guard Island  
Alameda, CA 94501  
(510) 437-3516 Office  
(510) 219-4366 cel  
(510) 437-5836 fax

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-----Original Message-----

From: Imamura, Eileen R SPK [<mailto:Eileen.R.Imamura@usace.army.mil>] On Behalf Of CESPK-REGULATORY-INFO  
Sent: Wednesday, November 13, 2013 9:54 AM  
To: Gibson, Lisa M SPK  
Subject: Public Notice SPK-2005-00888, FEIS the SunCreek Specific Plan Project, Sacramento County, CA (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

The U.S. Army Corps of Engineers Sacramento District has posted Public Notice SPK-2005-00888 to [www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx](http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx)  
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Written comments and/or a request for a paper copy of the notice may be submitted to project manager Lisa Gibson at 1325 J Street, Room 1350, Sacramento, California 95814, email [Lisa.M.Gibson2@usace.army.mil](mailto:Lisa.M.Gibson2@usace.army.mil) , or telephone 916-557-5288.

Comments must be received by December 12, 2013.

Eileen Imamura  
Administrative Officer, Regulatory Division US Army Corps of Engineers,  
Sacramento District  
1325 J Street, Room 1350, Sacramento, CA 95814-2922  
916-557-5262 FAX: 916-557-7803  
Eileen.R.Imamura@usace.army.mil <<mailto:Eileen.R.Imamura@usace.army.mil>>

Let us know how we're doing. Please complete the survey at:  
<http://per2.nwp.usace.army.mil/survey.html>  
<<http://per2.nwp.usace.army.mil/survey.html>>

Information on the Regulatory Program.  
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>  
<<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>>

Regulatory Public Notices:  
<http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx>  
<<http://www.spk.usace.army.mil/Media/RegulatoryPublicNotices.aspx>>

Classification: UNCLASSIFIED  
Caveats: NONE

# **Attachment C**

## **Biological Opinion**



# United States Department of the Interior



In Reply Refer to:  
08ESMF00-  
2013-F-0049

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825-1846

JUN 21 2019

Ms. Lisa Gibson  
Senior Project Manager  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1350  
Sacramento, California 95814-2922

Subject: Re-Issuance of Final Biological Opinion for the SunCreek Specific Plan Area Project,  
City of Rancho Cordova, California (Corps File Number SPK-2005-00888)

Dear Ms. Gibson:

This letter represents a re-issuance of the Final Biological Opinion for the SunCreek Specific Plan Area Project, dated June 14, 2019. The June 14, 2019 version of this document did not reflect final edits made to a previous draft. The Biological Opinion is hereby re-issued in its entirety. Please replace the June 14, 2019 version in your files with this new document issued June 21, 2019.

This letter is in response to the U.S. Army Corps of Engineers' (Corps), request for a biological opinion from the U.S. Fish and Wildlife Service (Service) on the SunCreek Specific Plan Area Project (SunCreek Project), in the City of Rancho Cordova (City), Sacramento County, California. Your October 22, 2012 request was received by the Service on October 24, 2012. At issue are the proposed project's effects on the following federally threatened species: vernal pool fairy shrimp (*Branchinecta lynchi*), slender Orcutt grass (*Orcuttia tenuis*), and the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and the following federally endangered species: vernal pool tadpole shrimp (*Lepidurus packardii*) and Sacramento Orcutt grass (*Orcuttia viscida*). This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

The federal action we are consulting on is the issuance of Clean Water Act, Section 404 permits by the Corps to the applicants of the proposed project for the fill of wetlands associated with the construction of six individual development projects and backbone infrastructure within the SunCreek Specific Plan Area. Pursuant to 50 CFR 402.12(j), you submitted a biological assessment, dated May 2, 2012, for our review. The Corps determined that the SunCreek Project may affect, and is likely to adversely affect, the vernal pool fairy shrimp, the vernal pool tadpole shrimp, slender Orcutt grass, and Sacramento Orcutt grass. The Corps determined that the proposed project may affect, but is not likely to adversely affect, the valley elderberry longhorn beetle. The Corps received survey information from the project applicant for special-status plant species within the proposed project site in 2014. Slender Orcutt grass and Sacramento Orcutt grass were not detected within the proposed project area. Based on these surveys, the Corps determined that the proposed project was not likely to adversely affect these two Orcutt grass species. The Corps provided this updated information to the Service on November 6, 2014.

The Service concurs with the Corps findings that the proposed project is likely to adversely affect the vernal pool fairy shrimp and the vernal pool tadpole shrimp. Surveys for these two species have not been conducted onsite; however, according to the May 2, 2012 biological assessment, multiple occurrences of both crustacean species are known to occur on properties adjacent to and contiguous with the proposed project area. Both of these species are commonly found in suitable habitat (vernal pool complexes) throughout this area of Sacramento County and suitable habitat is present on the SunCreek Project site.

The Service received special-status plant survey reports from the applicant in May 2016. The Service reviewed these reports and concurs with the Corps' determination that the proposed project will not adversely affect the slender Orcutt grass or the Sacramento Orcutt grass since these species were not detected during protocol-level surveys. The proposed project site does not contain elderberry bushes (*Sambucus* sp.), the sole host plant for the valley elderberry longhorn beetle. Therefore, this species is not likely to be adversely affected by the proposed project. The proposed project site is not within critical habitat for any federally-listed species; therefore, critical habitat will not be adversely affected by the proposed project.

### Consultation History

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|-------------------|---|
| October 22, 2012  | The Corps submitted a letter to the Service to initiate formal consultation. The Corps initiated section 7 consultation for four parcels: Sierra Sunrise, Jaeger Ranch, Shalako, and Smith, as well as onsite and offsite infrastructure areas. A biological assessment, dated May 2, 2012, accompanied the Corps consultation initiation letter. |
| November 6, 2014  | The Corps provided additional information to supplement the original consultation request. The Corps requested that the Service consult on the original four parcels and onsite and offsite infrastructure areas, as well as two additional parcels: Grantline 220 and Kamilos.   |
| Between 2015-2016 | A series of meetings were held between the Service, the applicant, the Corps, and Sacramento County. Issues discussed included, but were not limited to methods to determine impact analysis, proposed conservation measures, and process to transition to the South Sacramento Habitat Conservation Plan (SSHCP) if the SSHCP is finalized.      |
| May 11, 2016      | The Service received information on special-status plant surveys at the SunCreek project site from ECORP Consulting.  |
| October 15, 2015  | The project proponents provided the <i>Supplement to U.S. Fish and Wildlife Service Biological Assessment to Support Section 7 Consultation for SunCreek Specific Plan, Sacramento County, California</i> to the Corps.   |
| July 6, 2016      | The project applicants provided comments on a draft of the "Relation to the South Sacramento Habitat Conservation Plan" and the "Description of Conservation Measures That Are Consistent with the SSHCP" sections of this biological opinion, which have been incorporated by the Service.   |
| March 31, 2016    | The project applicants provided the a memo to the Service: " <i>The SunCreek Project (USACE SPK-2005-00888) - Response to Request for Preserve Descriptions to Support Section 7 Consultation under the Endangered Species Act (ESA)</i> ."   |

- August 2, 2017 ECORP Consulting provided the *SunCreek Specific Plan Town Center Mitigation Site - Consistency with the Draft South Sacramento Habitat Conservation Plan (SSHCP) Re-establishment/ Establishment Avoidance and Minimization Measures (AMMs) for Vernal Pools and Vernal Pool Inocula Banks* to the Service.
- October 16, 2018 ECORP Consulting provided updated information to the Service.
- November 30, 2018 ECORP Consulting provided additional information regarding the phasing of infrastructure for the proposed project.
- December 3, 2018 The Corps requested that, when ready, the Service provide a draft copy of the biological opinion to the Corps and project applicants.
- April 3, 2019 Service issued a formal draft biological opinion.
- May 22, 2019 Meeting between City of Rancho Cordova, SSHCP Project Manager, SunCreek landowner representatives and consultants, and the Service to discuss how best to document SSHCP Compliance Measures for SunCreek Projects, and drafting of a Compliance Document to assist in transitioning the SunCreek Projects to SSHCP.

## BIOLOGICAL OPINION

### Description of the Action

The SunCreek Specific Plan Area (SunCreek SPA) is located in eastern Sacramento County, south of U.S. Highway 50, within the city limits of the City of Rancho Cordova, in eastern Sacramento County. The proposed SunCreek Projects have a City of Rancho Cordova designation as a Specific Plan Area (SPA). A SPA is a special set of development standards that apply to a particular geographic area. SPAs address land use distribution, open space availability, infrastructure, and infrastructure financing, and through these mechanisms put the provisions of the General Plan into action. The SunCreek SPA is located south of Douglas Road, north of Jackson Highway (i.e., State Route 16), west of Grant Line Road, and east of Sunrise Boulevard. Surrounding land uses include the Anatolia development under construction to the west; and vacant land to the north, east, and south. Kiefer Landfill is located southeast of the SunCreek SPA.

The SunCreek SPA would be a mixed-use development on approximately 1,265 acres within the Sunrise Douglas Community Plan area in Rancho Cordova. The SunCreek SPA includes a range of housing types, employment centers, recreation opportunities, and open space preserves as well as support services such as roadway improvements, infrastructure, and utilities. The SunCreek SPA is comprised of six individual parcels: Sierra Sunrise, Jaeger Ranch, Shalako, Smith, Grantline 220, and Kamilos (Individual SunCreek Projects).

In addition to the Individual SunCreek Projects, the SunCreek SPA also includes both onsite and offsite infrastructure (e.g. roads, sewer, and water) referred to in the biological assessment as the Backbone Infrastructure. The Backbone Infrastructure is covered by a seventh individual U.S. Army Corps of Engineers Clean Water Act permit for the SunCreek SPA, which is being processed by the City of Rancho Cordova and is also part of this consultation. The Backbone Infrastructure is almost completely confined within the proposed project area. However, a small portion of the proposed roads occurs outside of the proposed project area. These occur primarily at the perimeter of the SunCreek SPA where a portion of the roads straddles the property line with an adjacent property.

Additionally, there are offsite sewer improvements along Rancho Cordova Parkway, but they will be constructed within the existing road rights-of-way previously impacted and mitigated for (e.g., Anatolia II Roads project). Therefore, they do not create any new impacts to vernal pool wetlands.

The Backbone Infrastructure is divided into segments such that the segments required to support construction of one of the six Individual SunCreek Projects and can be constructed in phases by different parties within each of the six Individual SunCreek Projects. The conservation measures (including preservation and compensatory mitigation) will similarly be phased and fulfilled for each phase on the six Individual SunCreek Projects prior to ground breaking. Enclosure 1 of this biological opinion contains a figure and corresponding table that describes which segments of the Backbone Infrastructure are generally associated with each Individual SunCreek Project. However, at this time it is unknown which Backbone Infrastructure segments will be required by the City for development of each of the Individual SunCreek Projects, in part because it may vary depending on the order in which Individual SunCreek Projects are developed. Prior to groundbreaking for an Individual SunCreek Project or phase, the project will meet preservation obligations for the Individual SunCreek Project or phase as well as any Backbone Infrastructure described in Enclosure 1 of this biological opinion that is to be constructed or otherwise impacted in conjunction with the development of the Individual SunCreek Project or phase.

### ***Relationship of SunCreek to the South Sacramento Habitat Conservation Plan***

The Final SSHCP was prepared by Sacramento County; the Cities of Rancho Cordova and Galt; the Sacramento County Water Agency; and the Capitol SouthEast Connector JPA to implement a regional conservation strategy for federally and state-listed species and other species of conservation interest (referred to as Covered Species). The Final SSHCP includes implementation of the SunCreek SPA, including the Individual SunCreek Projects and Backbone Infrastructure (herein known as SunCreek Projects) as Covered Activities. As a result, the Final SSHCP has incorporated the SunCreek Projects' projected impacts and take of Covered Species into the Final SSHCP analysis and supporting environmental compliance documents. The Service published a Notice of Availability for the Final SSHCP, Final SSHCP EIS/EIR, and the SSHCP Implementing Agreement in the Federal Register on May 15, 2018 (83 FR 22510). Public comments on the final documents were accepted through June 21, 2018. All references to South Sacramento Habitat Conservation Plan (SSHCP) in this document reference the Final SSHCP (Sacramento County et al. 2018).

Owners, designated representatives and biological consultants for the SunCreek Projects worked closely with representatives of the SSHCP, the Service, the Corps, and U.S. Environmental Protection Agency (EPA) for many years to address approaches for Endangered Species Act and Clean Water Act compliance and permitting (see Consultation History). The Final SSHCP identified and analyzed the SunCreek Projects as one of the "Big Five" development projects that included hard-line preserves that will serve as the backbone of a future SSHCP Preserve System.

At the time of Final SSHCP completion, five separate Master Plans or Specific Plans for urban development were under preparation or had recently been approved by a Local Land Use Authority within the Final SSHCP Plan Area. Because the SunCreek SPA was processed concurrently with the development of the SSHCP and adopted following completion of an Environmental Impact Statement in 2013, the SunCreek Projects could not be designed to fully comply with the yet-to-be-adopted Final SSHCP, including the Final SSHCP Avoidance and Minimization Measures described in Final SSHCP Chapter 5. That is, the Final SSHCP AMMs were written after approval of the SunCreek SPA to apply to a broad range of projects. The SunCreek Projects intend to follow all SSHCP Conditions on Covered Activities (SSHCP Chapter 5), except as specified in Final SSHCP Appendix K and Enclosure 2 of this biological opinion. These approved exceptions to the AMMs

were requested by the SunCreek Projects during development of the Final SSHCP and the SunCreek biological opinion and were accommodated because they were deemed necessary and they would not have a significant impact on the integrity of the SSHCP Preserve System. Additional exceptions beyond those identified in the Final SSHCP Appendix K or Enclosure 2 that are required for implementation of the SunCreek Projects may be granted by the SSCA and City of Rancho Cordova in accordance with SSHCP procedures for such requests.

The SunCreek Projects have been evaluated by the Service in the context of the SSHCP through a multi-year process culminating in the issuance of this biological opinion. Therefore, upon issuance of the Final SSHCP section 10 take permit, payment of SSHCP fees by the SunCreek projects will satisfy the impacts and conservation measures identified in the SunCreek biological opinion, other than those addressed through the dedication of the identified on-site SSHCP hard-line preserves.

#### The Section 7 Consultation Process for SunCreek and Transition to the SSHCP

The Consultation History reflects the Service's long history working with SunCreek Projects and the other resource agencies in the Endangered Species Act section 7 process to incorporate measures that reflect project design, avoidance, and minimization measures that were being developed for SSHCP and that also met the individual regulatory requirements of each agency. During the consultation, the SunCreek Projects the six Individual SunCreek Projects crosswalked land mapping with SSHCP landcover types once the SSHCP habitat base maps had been developed (see SSHCP Chapter 3). The landcover type crosswalk was used as the basis for the analysis of Effects of the Action in this biological opinion. Thus, the SunCreek Projects already have the SSHCP landcover type mapping necessary to determine SSHCP fees. In addition, the Service and SSHCP worked with the SunCreek Project to determine the methodology for impact analysis that accounted for site characteristics and site layout considerations that have been guided by resource agencies and local land use authority as far back (or further) as 2012.

To memorialize the agreements reached between the SunCreek Projects and the SSHCP as to how or where SunCreek Individual Projects would and would not be uniformly consistent with Final SSHCP conditions on Covered Activities, and to acknowledge the indirect impact analysis methodology unique to the SunCreek Projects discussed in principal with the Service during the development of the SSHCP and refined during this consultation, the City of Rancho Cordova, the SunCreek Projects' representatives,, and the South Sacramento Conservation Agency (SSCA) are working with the Service to develop a SSHCP Transition Document for SunCreek. The Transition Document will record these agreements resulting from an intent through many years to reconcile individual permitting processes of each resource agency with the development and evolution of the SSHCP. The Transition Document is intended to assist the City in transitioning the SunCreek Projects into the SSHCP. The parties (City and SunCreek owners) will formalize this agreement with SSCA. This Transition Document can be used by the local land use authority (City of Rancho Cordova) as they work with SunCreek Projects.

The Endangered Species Act section 10 incidental take permit for the Final SSHCP was signed on June 12, 2019. However, the Corps has not finalized and issued the Clean Water Act permits for SSHCP as of the date of issuance of this biological opinion. This biological opinion provides a stand-alone analysis of the SunCreek Project to enable the Corps to issue Clean Water Act section 404 permits for the SunCreek Projects.

### **Current Status of the SSHCP**

On September 11, 2018, the Sacramento County Board of Supervisors voted to adopt the South Sacramento Habitat Conservation Plan and related Aquatic Resources Program, and to certify the Environmental Impact Statement/Environmental Impact Report.

The SouthEast Connector Joint Powers Authority voted to adopt the Sacramento Habitat Conservation Plan and related Aquatic Resources Program on September 28, 2018.

The Rancho Cordova and Galt City Councils voted to adopt the South Sacramento Habitat Conservation Plan and Aquatic Resources Program, and to certify the related Environmental Impact Statement/Environmental Impact Report on Oct. 15, and Oct. 16, 2018 respectively.

The South Sacramento Conservation Agency, the joint powers authority formed to manage the South Sacramento Habitat Conservation Plan, voted at its initial meeting on Monday, Oct. 29, 2018, to adopt the SSHCP. This action follows SSHCP adoption by the Sacramento County Board of Supervisors, Capital SouthEast Connector JPA Board of Directors, Rancho Cordova City Council and Galt City Council, who are partnering on development and implementation of the program.

The Implementing Agreement and SSHCP incidental take permit were signed by the Fish and Wildlife Service Southwest Regional Office on June 12, 2019

### **Action Area**

The action area is defined in 50 CFR § 402.02, as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” For the proposed project, the Service considers the action area to be the Plan area of the Final SSHCP, which includes the footprint of development and associated backbone infrastructure, the location of any preserves that may be proposed, and all areas temporarily impacted by dust and noise during project activities (approximately 300 feet from all construction activities).

### **Analytical Framework for the Jeopardy Determination**

Section 7(a)(2) of the Endangered Species Act requires that Federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species. “Jeopardize the continued existence of” means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR § 402.02).

The jeopardy analysis in this biological opinion considers the effects of the proposed Federal action, and any cumulative effects, on the rangewide survival and recovery of the listed species. It relies on four components: (1) the *Status of the Species*, which describes the rangewide condition of the species, the factors responsible for that condition, and its survival and recovery needs; (2) the *Environmental Baseline*, which analyzes the condition of the species in the action area, the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the species; (3) the *Effects of the Action*, which determines the direct and indirect impacts of the proposed Federal action and the effects of any interrelated or interdependent activities on the species; and (4) the *Cumulative Effects*, which evaluates the effects of future, non-Federal activities in the action area on the species.

## Status of the Species

### *Vernal Pool Fairy Shrimp*

For the most recent comprehensive assessment of the species' range-wide status, please refer to the *Vernal Pool Fairy Shrimp (Branchinecta lynchi) 5-Year Review: Summary and Evaluation* (Service 2007a). No change in the species' listing status was recommended in this 5-year review. Threats evaluated during that review and discussed in the final document have continued to act on the species since the 2007 5-year review was finalized, with loss of vernal pool habitat being the most significant effect. While there have been continued losses of vernal pool habitat throughout the various vernal pool regions identified in the *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (Service 2005) (Recovery Plan), including the Mather Core Recovery Area where the proposed project is located, to date no project has proposed a level of effect for which the Service has issued a biological opinion of jeopardy for the species.

Vernal pool fairy shrimp are known to occur in 13 vernal pool regions: Klamath Mountains, Northwestern Sacramento Valley, Northeastern Sacramento Valley, Southeastern Sacramento Valley, Southern Sierra Foothills, Lake-Napa, Livermore, Solano-Colusa, San Joaquin Valley, Central Coast, Carrizo, Santa Barbara, and Western Riverside (Service 2007a). The Southeastern Sacramento Vernal Pool Region contains the greatest number of known occurrences of vernal pool fairy shrimp, where they are found in scattered vernal pool habitats in Placer, Sacramento, and San Joaquin Counties (Service 2005). The California Natural Diversity Database (CNDDB) (2019) reports that Sacramento County contains 19 % of the known vernal pool fairy shrimp occurrences (168 of 878 extant occurrences). The Mather Core Recovery Area contains 14 known occurrences of vernal pool fairy shrimp (1.5% of total known extant occurrences) (CNDDB 2019).

### *Vernal Pool Tadpole Shrimp*

For the most recent comprehensive assessment of the species' range-wide status, please refer to the *Vernal Pool Tadpole Shrimp (Lepidurus packardii) 5-Year Review: Summary and Evaluation* (Service 2007b). No change in the species' listing status was recommended in this 5-year review. Threats evaluated during that review and discussed in the final document have continued to act on the species since the 2007 5-year review was finalized, with loss of habitat being the most significant effect. While there have been continued losses of vernal pool habitat throughout the various vernal pool regions identified in the Recovery Plan, including the Mather Core Recovery Area where the proposed project is located, to date no project has proposed a level of effect for which the Service has issued a biological opinion of jeopardy for the species.

Vernal pool tadpole shrimp are distributed among seven vernal pool regions: Central Coast, Northeastern Sacramento Valley, Northwestern Sacramento Valley, San Joaquin Valley, Solano-Colusa, Southeastern Sacramento Valley, and Southern Sierra Foothills (Service 2007b). Approximately 35 percent of known occurrences for this species occur in the Southeastern Sacramento Valley Vernal Pool Region (Service 2007b). The CNDDB (2019) reports that Sacramento County contains 33 percent of the known vernal pool tadpole shrimp occurrences (157 of 473 extant occurrences). The Mather Core Recovery Area contains 30 known occurrences of vernal pool tadpole shrimp (6.3% of total known extant occurrences) (CNDDB 2019).

## **Environmental Baseline**

### ***Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp***

The proposed SunCreek project occurs within the Southeastern Sacramento Vernal Pool Region, which contains four core recovery areas: Beale, Western Placer, Mather, and Cosumnes/Rancho Seco. The Action Area for the SunCreek project is located in the Mather Core Recovery Area. This core recovery area is situated in southeastern Sacramento County and is entirely within the Final SSHCP Plan area. Vernal pool conservation in this core recovery area is important to ensuring that the Southeastern Sacramento Vernal Pool Region maintains self-sustaining populations of vernal pool tadpole shrimp and vernal pool fairy shrimp that will persist in perpetuity.

The overall goal of the Recovery Plan is to achieve and protect in perpetuity self-sustaining populations throughout the full ecological, geographical, and genetic range of each listed species by ameliorating or eliminating the threats that caused the species to be listed (Service 2005). Overall objectives of recovery plan include the following: (1) ameliorate or eliminate the threats that caused the species to be listed...and ameliorate any other newly identified threats in order to be able to delist these species; and (2) promote natural ecosystem processes and functions by protecting and conserving intact vernal pools and vernal pool complexes within the recovery planning area to maintain viable populations of listed species and species of concern, and prevent additional threats from emerging over time.

Because habitat loss and fragmentation is the single largest threat to the survival and recovery of the vernal pool fairy shrimp and vernal pool tadpole shrimp, the continued existence of these species would be ensured when sufficient populations and subpopulations are protected in perpetuity from future habitat loss and fragmentation. The Recovery Plan recommends that habitat protection efforts are focused in core recovery areas, which are ranked as Zone 1, 2, or 3 in order of their overall priority for recovery. The Recovery Plan recommends protection of the majority of suitable habitat within Zone 1 core recovery areas. The Mather Core Recovery Area is designated as a Zone 1 core recovery area. For this core recovery area, the Recovery Plan recommends protection of 85% of suitable habitat (as existed in 2005 when the Recovery Plan was published) for the vernal pool fairy shrimp and protection of 95% of suitable habitat for the vernal pool tadpole shrimp. However, the Recovery Plan also states that alternative strategies such as development of Habitat Conservation Plan (HCPs) or other site-specific planning methods may present opportunities to conserve species habitat and meet the recovery criteria described in the Recovery Plan. HCPs, for example, may be deemed equivalent to implementation of the Recovery Plan if the HCP contains the following elements:

1. Permanently-protected vernal pool preserves within the area covered by the HCP in large contiguous blocks of suitable habitat;
2. Protection of the entire genetic range of each listed species within the area covered by the HCP;
3. Protection of all populations of species with 25 or fewer total occurrences addressed in the Recovery Plan within the area covered by the HCP;
4. Connectivity with other preserves within the area covered by the HCP;
5. Adaptive management of the preserves within the area covered by the HCP to support the species addressed in this recovery plan; and
6. Sufficient funding for management, maintenance, and monitoring of the preserves in perpetuity.

Through a regional conservation strategy, habitat protection can be strategically administered to minimize habitat fragmentation by connective reserves, implementing measures to reduce edge effects, and to adaptively monitor and manage across the entire reserve system. The *Effects of the Action* section of this biological opinion discusses the six elements described above and how the actions proposed by the SunCreek project are consistent with both the conservation strategy of the Final SSHCP and the elements described in the Recovery Plan. Following is a discussion of the Mather Core Recovery Area, including discussions of current conditions and threats to federally-listed vernal pool species within the SunCreek Specific Plan Area and proposed off-site preserves.

### **Mather Core Recovery Area**

Within the Mather Core Recovery Area, the number of occurrences of federally-listed vernal pool species has declined due to a number of human-caused activities, primarily conversion of habitat to urban land uses. In the most recent analysis of vernal pool loss within the Mather Core Recovery Area, Witham et al. (2014) found that from 2005 to 2012, 378 acres of habitat have been destroyed. This equates to a 3% loss over this seven year period. Witham et al. (2014) determined that in 2012 there were approximately 13,659 acres of vernal pool grassland habitat remaining within the Mather Core Recovery Area. In addition to direct habitat loss, vernal pool habitat within the Mather Core Recovery Area continues to become highly fragmented through urbanization, the construction of roads, water infrastructure projects, and other human activities. The Mather Core Recovery area is almost entirely contained within the Sacramento County Urban Services Boundary (USB).

Urbanization in unincorporated areas of Sacramento County is largely shaped by the USB, which is the area where Sacramento County will guide development until 2030, as addressed in the county's General Plan (County of Sacramento 2011). The City of Rancho Cordova has also similarly guided development within the Mather Core Recovery Area (City of Rancho Cordova 2006). For this reason there is a high level of conflict between urban land use and vernal pool conservation within the Mather Core Recovery Area. Conservation in accordance with a regional strategy is of particular importance in this core recovery area to ensure that large blocks of intact vernal pool habitat are protected and connected to ensure continued functionality of the physical and biological elements of the vernal pool landscape.

Currently, 3,236.3 acres of vernal pool grassland habitat is protected within the Mather Core Recovery Area (See Table 1). The largest grouping of existing Preserves occurs in an area located south of Jackson Highway between Excelsior and Eagles Nest roads north of Grant Line Road. These properties are located within an area that has been termed the "Sacramento Prairie Vernal Pool Area" by the Sacramento Valley Conservancy, and which represents some of the largest intact vernal pool grassland remaining within the Mather Core Recovery Area and southern Sacramento County. These preserves include lands under conservation easement or owned by the Sacramento Valley Conservancy, two conservation banks (Arroyo Seco, and Bryte Ranch), and other vernal pool mitigation sites. Several additional conservation banks and conservation set-asides are scattered throughout Sacramento County's Urban Development Area, with concentrations occurring along northern Laguna Creek and at the Keifer Landfill.

**Table 1: Existing Preserves in the Mather Core Recovery Area**

<b>Preserve</b>	<b>Acres</b>
Arroyo Seco Mitigation Bank	244.1
Bryte Ranch	551.6
County Of Sacramento	317.0
Conservancy to Protect the Lands	129.1
Excelsior 184	185.0
Kieffer Landfill	242.3
Klotz	315.3
Montelena	53.6
Sacramento County	142.0
Sacramento Valley Open Space Conservancy	439.8
Southgate Recreation/Park District	9.8
Sunridge	402.1
Sunridge Park	6.3
Triangle Rock	133.7
Werre	31.3
Werre Preserve	33.2
<b>Total</b>	<b>3,236.3</b>

### **SunCreek Specific Plan Area**

The entire SunCreek Project is located within the Mather Core Recovery Area. There are numerous records for occurrences of vernal pool fairy shrimp and vernal pool tadpole shrimp within and around the proposed SunCreek Project (CNDDDB 2019). The vernal pools on the proposed project site are highly variable in surface area and depth, which provides a wide array of habitat for vernal pool endemics, including federally listed vernal pool fairy shrimp and vernal pool tadpole shrimp. The vernal pool habitat found within the SunCreek Project contains high quality vernal pool grasslands. The SunCreek Project was included within the Mather Core Recovery Area because of the high quality vernal pools found onsite.

### **Consultations**

The Service issued a biological opinion for the Cordova Hills Project (file no. 08ESMF00-2016-F-2190) on December 9, 2016. Cordova Hills is another of the Big Five projects anticipated in the SSHCP. The 2,669-acre Cordova Hills project also is located within the Mather Core Recovery Area and will impact high quality vernal pool grasslands and resident species vernal pool fairy shrimp, vernal pool tadpole shrimp, and Sacramento Orcutt grass. Cordova Hills was analyzed as an “on ramp” or early implementation of SSHCP. In addition to hard-line SSHCP Preserve System preserves, the Cordova Hills Project has implemented permittee-responsible preservation of high quality vernal pool habitat as well as mitigation for impacts to waters of the U.S. under their Clean Water Act section 404 permit from the Corps. The lands acquired and used for protection of vernal pool grassland, as well as vernal pool establishment and re-establishment, will be made part of the SSHCP Preserve System and managed in perpetuity for the benefit of SSHCP Covered Species.

The Service is currently in consultation with the Corps on the Mather Specific Plan. This project includes preservation of vernal pool as well as various types of development on the former Mather Air Force Base. The Mather Specific Plan is not part of SSHCP but is situated within the SSHCP Plan area. Vernal pools that will be preserved within the Mather Specific Plan area are adjacent to or contiguous with vernal pool habitat within SSHCP.

## Effects of the Action

A number of landowners within the SunCreek Project have a lengthy history working with the resource agencies (Corps, Service, California Department of Fish and Wildlife) that pre-dates by many years the formulation of SSHCP impact assessment methodologies and AMMS. They have responded to guidance provided through time by many different agency staff. As a result of having moved through the local land use planning process well in advance some of the other large Master or Specific Plans within the SSHCP Plan Area, and the long working history with resource agencies, the SunCreek Project has worked with the Service during the consultation process to develop a methodology to assess effects to listed species and their habitats that is specific to the SunCreek Project but similar to the approach used for SSHCP. For this reason, SunCreek Project does not adhere precisely to SSHCP impact assessment methodologies for indirect effects. The approach used is described in ECORP 2014b.

### *Methodology for Determining Land Cover Types*

- The resource data on which the following characterization and analysis of the SunCreek Projects is based were developed according to Final SSHCP methodology.
- A principal component of the Final SSHCP's Plan Area biological resources baseline is the composition and distribution of the Final SSHCP land cover types throughout the Plan Area. Final SSHCP land cover types represent classifications of land surface interpreted from aerial photographic signatures. Final SSHCP land cover types generally represent vegetation associations, water, or specific human land uses. SSHCP land cover mapping occurred in several stages. Vernal Pool and Swale land cover type mapping occurred early in the SSHCP planning process and was accomplished through interpretation of black-and-white aerial imagery dated March 2001 and mapped at a scale of 1 inch = 200 feet (1:2,400). See Appendix E of the SSHCP (Land Cover Type Report) for more information on the process used to map Vernal Pool and Swale in the Plan Area. The primary mapping of all other SSHCP land cover types was completed in 2004 and was developed from the interpretation of color aerial imagery dated November 2002 and mapped at a scale of 1 inch = 400 feet (1:4,800). These original mapping efforts have been periodically updated and refined to reflect subsequent modifications of SSHCP land covers (such as land cover conversion), to expand the initial Plan Area boundaries, and to correct mapping errors in the original 2001 and 2004 aerial imagery interpretation based on field visits or other site specific information. The Final SSHCP land cover mapping effort also reflects final mapping refinements that occurred in 2012-2014 based on interpretations of various color aerial photos.
- To ensure that the SunCreek Projects' impacts and conservation are consistent with the Final SSHCP, SunCreek characterized physical and biological resources in accordance with methodologies used to develop the Final SSHCP. Chapter 3 of the Final SSHCP describes land cover types. There are 25 SSHCP land cover types in the SSHCP Plan Area. Seventeen land cover types are classified as SSHCP "natural land covers," which includes native and naturalized environments and agricultural lands that have habitat value for SSHCP Covered Species. Eight SSHCP land cover types are classified as "developed/non-habitat land covers" and provide minimal habitat value for native species, including the SSHCP Covered Species. Chapter 3 of the Final SSHCP also defines aquatic land cover types within the Final SSHCP Plan Area, and includes vernal pools, swales, seasonal wetlands, stream/creek [Vernal Pool Invertebrate Habitat (VPIH)], stream/creek, freshwater marsh, and open water. The Final SSHCP considers the following aquatic land cover types to be suitable habitat for vernal pool crustaceans: vernal pools, swales, and stream/creek (VPIH). A brief description of these habitat types follows.

- Vernal pools -Vernal pools are seasonal ephemeral wetlands that fill and dry each year. In Central Valley annual grasslands, they form in shallow depressions that are underlain with a soil or a soil layer impermeable to water.
- Swales - Swales are shallow seasonal drainages found in flat to gently rolling Valley Grassland in association with vernal pool complexes, on soils with an impermeable layer. Swales convey runoff as shallow, gently sloping ephemeral wetlands during, and for short periods after, winter rainstorms. Swales are associated with vernal pools and provide intermittent conduits between vernal pools for movement of surface water and propagules of vernal pool plant and animal SSHCP Covered Species (seeds, cysts, eggs, and spores). Swales may provide benefits to vernal pool crustaceans (water and nutrients), but do not likely provide measurable breeding habitat for vernal pool crustaceans because water flows quickly through these features and ponding is insufficient to create breeding habitat.
- For the purposes of this biological opinion, it was determined that the “swale” aquatic land cover type should be divided into two separate categories: ESA swales and non-ESA swales. The ESA swales are swales that were determined to provide habitat for vernal pool crustacean species and followed the definition provided above. Non-ESA swales are typically steep and fast flowing, creating gullies and ravines, drop pools, and other features typically created through water erosion. Non-ESA swales do not provide direct habitat for vernal pool crustaceans; however, they provide water and nutrients to vernal pools downstream.
- Stream/creek (VPIH) - The SSHCP Stream/Creek (VPIH) land cover type is typically an intermittent drainage that is vegetated with Valley Grassland plant species and is ephemeral (conveys water only during and for a short time after rain events). Unlike the Swale land cover type, the Stream/Creek (VPIH) land cover is less likely to support vegetation characteristic of vernal pools.
- The Service worked closely with the project applicants and Sacramento County to describe all aquatic and upland habitat types found within the Individual SunCreek Projects in terms consistent with the Final SSHCP. This was achieved through GIS analysis and site visits to determine what land cover types and aquatic habitats occur within the SPA and offsite preserves. The SunCreek project contains only one terrestrial SSHCP land cover type – valley grassland. All aquatic land cover types present within the Individual SunCreek Projects was also identified.

### ***Vernal Pool Watersheds***

Indirect effects on vernal pool resources for the SunCreek Project were assessed by the following (ECORP 2014b):

- Wetlands within 250 feet of a non-compatible land use. Non-compatible land uses include residential and commercial development. Compatible land uses include parks, athletic fields, detention basins, single loaded roads with front loaded houses, and schools with athletic fields adjacent to the Preserve.
- Wetlands within 100 feet of adjacent land use, whether it is compatible or not;
- Wetlands with greater than 50% of the upland watershed impacted by adjacent land use. Watersheds were calculated for each depression seasonal wetland and vernal pool on the project site using 2004 Sacramento County LIDAR data and project wetland delineation as inputs. The flow model generates a layer that describes discrete watershed areas and likely water flow paths across the entire project site, where each discrete watershed represents the drainage area for an individual depression seasonal wetland. These watersheds show the detailed flow patterns across the vernal pool landscape and can be used to identify where micro-

topology directs flows. This information allows for an open space preserve that minimizes changes to wetland hydrology within the preserve area. The wetland watershed data were utilized to refine the base open space preserve areas to assure that wetlands within the preserve areas would have minimal indirect impacts associated with the grading within the remaining open space and the development areas. ECORP Consulting (2014) contains more information on how individual watersheds were calculated.

### ***Effects from Grading Activities at the SunCreek Project***

The hard-line preserve within the SunCreek Project will protect 17.11 acres of vernal pool habitat within 197.3 acres of valley grassland. In addition, each Individual SunCreek Project will pay SSHCP fees for SSHCP Land Cover Types impacted within each Individual SunCreek Project site and associated Backbone Infrastructure. Those fees will be used by SSHCP to implement the conservation strategy, including but not limited to land protection, monitoring, and adaptive management of Covered Species and Covered Species habitat, and mitigation for impacts to waters of the U.S. through the SSHCP ILF program.

### **Direct Effects to Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp Habitat**

The construction of the SunCreek project will result in the permanent loss of 21.92 acres of suitable vernal pool fairy shrimp and vernal pool tadpole shrimp aquatic habitat. In addition, 1,047.8 acres of vernal pool grassland habitat will be lost, contributing to the reduction of the acreage of the remaining vernal pool habitat for these species within the Mather Core Recovery Area. The six Individual SunCreek Projects and associated Backbone Infrastructure will not be developed at the same time and impacts are expected to occur over many years depending on when individual projects decide to move forward.

Based on acreage amounts provided in Witham et al. (2014), this is a reduction of approximately 7% of remaining habitat within the Mather Core Recovery Area. The project related activities, such as mass grading, placement of fill, paving, and the use of earth moving equipment, will result in the loss of vernal pool crustacean habitat and the death of an unknown number of cysts. Earthmoving equipment moves dirt and fills vernal pool habitat during construction activities and will likely crush or destroy the cysts, or prevent the cysts from hatching. The project will also result in the loss of watercourses (e.g., non-ESA swales) that may not provide habitat for vernal pool crustaceans, but do provide water and nutrients to aquatic vernal pool habitat. Table 2 provides a summary of these impacts to both ESA and non-ESA habitats.

### **Indirect Effects to Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp Habitat**

Using the Final SSHCP methodology for determining indirect effects [(i.e., indirect effects are assumed when over 10% of an aquatic feature's watershed is impacted, as defined by the Final SSHCP LiDAR analysis (see Section 3.3 of the Final SSHCP)], the SunCreek project will result in indirect impacts to 1.63 acres of aquatic vernal pool habitat. In instances where habitat is avoided but adjacent to surrounding urban uses, edge effects to the existing vernal pool complexes may increase. These effects are more likely to occur to aquatic vernal pool habitat that is directly adjacent to, or within close proximity to urban development. The surrounding hardpan will be removed during grading activities, which will alter the existing hydrology by reducing the connectivity between the pools, and changing the timing, duration, and depth of vernal pool filling that supports the vernal pool aquatic habitat. This may result in aquatic habitat drying too fast for individuals to complete reproduction in some years.

Other indirect impacts to vernal pools and surrounding upland areas within the onsite preserves may occur due to increases in trash, invasion by non-native plants species, increases in contaminants, and decreases in populations of wildlife and insect species that perform crucial roles in vernal pool ecosystems (e.g., pollinator species may decrease due to loss of adjacent uplands which in turn impacts vernal pool plant species). The avoided onsite preserve will be a narrow corridor between adjacent urban land uses that will likely be impacted by edge effects, particularly changes in hydrology, increases in contaminants, and loss of adjacent uplands. The project has been designed so that adjacent land uses will consist primarily of parks, detention basins, and other land uses that will likely have decreased edge effects compared to areas directly adjacent to housing and commercial development. Other indirect effects may occur from the impacts associated with the installation of livestock fencing, watering facilities (troughs, pipelines, wells, etc.), and areas proposed for livestock management infrastructure (e.g., corral locations).

The Service expects that the onsite preserve be intensively monitored and managed in accordance with SSHCP protocols to identify and address changes in physical or biological functions of aquatic vernal pool and surrounding upland habitat. Enclosure 2 of this biological opinion contains a summary of the avoidance and minimization measures included in the Final SSHCP. These AMMs include measures to reduce impacts to water quality (e.g., use of LID practices), use of preserve setbacks, use of BMPs during construction activities, and other measures designed to minimize or avoid indirect effects to vernal pool species habitat from nuisance flows, and disruption of hydrology of vernal pools near the preserve edge. Preserve fencing will reduce human incursion within preserve and the long-term monitoring and adaptive management will provide grazing management to control thatch build-up and identification and control of invasive weeds. The long-term management and monitoring plans will be required to contain measures that reduce or eliminate these threats as well.

### **Contribution to a Regional Conservation Strategy**

The 2005 Recovery Plan suggests that alternative strategies such as development of HCPs may be deemed equivalent to implementation of the Recovery Plan if the HCP contains certain elements. The conservation actions carried out to meet the Final SSHCP Biological Goals and Measureable Objectives are intended to be consistent with the recovery criteria for the vernal pool fairy shrimp, vernal pool tadpole shrimp, and Sacramento Orcutt grass. The proposed SunCreek project's conservation actions can contribute to, and will not preclude implementation of, a regional conservation strategy that meets the elements described in the Recovery Plan. The preserves proposed by the proposed project will provide large blocks of intact, high quality habitat both onsite and offsite. Most of the preserves are contiguous with already preserved areas. Linear preserves will help to protect portions of upper watersheds for significant drainages and allows opportunities to connect sites through a regional conservation strategy that benefits federally-listed species including vernal pool fairy shrimp and vernal pool tadpole shrimp. A discussion of the six elements described in the Recovery Plan follows.

1. Permanently-protected vernal pool preserves within the area covered by the HCP in large contiguous blocks of suitable habitat;

Preserving large blocks of vernal pool habitat is a key component of a regional conservation strategy including the Final SSHCP. As noted previously in the *Description of the Action* section, the SunCreek Project contains hard-line preserves to become part of the SSHCP preserve system. These preserves will provide connectivity corridors for the Final SSHCP and are located in the Mather Core Recovery Area. Additionally they will add to already preserved vernal pool habitat within the Final SSHCP planning area (see discussion under

Criteria 4, below). These preserves will add to the conservation value of the existing preserves within the Final SSHCP planning area and ensure long-term integrity of the vernal pool resources to maintain and enhance population viability and protect vernal pool and valley grassland landscape functions. The preserves are of sufficient size to minimize edge effects between natural and developed land. Preserved vernal pools and swales in these large habitat blocks will have sufficient uplands to preserve existing functions (such as food chain support, hydrologic cycle, and nutrient cycling); thereby ensuring fully functional vernal pool landscapes remain in the proposed preserves.

2. Protection of the entire genetic range of each listed species within the area covered by the Habitat Conservation Plan;

The preserves will be managed to maintain or expand the existing distribution of vernal pool fairy shrimp and vernal pool tadpole shrimp, which will contribute toward preserving the genetic range of these species within the Mather Core Recovery Area and the Final SSHCP plan area. In addition, the preserves protect habitat within a broad range of vernal pool habitat types (i.e., soils, geologic formations, and geographic locations). This range of habitat types and areas are likely to support greater biodiversity, including genetic diversity within and among populations (Service 2005).

3. Protection of all populations of species with 25 or fewer total occurrences addressed in the Recovery Plan within the area covered by the HCP;

This element is not applicable because more than 25 occurrences of vernal pool fairy shrimp and vernal pool tadpole shrimp are known.

4. Connectivity with other preserves within the area covered by the HCP;

We expect SSHCP to establish preserves adjacent to other existing conservation lands. Should Individual SunCreek Projects wish to propose land in lieu of payment of SSHCP fees, we also would expect contributions of high quality vernal pool habitat, as some of the individual SunCreek Project landowners are known to own or control high quality vernal pool habitat in proximity to existing conserved lands. Such such lands be proposed, they would need to be evaluated and accepted by the SSHCP.

5. Adaptive management of the preserves within the area covered by the HCP to support the species addressed in this recovery plan;

The SunCreek project proponents will pay SSHCP fees that will be used to develop preserve management and monitoring plans to ensure the preserves will be managed in perpetuity for the benefit of vernal pool species, including the vernal pool fairy shrimp and vernal pool tadpole shrimp. Although threats will vary somewhat at each SSHCP preserve, habitat management actions will promote population stability of listed species and will include, but not be limited to: (1) maintaining the hydrology of the vernal pools or vernal pool complexes; (2) controlling invasive plants (e.g., through appropriately managed grazing or mowing); and, (3) ensuring suitable upland habitat to preserve existing functions. Monitoring actions will be specific to the individual listed species, but also assess the entire ecosystem, and utilize adaptive management. SSHCP management and monitoring activities will ensure long-term health of natural communities, ecosystem processes, and SSHCP Covered Species found on the preserves. These management actions are important to eliminate or ameliorate threats to vernal pool species, including loss, fragmentation, degradation, and alteration of

habitat; competition/predation from non-native species, and other manmade factors such as disturbance of vernal pool habitats by recreational activities, inappropriate grazing regimes, and contamination by urban and agricultural activities.

6. Sufficient funding for management, maintenance, and monitoring of the preserves in perpetuity.

We expect that SSHCP will ensure that SSHCP fees are sufficient to ensure that adaptive management and monitoring activities will be conducted in perpetuity.

## **Cumulative Effects**

Cumulative effects include the effects of future state, tribal, county, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act. The Service is not aware of any reasonably certain future action that could result in effects in the action area.

The Service is aware of several other large-scale development projects that are in some stage of the planning process that are all generally located adjacent to one another and are all located within the Mather Core Recovery Area. These projects, as proposed, will further reduce the available vernal pool habitat by destroying an additional 4,601 acres of vernal pool grassland. These projects include the NewBridge Specific Plan (1,095 acres), the Jackson Township Specific Plan (1,391 acres), the Cordova Hills Special Planning Area (2,668 acres), the Mather South Community Master Plan (850 acres) and the Sacramento Capital Southeast Connector Project. These projects are all within the Final SSHCP Plan Area and would be included in the regional conservation strategy in the event that the Final SSHCP is permitted. At this time, however, they represent potentially significant additional sources of habitat loss and fragmentation of habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp within the Mather Core Recovery Area.

## **Conclusion**

After reviewing the current status of the vernal pool fairy shrimp and vernal pool tadpole shrimp, the environmental baseline for the action area, the effects of the proposed SunCreek project, and the cumulative effects, it is the Service's biological opinion that the SunCreek project, as proposed, is not likely to jeopardize the continued existence of the vernal pool fairy shrimp and vernal pool tadpole shrimp. The Service reached this conclusion because the project-related effects to the species, when added to the environmental baseline and analyzed in consideration of all potential cumulative effects, will not rise to the level of precluding recovery or reducing the likelihood of survival of the species based on the following: (1) the applicant has proposed a mitigation strategy designed to be consistent with the regional conservation strategy of the Final SSHCP permitted on June 12, 2019, including protection, management, and monitoring of an on-site preserve for listed vernal pool species; (2) the proposed project will vernal pool grassland habitat at a ratio of 1:1 through payment of SSHCP fees, which ensures there is sufficient associated uplands to provide biological and physical support to aquatic habitat ecosystem function (such as food chain support, hydrologic cycle, and nutrient cycling); thereby ensuring fully functional vernal pool landscapes remain in the proposed preserves; and, (3) based on the mitigation proposed by the project applicant, the adverse effects to the vernal pool fairy shrimp and vernal pool tadpole shrimp will be offset by the long-term preservation, adaptive management, and monitoring of the habitat within a regional conservation plan and, relative to the range of the species (acreage), are not significant.

## INCIDENTAL TAKE STATEMENT

Section 9 of the Act and federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harass is defined by FWS regulations at 50 CFR 17.3 as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Harm is defined by the same regulations as an act which actually kills or injures wildlife. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described below are non-discretionary, and must be undertaken by the Corps so that they become binding conditions of any grant or permit issued to the applicant, as appropriate, for the exemption in section 7(o)(2) to apply. The Corps has a continuing duty to regulate the activity covered by this incidental take statement. If the Corps (1) fails to assume and implement the terms and conditions or (2) fails to require the applicant to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the Corps must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement [50 CFR §402.14(i)(3)].

### **Amount or Extent of Take**

The incidental take of vernal pool fairy shrimp and vernal pool tadpole shrimp anticipated for the proposed project will result from either the grading and destruction of the cysts, or from the ground disturbance and both the temporary and permanent alteration of hydrology directly related to the construction of the proposed SunCreek project, for a total of 23.55 acres of aquatic vernal pool habitat [21.92 direct effects (permanently lost) + 1.63 indirect effects]. The life stage affected by these actions will be the shrimp's cysts, which are embedded in the soil of the vernal pools. Due to the fact that it is not possible to know how many cysts are in the soil of any wetland feature, or how many cysts will occupy any wetland feature later in time, the Service cannot quantify the total number of fairy shrimp cysts that we anticipate will be taken as a result of the proposed action. In instances in which the total number of cysts anticipated to be taken cannot be determined, the Service may use the acreage of habitat impacted as a surrogate; since the take of cysts anticipated will result from the destruction or the altered hydrology of the fairy shrimp habitat, the quantification of habitat acreage serves as a direct surrogate for the fairy shrimp that will be lost. The vernal pool and swale habitat affected precisely corresponds to the area in which take will occur. Therefore, the Service anticipates take incidental to this project as the 23.55 acres of vernal pool fairy shrimp and vernal pool tadpole shrimp habitat that will be destroyed and/or rendered unsuitable to support breeding, feeding, and sheltering of both vernal pool fairy shrimp and vernal pool tadpole shrimp.

Upon implementation of the following reasonable and prudent measures, incidental take of the vernal pool fairy shrimp and vernal pool tadpole shrimp associated with the SunCreek Project will become exempt from the prohibitions described in section 9 of the Act. No other forms of take are exempted under this opinion.

### **Effect of the Take**

In the accompanying biological opinion, the Service determined that this level of anticipated take is not likely to result in jeopardy to the species.

### **Reasonable and Prudent Measures**

All necessary and appropriate measures to avoid or **minimize** effects on the vernal pool fairy shrimp and vernal pool tadpole shrimp resulting from implementation of this project have been incorporated into the project's proposed conservation measures. Therefore, the Service believes the following reasonable and prudent measure is necessary and appropriate to **minimize** incidental take of the vernal pool fairy shrimp and vernal pool tadpole shrimp:

1. All conservation measures, as described in the Project Description section of this biological opinion, shall be fully implemented and adhered to. Further, this reasonable and prudent measure shall be supplemented by the terms and conditions below.

### **Terms and Conditions**

In order to be exempt from the prohibitions of section 9 of the Act, the Corps must ensure compliance with the following term and conditions, which implements the reasonable and prudent measure described above. These terms and conditions are nondiscretionary.

1. The Corps shall include full implementation and adherence to the conservation measures proposed by the project applicant and restated in this biological opinion as a condition of any permit issued for the project.

### **CONSERVATION RECOMMENDATIONS**

Section 7(a)(1) of the Act directs federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to **minimize** or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information. The Service recommends the following actions:

1. The Corps should continue to work with the Service to assist us in meeting the goals of the *Recovery Plan for Vernal pool Ecosystems of California and Southern Oregon* (Service 2005) through development and implementation of regional conservation strategies such as HCPs/NCCPs.

In order for the Service to be kept informed of actions **minimizing** or avoiding adverse effects or benefiting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

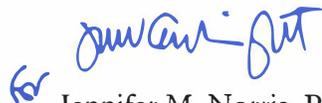
### **REINITIATION—CLOSING STATEMENT**

This concludes formal consultation on the SunCreek Project. As provided in 50 CFR §402.16, reinitiation of formal consultation is required and shall be requested by the Federal agency or by the Service where discretionary Federal agency involvement or control over the action has been retained or is authorized by law and:

- (a) If the amount or extent of taking specified in the incidental take statement is exceeded;
- (b) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;
- (c) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or
- (d) If a new species is listed or critical habitat designated that may be affected by the identified action.
- (e) Upon proposal of permittee-responsible compensatory mitigation by any of the six SunCreek landowners, including compensatory mitigation for backbone infrastructure.

If you have any questions regarding this biological opinion, please contact Rick Kuyper, Division Chief ([richard\\_kuyper@fws.gov](mailto:richard_kuyper@fws.gov)) or Jan Knight, Deputy Field Supervisor ([jan\\_knight@fws.gov](mailto:jan_knight@fws.gov)), at the letterhead address or at (916) 414-6649 or (916) 414-6702 or both.

Sincerely,



for Jennifer M. Norris, Ph.D.  
Field Supervisor

Enclosures

ec:

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Bjorn Gregerson, ECORP Consulting, Rocklin, California  
Kathleen Ports, ECORP Consulting, Rocklin, California  
Darcy Goulart, City of Rancho Cordova, Rancho Cordova, California  
Kim Hudson, South Sacramento Habitat Agency, Sacramento, California

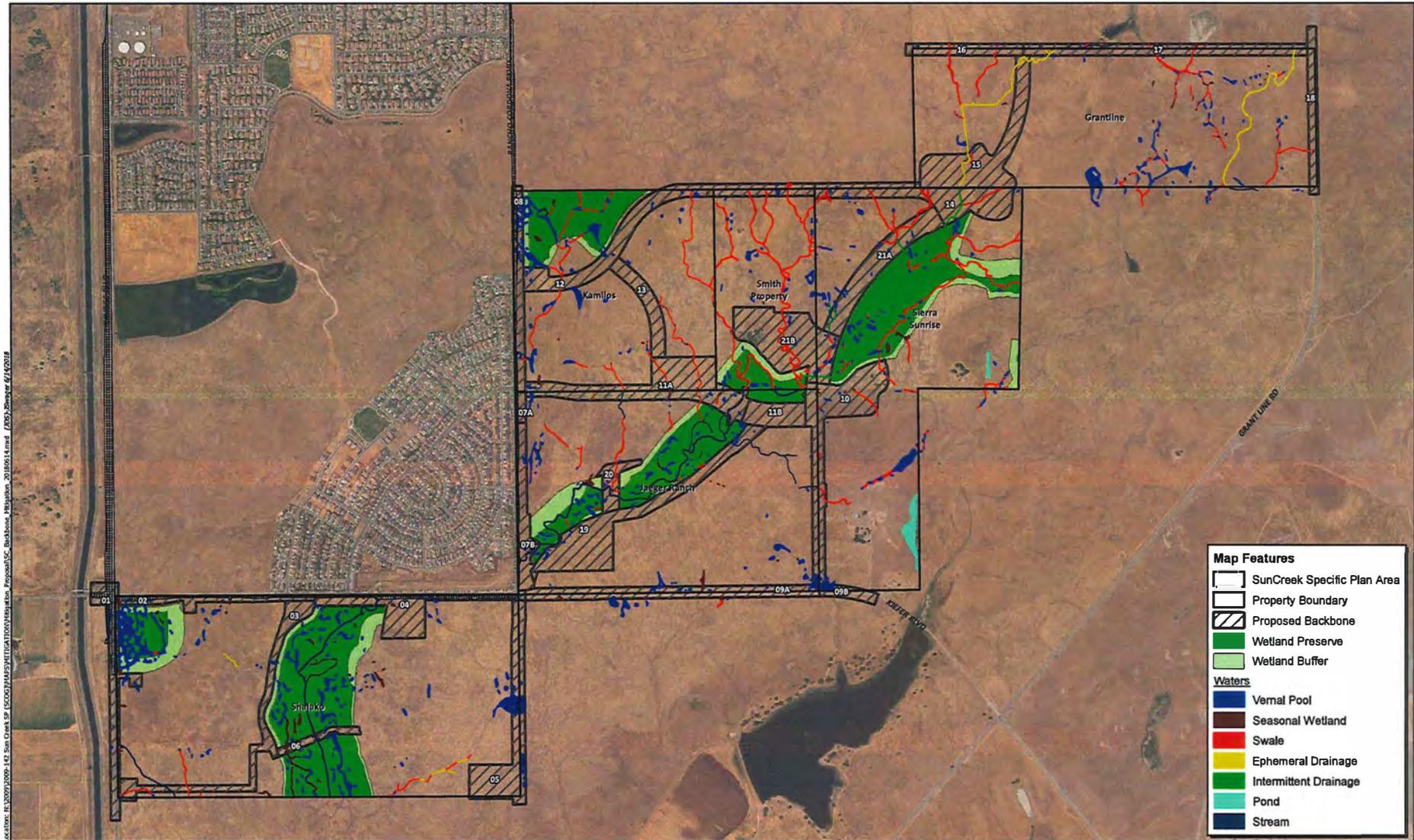
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**Enclosure 1: Description of phasing approach for backbone infrastructure. Segments listed under individual properties correspond with segments shown on Figure 1 of this appendix.**

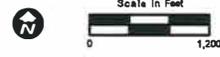
<b>Property</b>	<b>Corresponding Segments</b>
Shalako	1, 2, 3, 4, 5, 6
Jaeger Ranch	7A, 7B, 9A, 10, 11A, 11B, 19, 20
Kamilos	8, 11A, 12, 13
Smith/Vrame	10, 11A, 12, 21B
Sierra Sunrise	9B, 10, 14, 21A, 21B
Grantiline	15, 16, 17, 18





Location: H:\2009\2009-142\_SunCreek\_SIP\ECORP\MAPS\FIG1\FIG1\_001\Hatched\_Backbone\_20180514.mxd (2018-05-14 11:41:21 AM)

Map Date: 6/14/2018  
Photo Source: 2016, NAIP



**Enclosure 1 Figure 1. Backbone Infrastructure Segments**  
2009-142 SunCreek



## ENCLOSER 2

### **Applicable Avoidance and Minimization Measures for the SunCreek Projects (Individual Projects and Backbone Infrastructure within SunCreek Specific Plan) as described in Chapter 5 of the SSHCP.**

#### **5.4.1 General Avoidance and Minimization Measures**

General Avoidance and Minimization Measures (AMMs) are designed to avoid or minimize effects of Covered Activities on SSHCP land cover types and Covered Species.

#### **Condition 1. Avoid and Minimize Urban Development Impacts to Watershed Hydrology and Water Quality**

National Pollution Discharge Elimination System permits are issued by the Regional Water Quality Control Board to jurisdictions in the region, including the jurisdictions that are also SSHCP Land Use Authority Permittees (i.e., County of Sacramento, and cities of Rancho Cordova and Galt). The National Pollution Discharge Elimination System permit is issued to each of the Land Use Authority Permittees every 5 years, and is referred to as the Municipal Separate Storm Sewer System (MS4) permit. MS4 permits contain specific design measures required for all projects constructed within the region. The Stormwater Quality Design Manual for the Sacramento and South Placer Regions (Stormwater Manual) outlines planning tools and requirements to reduce urban runoff from new development and redevelopment projects within the region (Sacramento Stormwater Quality Partnership 2007). The Stormwater Manual is used as a general guidance document to aid with the selection, siting, design, operation, and long-term maintenance of stormwater quality control measures. The Stormwater Manual contains control measures intended to meet the standard of "reducing pollutants in urban runoff to the maximum extent practicable" set forth in the local agencies' MS4 permits issued by the Central Valley Regional Water Quality Control Board. AMM LID-1 (see below) is designed to ensure compliance with MS4 requirements by requiring Third-Party Project Proponents to minimize increases of peak discharge of stormwater and to eliminate or reduce runoff of pollutants.

Development Covered Activities may adversely alter watershed hydrology and degrade water quality, which, in turn, could diminish or eliminate the conservation benefits provided by the SSHCP Preserve System. Condition 1 is designed to conserve and/or rehabilitate on-site natural creeks and streams. This condition will require the provision of BMPs and low-impact development (LID) drainage control measures to ensure that runoff from developed lands will closely mimic the pre-development hydrograph and retain most pre-development hydrologic functions. Condition 1 will accomplish the hydrograph and hydrologic objectives through application of the listed AMMs to all Urban Development Area (UDA) Covered Activities that occur at the parcel, subdivision, or master plan scale.

**LID-1 (Stormwater Quality):** When the size of a Covered Activity project exceeds the thresholds established by the State Water Resources Control Board (SWRCB) (see the most recent Stormwater Quality Design Manual for the Sacramento and South Placer Regions, or future SWRCB-approved design manuals applicable to the Plan Area), incorporate stormwater management into site design to satisfy the requirements outlined in the most recent Stormwater Quality Design Manual for the Sacramento and South Placer Regions. Stormwater management may include groundwater recharge (LID-2) and natural site features (LID-3).

The City of Rancho Cordova adopted a new Stormwater Quality Design Manual that became effective on July 1, 2018. The new manual includes an exemption for large specific plans or community plans

that have a drainage master plan approved on or after July 1, 2017, which is the case for the SunCreek Specific Plan. Therefore, the SunCreek Projects are exempt from LID requirements.

**LID-2 (Groundwater Recharge):** When siting SSHCP Preserves containing Riparian, Open Water, or Freshwater Marsh SSHCP land cover types, the implementing entity will prioritize locations that are suitable for groundwater recharge.

The SSHCP and USFWS have reviewed and approved the SunCreek Projects' preserve design which prioritizes the riparian areas, wetlands, and other land cover types that encourage groundwater recharge. The SunCreek Projects comply with this measure.

**LID-3 (Natural Site Features):** Incorporate preservation of a site's natural aquatic features (such as creeks and streams) into project design to retain natural hydrologic patterns and to retain habitat that might be used by Covered Species.

After an extensive consultation process, the regulatory agencies in association with Sacramento County (acting as agent for the SSHCP and joint powers agency) have reviewed and approved the SunCreek Projects' preserve design in large part due to the large linear wetland preserves which maximize the preservation of the site's natural aquatic features and provide needed habitat corridors for Covered Species. The SunCreek Projects comply with this measure.

#### **Condition 2. Avoid and Minimize Urban Development Direct and Indirect Impacts to Existing Preserves and SSHCP Preserves**

Development Covered Activities adjacent to Preserves may adversely impact species that use the Preserve and erode or eliminate the conservation benefits provided by the Preserve. Condition 2 seeks to avoid or minimize the following Covered Activity environmental stressors that may result in direct and indirect impacts to the SSHCP Preserve System:

- Alterations to landscape hydrology from new impervious surfaces may adversely affect natural communities in the lower watershed, the ecology of a Preserve, and/or downstream aquatic resources.
- Water runoff from development or from roadways directed into Preserves may introduce harmful substances into Preserves. Unseasonal and/or additional water entering a Preserve may eliminate vernal pools and other seasonal wetlands native to the region by converting them to low-functioning perennial wetlands.
- Development adjacent to Preserves may partially to fully remove the soil's "perched aquifer" (see Chapter 3) and reduce or eliminate the micro-watersheds that support the hydrology of vernal pools within the Preserve boundary. These changes may adversely affect the existing hydrologic regime of vernal pools by changing the timing, depth, and/or duration of vernal pool saturation and/or ponding, causing long-term changes to a suite of vernal pool functions. For example, changes to water chemistry could adversely affect species habitat. Although the vernal pools remain, the environmental conditions of the pools may no longer provide habitat for vernal pool Covered Species, or provide the benefit of other wetland functions (e.g., stormwater attenuation) compared to pre-project conditions.
- Introduction or proliferation of non-native or invasive plant and wildlife species may displace native species.
- Landscaping in the interface of a development and a Vernal Pool-Grassland Preserve often includes native or non-native trees and other plant species that are not found in California grasslands and, therefore, cannot survive on the Vernal Pool-Grassland Preserve border without

intensive irrigation and cultivation. In addition to adverse effects from irrigation and landscape maintenance, adult trees may become landscape barriers that inhibit species movement and may act to isolate individual Preserves from the larger SSHCP Preserve System.

- Recreational use of Preserves near developed areas may compact soils, eliminate vegetation, impair hydrologic functions, introduce weeds or invasive plant species, and disturb plants and wildlife.
- Introduction of light, noise, or vibrations may disrupt normal nocturnal and diurnal cycles of native species.

AMMs associated with Condition 2 must be applied to all UDA Covered Activities that border an existing Preserve or planned SSHCP Preserve.

**EDGE-1 (Compatible Land Uses):** To the maximum extent practicable, development project Covered Activities will locate compatible land uses (e.g., designated open space such as parks and ball fields, detention basins, and other land uses with less- intensive human activity) in areas immediately adjacent to existing or planned Preserve boundaries. The compatible land use will provide additional buffering of Preserves from potential indirect effects of adjacent urban development. The soil surfaces in a compatible land use area may be re-contoured provided that the soil restrictive layer remains undamaged and most of the soil profile above the restrictive layer remains intact. The Land Use Authority will determine when it is not practicable to locate a compatible land use adjacent to existing or planned Preserve boundaries.

The SunCreek Projects comply with this measure. The Preserve boundary was established in concert with the USACE and USFWS and has been approved by the City of Rancho Cordova (See Exhibit 1, dated 06/19/2018). The approved land uses adjacent to the Preserve and the configuration of the Preserve are designed to limit direct and indirect impacts to wetlands and other Waters within the onsite Preserve. This is achieved through incorporation of wetland buffers between the Preserve and noncompatible land uses and placement of compatible land uses in all other areas adjacent to the Preserve. Where noncompatible land uses are adjacent to the Preserve that may affect the soil restricting layer, the SunCreek Projects include a wetland buffer to ensure protection of the subsurface and surface flows to maintain the functionality of wetlands inside the preserve boundary. Compatible land uses include parks, athletic fields, detention basins, single loaded roads with front loaded houses, and schools with athletic fields adjacent to the Preserve. Parks and athletic fields may require minimal surface grading but will have little potential to impact hydrology and soil layers within the Preserve. Surface water runoff in season and out of season throughout the development will be controlled by storm water systems and detention basins.

**EDGE-2 (Single-Loaded Streets):** To the maximum extent practicable, the design of Urban Development Covered Activities will locate single-loaded streets adjacent to existing or planned Preserve. The Land Use Authority will determine when single-loaded streets are not practicable.

The City of Rancho Cordova has approved the conceptual design of the backbone infrastructure and street patterns of the SunCreek Projects, including a determination as to where single-loaded roads are appropriate (See Exhibit 1, dated 06/19/2018). The SunCreek Projects comply with this measure.

**EDGE-3 (Preserve Setbacks):** Urban Development Covered Activities constructed adjacent to existing or planned Preserves containing vernal pool species must establish a minimum 50-foot-wide setback outward from the boundary of any existing Preserve or planned SSHCP Preserve. This minimum 50-foot-wide setback will function as a transition

between Urban Development and the Preserve, and must be managed to maintain the natural community of vegetation present in the adjacent Preserve. As much of the setback as possible should remain in the same natural habitat as the Preserve.

However, as discussed in Section 5.2.5, Covered Activities in Preserve Setbacks in the UDA, where an existing or planned Preserve is adjacent to an existing roadway (e.g., collectors, arterials, thoroughfares), the 50-foot Preserve Setback will not be required, and any bicycle or pedestrian trail will be established in the road right-of-way. In addition, where a planned roadway crosses an existing or planned Preserve, no Preserve Setback will be required, and any bicycle or pedestrian trail will be established in the road right-of-way.

The Preserve boundaries and buffers were established in concert with USACE and USFWS and are approved by the City of Rancho Cordova (See Exhibit 1, dated 06/19/2018). A wetland buffer of variable widths will separate the Preserve from areas of urban development covered activities (i.e., noncompatible land use). The SunCreek Projects comply with the EDGE-3 setback requirements to the maximum extent practicable and as approved. For the most part, where the buffer is less than 50 feet, the Preserve is surrounded by a compatible land use as described in EDGE-1. The buffers have been reviewed by USFWS and determined to meet the intent of this condition.

**EDGE-3a (Setback Recreational Trails):** Trails are best suited outside of the setback; however, certain types of recreational trails or facilities (e.g., benches, trash receptacles, shade structures, fencing) that can be constructed with minimum ground disturbance and in compliance with EDGE-7 may be allowed within a Preserve Setback, as specified in Section 5.2.5, Covered Activities in Preserve Setbacks in the UDA. Preserve Setback design must locate trails on the side nearest development, away from the Preserve boundary. Trails may be permeable or semi-permeable hiking trails or paved community trails. The maximum trail width will be 16 feet total, including 2-foot-wide shoulders. Post and cable fencing, split rail, or other open fencing will be installed adjacent to recreation trails to keep pedestrians on the trail.

As approved by USACE and USFWS and the City of Rancho Cordova, proposed trails are largely located within the wetland buffer (See Exhibit 1, dated 06/19/2018). The SunCreek Projects comply with EDGE-3a. Recreational Trail Setback to the maximum extent practicable.

**EDGE-3b (Setback Firebreaks):** If approved by the local authorities, the Preserve Setback trail may also be used as a firebreak. In instances where a trail cannot act as a firebreak, the firebreak will be located between the trail and the Preserve boundary (see Section 5.2.7). Firebreaks allowed inside the setbacks must be created by methods that will not disturb the soil's restrictive layer, such as mowing, minor scraping of surface vegetation, or shallow tilling, to comply with EDGE-7. Firebreak width within Preserve Setbacks is the minimum width needed to comply with applicable local codes.

The SunCreek Projects will utilize the recreational trail setbacks for firebreaks to the maximum extent allowed by the City of Rancho Cordova.

**EDGE-3c (Setback Shade Trees and Landscaping):** To prevent potential impacts from irrigation water or from accumulation of leaf litter onto the grasslands or vernal pools of a Preserve, planting of shade trees or landscaping vegetation will be limited to the area of the Preserve Setback located between the recreation trail and the adjacent urban development (i.e., away from Preserves).

- Only drought-tolerant plant species will be planted. The planting pallet used for Preserve Setback landscaping will not include invasive plant species listed in the

California Invasive Plant Council's (Cal-IPC) California Invasive Plant Inventory Database or listed in the Cal-IPC California Invasive Plant Watch List (see <http://www.cal-ipc.org/paf/>). Any shade trees planted along Preserve Setback trails will be native species that are found in California grasslands and that can survive in the Vernal Pool–Grassland border without long-term irrigation or fertilization (e.g., valley oak, black oak, blue oak, or acorn oak). In general, no more than 30% of any 1,000-foot-long segment of a Preserve Setback trail will have canopy cover from tree plantings (to be consistent with maximum tree densities naturally found within native California grasslands and savanna).

- Drip irrigation will be allowed for a maximum of 5 years to establish shade trees or landscape vegetation between the recreation trail and adjacent urban development. The Implementing Entity has the discretion to allow irrigation to continue past 5 years if extenuating circumstances necessitate it (e.g., during a drought) and the continuance of irrigation will not affect the Preserve. Any irrigation systems located within Preserve Setbacks will be inspected quarterly to determine if such systems are affecting soils or vegetation not part of the intended plantings. Irrigation system repairs will be completed immediately if it is determined that the irrigation system is affecting vegetation or soil moisture not part of the intended tree planting.
- If, during annual monitoring of the adjacent Preserve (see Chapter 8), adverse indirect effects (e.g., leaf litter accumulation, irrigation runoff, plant encroachment) of the Preserve Setback's planted vegetation are detected, then the SSHCP Implementing Entity, the Preserve Manager, and the entity responsible for the Preserve Setback will identify appropriate adaptive management of the Preserve Setback tree or landscape plantings in accordance with the Preserve Setback Easement (see Section 5.2.5 and Chapter 9).

The SunCreek Projects will comply with the landscaping and shade tree requirements of EDGE-3c. Project design has been reviewed and approved by the City of Rancho Cordova, USFWS, and the SSHCP.

**EDGE-4 (Locate Stormwater Control Outside Preserves):** Roads, sidewalks, and other impermeable surfaces of Urban Development Covered Activities adjacent to existing or planned Preserves will slope away from Preserves and Preserve Setbacks or intercept drainage with swales or curbs and gutters to preclude drainage from entering Preserves and Preserve Setbacks. Stormwater flows must be directed away from Preserves and Preserve Setbacks and directed into stormwater control facilities inside the development (outside Preserves and Preserve Setbacks)<sup>18</sup> (see EDGE-6 for exception to EDGE-4 in certain SSHCP Linkage Preserves).

The SunCreek Projects as designed comply with EDGE-4. All stormwater control facilities are located outside the Preserves. The outfall from the detention basins are located in the Preserve and will discharge to the primary drainage feature (channel) in the Preserve as required in EDGE-6.

**EDGE-5 (Stormwater Control in Preserve Setbacks):** If trails are established in any Preserve Setback in compliance with EDGE-3, the trail must be sloped away from the Preserve, and rainwater leaving the trail surface must flow into an adjacent low-velocity bio-

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<sup>18</sup> Detention basins are allowed in some Linkage Preserves consistent with the requirements of EDGE-6. At the time of SSHCP preparation, seven Linkage Preserves with drainages are planned SSHCP Preserves: L1, L2, L4, L7, L8, L9, and L10 (see Section 5.2.7 and Section 7.5). Also see project-specific measures in Section 5.5.1.

retention swale or cell to keep rainwater runoff and trail contaminants from entering the Preserve. Low-velocity bio-retention swales or cells are typically small linear features placed on one or both sides of a trail. As required by EDGE-3, trails and their adjacent bio-retention swales or cells must be located on the side of the Preserve Setback nearest development.

The SunCreek Projects as designed comply with EDGE-5. Trails adjacent to the Preserve will be sloped away from the Preserve.

**EDGE-6 (Detention Basins in Linkage Preserves):** Because planned SSHCP Linkage Preserves L1, L2, L4, L7, L8, L9, and L10 (see Section 7.5) surround natural creeks or streams that must receive stormwater from planned adjacent Urban Development Covered Activities, a limited number of stormwater detention basins will be allowed on those Linkage Preserves. Detention basins within Linkage Preserves (see Section 5.2.7) will be designed and constructed with fill material to build up the perimeter of the detention basin so as not to impact the soil restrictive layer (duripan or hardpan) and function of the soil perched aquifer. Detention basins within Linkage Preserves will capture stormwater flows and runoff, and will discharge water to the stream/creek or percolate collected water to the soil perched aquifer. Detention basin structures that collect stormwater entering the basin or convey stormwater leaving the basin must be designed to avoid and minimize effects to Covered Species habitat in the Linkage Preserve.

The Sierra Sunrise, Jaeger Ranch, and Shalako Preserve on the Kite Creek watershed appear to be a Linkage Preserve. The SunCreek Projects' stormwater control facilities comply with EDGE-6 as described in EDGE-1.

**EDGE-7 (Hardpan/Duripan Protection):** To protect the soil perched aquifer and the micro-watersheds supporting existing vernal pool hydrology, activities that have the potential to cut into, disrupt, or remove the soil's restrictive layer (hardpan or duripan) will not occur within Preserves or Preserve Setbacks. However, in certain circumstances, the Covered Activities defined in Section 5.2.6, Covered Activities in Stream Setbacks in the UDA, and Section 5.2.8, Covered Activities in the Laguna <sup>19</sup>Creek Wildlife Corridor of the Preserve System, may result in punctures<sup>19</sup> or other minor disruptions of the soil hardpan or duripan if approved by the Implementing Entity and the Technical Advisory Committee according to the process described in Chapter 9 of the SSHCP. If a Covered Activity on a Preserve or Preserve Setback results in a puncture or other disruption to the soil hardpan or duripan, the puncture will be sealed using bentonite clay or other material that maintains the functionality of the soil's restrictive layer and associated perched aquifer.

The SunCreek Projects comply with Edge-7 with two exceptions as identified in the Final SSHCP, Appendix K. On the Shalako Project, a sewer line will cross the Preserve requiring open trench construction in the upland portions of the preserve. Aquatic resources will be avoided by bore and jack construction of the sewer line. After the utility line is placed in the open trench, a clay-bentonite soil mix will be backfilled into the excavation area to the level of the top of the duripan to maintain the functionality of the soil's restrictive layer. On the Jaeger Ranch Project, a sewer line will parallel the southern boundary of the Preserve within the adjacent wetland buffer. After the utility line is

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<sup>19</sup> Punctures may include small holes that penetrate the soil hardpan or duripan such as might occur when digging or drilling holes for the installation of fence posts, sign posts, or trees.

placed in the open trench, a clay-bentonite soil mix will be backfilled into the excavation area to the level of the top of the duripan to maintain the functionality of the soil's restrictive layer.

Additionally, at proposed road crossings (culvert installations) between the Preserves, impacts to the existing soil profile will be minimized to maintain the perched aquifer in vernal pool grasslands. This will be achieved by backfilling the excavation area with a clay-bentonite soil mix to the level of the top of the duripan to maintain the functionality of the soil's restrictive layer.

**EDGE-8 (Outdoor Lighting):** All outdoor lighting in Urban Development Covered Activity projects will be designed to minimize light pollution into existing and planned Preserves, except where a Land Use Authority Permittee determines lighting is necessary for public safety or security. Minimization measures may include light fixture placement (e.g., as low to the ground as possible), lamp designs (e.g., shielding, low glare, or no lighting), directing light away from Preserves, or other means to avoid or minimize light pollution. The Third-Party Project Proponent will use the best information available at the time of project design to minimize effects of light pollution on target SSHCP Covered Species (e.g., western spadefoot (*Spea hammondi*) and Ricksecker's water scavenger beetle (*Hydrochara rickseckeri*)).

The SunCreek Projects will comply with EDGE-8.

**EDGE-9 (Livestock Access to Preserves):** Urban Development Covered Activity projects that include on-site Preserves will include in their design an adequate number of access points and facilities for delivery and pick up of grazing animals (livestock), such that these activities will not significantly alter the Preserve's habitat and are consistent with the protection of livestock and protection of adjacent public property, and include adequate public safety measures.

The SunCreek Projects comply with this measure. The linear nature of the preserves allows for appropriate access points for maintenance, animal grazing, etc.

**EDGE-10 (Prevent Invasive Species Spread):** Completed Covered Activities (including roads) will be maintained in a manner that avoids the spread of invasive species into Preserve and Open Space areas. Such maintenance measures will include the following:

- To prevent the transport of non-native invasive species onto Preserves, before bringing any equipment onto an SSHCP Preserve or Preserve Setback, equipment must be cleaned of mud, dirt, and plant material. Cleaning will occur in the infested area or another appropriate location as approved by a Plan Permittee.
- Mowing rotation will start in un-infested areas and move to infested areas.
- Invasive plant prevention techniques will be incorporated into maintenance plans.
- The SSHCP Implementing Entity or Agency approved easement holder will survey road shoulders, ditches, and rights-of-way that border SSHCP Preserves for invasive weeds or other exotic plant species. Where roadside weed infestations have reached a critical control point, the Implementing Entity or Land Use Authority Permittee will apply the appropriate manual, mechanical, or chemical treatment.

The SunCreek Projects will comply with EDGE-10.

### **Condition 3. Implement Construction Best Management Practices**

AMMs associated with Condition 3 must be applied to all UDA Covered Activities.

**BMP-1 (Construction Fencing):** Orange construction fencing will be installed to ensure that ground disturbance does not extend beyond the allowed construction footprint (i.e., the limit of project construction plus equipment staging areas and access roads). Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will mark the outer boundary of any Preserve Setback or Stream Setback adjacent to or within the project site with orange construction fencing prior to ground disturbance. This fencing will remain in place until project completion, as identified by the Plan Permittee.

The SunCreek Projects will comply with all BMP-1 fencing requirements.

**BMP-2 (Erosion Control):** Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will install temporary control measures for sediment, stormwater, and pollutant runoff as required by the Plan Permittee to protect water quality and species habitat. Silt fencing or other appropriate sediment control device(s) will be installed downslope of any Covered Activity that disturbs soils.

Fiber rolls and seed mixtures used for erosion control will be certified as free of viable noxious weed seed. As discussed in Section 5.4.2, Covered Species Take Avoidance and Minimization Measures, erosion controls installed in or adjacent to Plan Area modeled habitat for giant garter snake (*Thamnophis gigas*), western pond turtle (*Actinemys marmorata*), California tiger salamander (California tiger salamander), or western spadefoot (see Chapter 3) must be of appropriate design and materials that will not entrap the species (e.g., not contain mesh netting). Regular monitoring and maintenance of the project's erosion control measures will be conducted until project completion to ensure effective operation of erosion control measures.

The SunCreek Projects will comply with all BMP-2 erosion control requirements.

**BMP-3 (Equipment Storage and Fueling):** Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will ensure that equipment storage and staging will occur in the development footprint only (not sited in any existing on-site Preserve, planned on-site Preserve, Preserve Setback, Stream Setback, or aquatic land cover type). Fuel storage and equipment fueling will occur away from waterways, stream channels, stream banks, and other environmentally sensitive areas within the development footprint.

However, certain equipment storage and fueling activities can be allowed on Preserves within habitat re-establishment/establishment sites (refer to Section 5.2.7) if no location outside of the site is available. If a Covered Activity results in a spill of fuel, hydraulic fluid, lubricants, or other petroleum products, the spill will be absorbed and waste disposed of in a manner to prevent pollutants from entering a waterway, Preserve, Preserve Setback, or Stream Setback.

The SunCreek Projects will comply with all BMP-3 equipment storage and fueling requirements.

**BMP-4 (Erodible Materials):** Plan Permittees and Third-Party Project Proponents implementing Covered Activities must not deposit erodible materials into waterways. Vegetation clippings, brush, loose soils, or other debris material will not be stockpiled within

stream channels or on adjacent banks. Erodible material must be disposed of such that it cannot enter a waterway, Preserve, Preserve Setback, Stream Setback, or aquatic land cover type. If water and sludge must be pumped from a subdrain or other structure, the material will be conveyed to a temporary settling basin to prevent sediment from entering a waterway.

The SunCreek Projects will comply with all BMP-4 erodible materials requirements.

**BMP-5 (Dust Control):** Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will water active construction sites regularly, if warranted, to avoid or minimize impacts from construction dust on adjacent vegetation and wildlife habitats. No surface water will be used from aquatic land covers; water will be obtained from a municipal source or existing groundwater well.

The SunCreek Projects will fully comply with all BMP-5 dust control requirements.

**BMP-6 (Construction Lighting):** Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will direct all temporary construction lighting (e.g., lighting used for security or nighttime equipment maintenance) away from adjacent natural habitats, and particularly Riparian and Wetland habitats and wildlife movement areas.

The SunCreek Projects will comply with all BMP-6 construction lighting requirements.

**BMP-7 (Biological Monitor):** If a Covered Activity includes ground disturbance within Covered Species modeled habitat, an approved biologist will be on site during the period of ground disturbance, and may need to be on site during other construction activities depending on the Covered Species affected. After ground-disturbing project activities are complete, the approved biologist will train an individual to act as the on-site construction monitor for the remainder of construction, with the concurrence of the Permitting Agencies. The on-site monitor will attend the training described in BMP-8. The approved biologist and the on-site monitor will have oversight over implementation of Avoidance and Minimization Measures, and will have the authority to stop activities if any of the requirements associated with those measures are not met. If the monitor requests that work be stopped, the Wildlife Agencies will be notified within one working day by email. The approved biologist and/or on-site monitor will record all observations of listed species on California Natural Diversity Database field sheets and submit them to the California Department of Fish and Wildlife. The approved biologist or on-site monitor will be the contact source for any employee or contractor who might inadvertently kill or injure a Covered Species or who finds a dead, injured or entrapped individual. The approved biologist and on-site monitor's names and telephone numbers will be provided to the Wildlife Agencies prior to the initiation of ground-disturbing activities. Refer to species-specific measures for details on requirements for biological monitors.

The SunCreek Projects will comply with all BMP-7 biological monitoring requirements. A biological monitor will be onsite during initial ground disturbing activities, subsequently an onsite monitor will be trained to make daily inspections of the construction areas.

**BMP-8 (Training of Construction Staff):** A mandatory Worker Environmental Awareness Program will be conducted by an approved biologist for all construction workers, including contractors, prior to the commencement of construction activities. The training will include how to identify Covered Species that might enter the construction site, relevant

life history information and habitats, SSHCP and statutory requirements and the consequences of non-compliance, the boundaries of the construction area and permitted disturbance zones, litter control training (SPECIES-2), and appropriate protocols if a Covered Species is encountered. Supporting materials containing training information will be prepared and distributed by the approved biologist. When necessary, training and supporting materials will also be provided in Spanish. Upon completion of training, construction personnel will sign a form stating that they attended the training and understand all of the Avoidance and Minimization Measures. Written documentation of the training must be submitted to the Implementing Entity within 30 days of completion of the training, and the Implementing Entity will provide this information to the Wildlife Agencies.

The SunCreek Projects will comply with all BMP-8 construction training requirements.

**BMP-9 (Soil Compaction):** After construction is complete, all temporarily disturbed areas will be restored similar to pre-project conditions, including impacts relating to soil compaction, water infiltration capacity, and soil hydrologic characteristics.

The SunCreek Projects will comply with the BMP-9 soil compaction requirements.

**BMP-10 (Revegetation):** Plan Permittees and Third-Party Project Proponents implementing ground-disturbing Covered Activities will revegetate any cut-and-fill slopes with native or existing non-invasive, nonnative plants (e.g., nonnative grasses) suitable for the altered soil conditions and in compliance with EDGE-2 and EDGE-8, if applicable.

The SunCreek Projects will comply with all BMP-10 revegetation requirements.

**BMP-11 (Speed Limit):** Project-related vehicles will observe the posted speed limits on paved roads and a 10-mile-per-hour speed limit on unpaved roads and during travel in project areas. Construction crews will be given weekly tailgate instruction to travel only on designated and marked existing, cross-country, and project-only roads.

All construction-related vehicles and equipment on the SunCreek Projects will comply with BMP-11.

#### **Condition 4. Avoid and Minimize Impacts that May Result from Implementation of Covered Transportation Projects**

Urban Development transportation project and Rural Transportation Project Covered Activities, including bridge projects, can affect Covered Species. AMMs included for Condition 4 seek to avoid or minimize direct and indirect impacts that may result from construction of roadways or roadway improvements. Condition 4 applies to all transportation-related Covered Activities (see Sections 5.2.1 and 5.2.3).

Plan Permittees and Third-Party Project Proponents implementing Urban Development transportation or Rural Transportation Project Covered Activities must comply with the roadway siting, design, and construction AMMs described below.

**ROAD-1 (Road Project Location):** Road projects will be located in the least environmentally sensitive area to avoid, to the maximum extent practicable, impacts on Covered Species, Covered Species habitat, and waters of the United States. Road project alignments will follow existing roads, road easements, and rights-of-way, or be sited in disturbed areas to minimize habitat loss and additional habitat fragmentation.

The approved road locations in the SunCreek Projects comply with the ROAD-1 Road Project Location requirements to the maximum extent allowed by the City of Rancho Cordova and as approved in Exhibit 1 (06/19/2019).

**ROAD-2 (Wildlife Crossing Structures):** Road projects that are Urban Development Covered Activities (see Section 5.2.1) (including the Capital Southeast Connector, see Section 5.2.1.1) or are Rural Transportation Covered Activities (see Section 5.2.3) will include an adequate number of wildlife crossing structures, as depicted in Figure 5-10. An adequate number of wildlife crossing structures within the Urban Development Area (UDA) and outside the UDA will provide for continued dispersal and movement of native wildlife throughout the SSHCP Plan Area, as required by the SSHCP Biological Goals and Objectives (see Chapter 7).

The Plan defines “wildlife crossing structure” as a physical structure specifically designed or retrofitted to facilitate undercrossing for target wildlife species. The Plan further classifies wildlife crossings as hydrologic crossings and dry crossings. Hydrologic crossings are built where there is an existing stream, creek, or intermittent drainage to maintain existing hydrologic connectivity within the Plan Area. As described below, hydrologic crossings require specialized features to be built into the crossing structure, such as elevated platforms to allow wildlife to pass under a crossing structure when it is inundated with water. Dry wildlife crossings are built where there is no hydrologic feature but where a crossing is needed to provide for overland connectivity. SSHCP wildlife crossing structures may include structures such as bridges, arches, or box and pipe culverts.

Plan Permittees expect that future wildlife movement and dispersal within the UDA will occur almost entirely within the boundaries of the future interconnected SSHCP Preserve System (see Section 7.5). Therefore, wildlife crossings are needed wherever a roadway crosses (bisects) the conceptual SSHCP Preserve System (see Figure 5-10). Wildlife crossing structures inside the UDA will be sized to accommodate movement of a highly mobile native indicator species (i.e., coyote (*Canis latrans*)). By designing UDA wildlife crossing structures to meet the movement and dispersal requirements of coyote, the Plan Permittees anticipate that the crossing structure will also accommodate most native wildlife species that currently occupy the UDA (see Chapter 3).

The Plan Permittees expect that most of the Plan Area outside of the UDA will remain as Open Space over the 50-year Permit Term (see Chapter 4). Therefore, the Plan Permittees expect that the Rural Transportation Project Covered Activities proposed outside the UDA will have a relatively small effect on the movement and dispersal of larger or more mobile native wildlife species, including coyote. Consequently, the Plan Permittees anticipate that the design of Rural Transportation Project Covered Activities outside the UDA will need to include wildlife crossing structures primarily where the Rural Transportation Project Covered Activities occur within California tiger salamander modeled habitat (see CTS-3 and also Chapter 3, Figure 3-16).

The design and location of wildlife crossing structures both inside the UDA and outside the UDA will be determined by collaboration between the Third-Party Project Proponent, the Land Use Authority, and the Implementing Entity. Crossing design will use the best available scientific and commercial information for the target species. The design of crossing structures will be based on demonstrated effectiveness of design for the target species when such information is available, or

will be designed with a high level of certainty of success based on studies of similar taxa in similar environmental settings. The proposed wildlife crossing structures designs will be reviewed and approved by the Implementing Entity prior to final design.

The Implementing Entity will develop a Wildlife Crossing Maintenance Manual to be provided to the entity responsible for maintaining the wildlife crossing. The Wildlife Crossing Maintenance Manual will identify vegetation management, clearing of obstructions, and other techniques to maintain the desired movement and hydrologic connectivity, and to avoid effects to adjacent Preserves.

All SSHCP wildlife crossing structures in the UDA will include the following design elements:

- Open-bottom bridges or arches where the roadway crosses a river or stream. Where an open-bottom bridge or arch is used, the span of the crossing will be at least 1.2 times the bankfull width of the stream and span the banks to allow for dry wildlife passage along each side of the stream and to avoid or minimize piers or footings within the stream. (Bankfull width refers to the width of a stream channel at the point where over-bank flow begins during a flood event.)
- Any wildlife crossing structure that also maintains hydrologic connectivity will be designed to maintain pre-construction water capacity, depth, and velocity. The crossing structure will not restrict or impede normal flows or flood flows, unless a primary purpose of the structure is to manage such flow(s). Wildlife crossing structures must be designed to provide a dry passage (e.g., a platform ledge) higher than flows for a 10-year storm event to allow wildlife to pass through an inundated crossing structure.
- Wildlife crossing structures in the UDA will be designed and sized to accommodate movement of at least medium-sized mammals (e.g., coyote). The opening must be at least 3 feet high and the crossing structure must have a minimum openness ratio of at least 0.4.
- Vegetation leading up to the entrance of a crossing structure and the substrate leading into and within the crossing structure will be natural and appropriate to provide for continuity of habitat, attract the target animal species for which the crossing is designed, and facilitate use of the crossing structure.
- A wildlife crossing under six-lane roads or larger will be designed to provide ambient light and temperature in the longer crossing structures (e.g., either by providing a larger opening or a grate at the top of the structure to improve the attractiveness of the crossing to certain Covered Species and wildlife that may hesitate to cross through dark, confined structures or one with a temperature gradient (Jackson and Griffin 2000)). If a road is less than six lanes in width, these designs will be optional.
- Lighting will not be placed at or near the entrance of a wildlife crossing structure to maintain natural ambient light conditions at night and to increase chances of wildlife use. However, a Land Use Authority Permittees may allow lighting if necessary for human health or safety.
- Outside the UDA, wildlife crossing structures may be required for California tiger salamander (refer to CTS-1), and could also be required for other native species.

The SunCreek Projects will comply with the ROAD-2 requirements. The backbone infrastructure project incorporates the use of con-spans or box culverts with natural bottoms for all preserve crossings in order to facilitate wildlife movement and dispersal including spans above high water mark crossings (benches or walkways) for wildlife movement during high flow events, where practicable. Project design has been reviewed and approved by the City of Rancho Cordova, USFWS, and the SSHCP.

**ROAD-3 (Roadside Pesticide Use<sup>20</sup>):** If pesticide use is necessary along roadsides, the appropriate SSHCP Permittee will ensure that the pesticide application strictly complies with the pesticide label and all other applicable federal, state, and local authorities pertaining to the use, safety, storage, disposal, and reporting of the pesticide. Where roadside weed infestations have reached a critical control point, the Implementing Entity or a Land Use Authority Permittee will apply the appropriate manual, mechanical, or chemical treatment. In addition, the Implementing Entity or appropriate Land Use Authority Permittee will post signs along road shoulders adjacent to sensitive areas (e.g., California tiger salamander breeding ponds, endemic plant populations). The signs will identify pesticide use restrictions or other roadside maintenance restrictions.

The SunCreek Projects will comply with ROAD-3.

#### **Condition 5. Avoid and Minimize Impacts that Result from Public Use of Low-Impact Nature Trails in Preserves**

Preserves within the UDA are likely to be surrounded by urban development. As discussed in Section 5.2.7, allowing limited use of SSHCP Preserves will help to foster a sense of community ownership and will provide an opportunity to educate the community about the natural resources to be protected within the SSHCP Preserve System.

Not applicable. Nature Trail AMMs omitted from this Appendix – no nature trails are planned within the Preserves.

#### **Condition 6. Avoid and Minimize Impacts to Existing Vernal Pools when Re-Establishing or Establishing Vernal Pool Wetland**

As discussed in Chapter 7 of the proposed SSHCP, the Plan Permittees anticipate that 389 acres of Vernal Pool habitat will be re-established or established<sup>21</sup> within the Plan Area as part of the SSHCP Conservation Strategy. Although re-establishment or establishment of vernal pools is a Measurable Objective under this Plan, if not done correctly, the action could have an adverse impact on existing vernal pools.

Not applicable to the onsite preserves. Re-establishment/establishment AMMs omitted from this Appendix. If the SunCreek Projects propose Permittee-Responsible Mitigation, they will comply with Condition 6.

#### **Condition 7. Avoid and Minimize Impacts to Streams and Creeks**

AMMs associated with Condition 7 must be applied to all Covered Activities where a stream or creek is located within a project footprint.

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<sup>20</sup> Use of pesticides (including rodenticides and herbicides) is not an SSHCP Covered Activity. However, pesticide use specified in Section 5.3 is an allowed land management tool, provided the pesticide application is otherwise legal and conforms to all conditions in Section 5.4.

<sup>21</sup> In the context of this Plan, "establish" is synonymous with "create."

**STREAM-1 (Laguna Creek Wildlife Corridor):** A 150-foot setback measured from the top of the bank on both sides of the stream will be applied to Laguna Creek within the Urban Development Area (minimum 300-foot corridor width). If trails are located within the Laguna Creek Wildlife Corridor, the nearest edge of the trail will be located at least 80 feet from the top of the bank.

Not applicable. The Laguna Creek Wildlife Corridor does not pass through the SunCreek Projects.

**STREAM-2 (UDA Stream Setbacks):** A 100-foot setback measured from the top of the bank on both sides of the stream channel will be applied to all streams listed in Table 5-1 (see also Figure 2-4). If a stream reach supports woody riparian vegetation, the setback will be equal to the riparian edge plus 25 feet or will be the setback defined above, whichever is greater. If trails are located within the Stream Setback, the nearest edge of the trail will be located at least 50 feet from the top of the bank.

Stream	Minimum Setback (from the Top of Bank Measured in Aerial Perspective) on Both Sides of the Stream
Elder Creek	100 feet
Frye Creek	100 feet
Gerber Creek	100 feet
Morrison Creek	100 feet
Sun Creek	100 feet or as depicted on the Sun Creek development project hardline Preserve (see Exhibit 1 dated 06/19/2018)

The SunCreek Projects will comply with Stream 2 as shown in the approved Exhibit 1 dated 06/19/2018).

**STREAM-3 (Minor Tributaries to UDA Streams):** A 25-foot setback measured from the top of the bank on both sides of the stream channel will be applied to all avoided first and second order tributaries to the streams listed in Table 5-1 and Laguna Creek. Refer to Objective W6 in Chapter 7 (Table 7-1) regarding avoided first and second order tributaries. Trails are not permitted within headwater ephemeral Stream Setbacks.

Not applicable. There are no first or second order tributaries off of Sun Creek within the SunCreek Projects including their preserve areas.

**STREAM-4 (Minimize Effects from Temporary Channel Re-Routing):** When an Urban Development Covered Activity temporarily re-routes a stream, creek, or drainage, the re-routing will be completed in a manner that minimizes impacts to beneficial uses and habitat. The following measures will be employed to minimize disturbances that will adversely impact water quality:

- No equipment will be operated in areas of flowing or standing water.
- Construction materials and heavy equipment must be stored outside of the active flow of any waters.
- When work within waters is necessary, the entire stream flow will be diverted around the work area.
- In the event of rain, the disturbed in-water work area will be temporarily stabilized before water body flow exceeds the capacity of the diversion structure. The disturbed water body will be stabilized so that the disturbed areas will not come in contact with the flow.

- Once construction is complete, all project-introduced material (e.g., pipes, gravel, cofferdam, sandbags) must be removed, leaving the water as it was before construction. Excess materials will be disposed of at an appropriate disposal site.
- All work areas will be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. The diverted stream flow will not be contaminated by construction activities. Structures for isolating the in-water work area and/or diverting the stream flow (e.g., cofferdam, geo-textile silt curtain) will not be removed until all disturbed areas are cleaned and stabilized.
- Any flow diversion used during construction will be designed in a manner to prevent pollution and minimize siltation, and will provide flows to downstream reaches. Flows will be maintained to support existing aquatic life, riparian wetlands, and habitat that may be located upstream and downstream from any temporary diversion.
- All surface waters, including ponded waters, will be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity that may result in a discharge to waters.
- All temporary dewatering methods will be designed to have the minimum necessary impacts to waters to isolate the immediate work area. All dewatering methods will be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams and diversions will be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods will be removed immediately upon completion of diversion activities.
- A method of containment must be used below any bridge, boardwalk, and/or temporary crossing to prevent debris from falling into the waters through the entire duration of a project.
- If temporary surface water diversions and/or dewatering are anticipated, the Third-Party Project Proponent will develop and maintain on site a surface water diversion and/or dewatering plan. The plan(s) must be developed prior to initiation of any water diversions and will include the proposed method and duration of diversion activities. The plan(s) must be made available to Central Valley Water Board staff upon request.
- When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water will be allowed at all times to pass downstream to maintain beneficial uses of waters below the dam. Construction, dewatering, and removal of temporary cofferdams will not violate the turbidity, settle-able matter, pH, temperature, or dissolved oxygen requirements of any Water Quality Control Plan.
- Any temporary dam or other artificial obstruction will only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel that will cause little or no siltation. Stream flow will be temporarily diverted using gravity flow through temporary culverts or pipes, or pumped around the work site with the use of hoses.

The SunCreek Projects will comply with Stream-4 to the extent allowed by the Regulatory Agencies including USACE, USFWS, and CDFW.

**STREAM-5 (Design for Stream Channel Re-Routing, Widening, or Deepening):** When an Urban Development Covered Activity alters a stream, creek, or drainage by re-routing, widening, or deepening a channel, the project design will include the following:

- The main channel of a re-routed channel will be free to migrate laterally over its active and terrace floodplain.
- Channel geometry (plan, profile, and cross-section) of the site will be appropriate for the watershed location and physical/hydrologic condition.
- Local, native materials will be used as fill material to the extent practicable.
- Bioengineering techniques will be used for construction and maintenance of bank stabilization. Bioengineered bank stabilization structures will use vegetation in combination with bank reshaping; biodegradable geotextile materials; and, in some cases, a minimal amount of rock or wood to the extent practicable to dissipate erosive energy. Third-Party Project Proponents will consult a professional engineer when considering using bioengineering techniques.
- All re-routed, widened, or deepened streams are required to establish Stream Setbacks with minimum widths required under STREAM-1, STREAM-2, or STREAM-3. All re-routed, widened, or deepened streams must re-establish/establish and maintain native Woody Riparian land cover and/or native Grassland Riparian land cover in the entire Stream Setback.

Stream-5 is not applicable to the SunCreek Projects. None of the other SunCreek Projects will re-route, widen, or deepen streams. An ephemeral drainage within the Grantline 220 Project (GL220) will be realigned in an approximately 100 to 150-foot-wide drainage corridor along the eastern edge of GL220. This corridor was designed as a continuance to the permitted realignment of the same drainage system that flows through the approved Grantline 208 and Arista del Sol Projects upstream (north) of GL220. The stream setbacks outlined in STREAM-1, STREAM-2 and STREAM-3 are not applicable to this aquatic resource.

#### **Condition 8. Avoid and Minimize Impacts to Covered Species from Utility and Utility Maintenance Covered Activities**

AMMs associated with Condition 8 must be applied to all Covered Activities associated with construction and maintenance of infrastructure projects.

**UTILITY-1 (Avian Collision Avoidance):** Installation of new, or relocation of existing, utility poles, lines, and cell towers located within the Preserve System or within 1,000 feet of a Preserve boundary will be coordinated with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. The applicant or relevant utility/service provider will install utility poles, lines, and cell towers in conformance with Avian Powerline Interaction Committee (APLIC) standards for collision-reducing techniques, as outlined in Reducing Avian Collisions with Power Lines: State of the Art in 2012 (APLIC 2012), or any superseding document issued by the APLIC.

The SunCreek Projects will comply with UTILITY-1.

**UTILITY-2 (Utility Maintenance on Preserves):** Utility maintenance inside SSHCP Preserves and SSHCP Preserve Setbacks containing vernal pools will occur only when vernal pools have been dry for 30 days, except in emergency situations related to human health and safety.

The SunCreek Projects will comply with UTILITY-2.

**UTILITY-3 (Trenchless Construction Methods):** Where a pipeline or conduit crosses an existing or planned Preserve or will be located between adjacent Preserves (e.g., under a roadway that has a Preserve on both sides), trenchless construction methods will be used to minimize impacts to the existing soil profile (including impacts to a hardpan or duripan) to maintain the perched aquifer in Vernal Pool Grassland land cover type.

The SunCreek Projects are designed to utilize open trench construction methods at proposed road crossings (culvert installations) while minimizing impacts to the existing soil profile to maintain the perched aquifer in vernal pool grasslands. This will be achieved by backfilling the excavation area with a clay-bentonite soil mix to the level of the top of the duripan to maintain the functionality of the soil's restrictive layer. On the Shalako Project, a sewer line will cross the Preserve requiring open trench construction in the upland portions of the preserve. Aquatic resources will be avoided by bore and jack construction of the sewer line. After the utility line is placed in the open trench, a clay-bentonite soil mix will be backfilled into the excavation area to the level of the top of the duripan to maintain the functionality of the soil's restrictive layer. On the Jaeger Ranch Project, a sewer line will parallel the southern boundary of the Preserve within the adjacent wetland buffer. After the utility line is placed in the open trench, a clay-bentonite soil mix will be backfilled into the excavation area to the level of the top of the duripan to maintain the functionality of the soil's restrictive layer. T

**UTILITY-4 (Siting of Entry and Exit Location):** The entry and exit locations for the trenchless construction method (see Utility-3) will be sited to avoid impacts to vernal pools and Riparian Woodland, and to avoid direct take of SSHCP Covered Species. As described in UTILITY-3 above, the use of trenchless construction within or between adjacent preserves is designed to reduce or eliminate impacts to vernal pool habitat and prevent the direct take of SSHCP Covered Species.

The entry and exit locations will comply with the UTILITY-4 siting requirements.

#### **Condition 9. Avoid and Minimize Impacts That Might Result From Removing or Breaching Levees to Establish or Re-establish Riparian Habitat**

**LEVEE-1 (Preparation of Hydrologic Analysis):** Prior to approving a draft Preserve Management Plan that includes (1) modifying or breaching an existing levee, or (2) would place a potential impedance to high-water event flood-flows on the water side of an existing levee (including new riparian vegetation plantings or other new Preserve facilities), a hydrologic analysis will be conducted. The Preserve activity will only be implemented if the hydrologic analysis concludes that the activity will not result in a substantial increase in flood stage elevations or flood risk on lands outside the Preserve.

Not applicable. The SunCreek Projects have no levees or riparian vegetation.

#### **Condition 10. Avoid and Minimize Impacts That Might Result From Potential Residual Contamination of Preserves and Related Exposure of People to Such Hazardous Materials**

**HAZARDOUS MATERIALS-1 (Preparation of Phase I Environmental Site Assessment):** Prior to the acquisition of a preserve site or implementation of a stream or riparian

restoration project, a Phase I Environmental Site Assessment shall be conducted in general accordance with the American Society for Testing and Materials Standard Practice E1527-05. The purpose of this Environmental Site Assessment is to identify, to the extent feasible pursuant to the American Society for Testing and Materials Standard, recognized environmental conditions in connection with the potential site. The term "recognized environmental condition" means the presence or likely presence of hazardous substances or petroleum products on the property under conditions that may indicate an existing release, a past release, or a material threat of release of these substances to the property. If the Phase 1 Environmental Site Assessment indicates the presence of a recognized environmental condition, the Implementing Entity shall consider the following options.

- Determine that the acquisition/project can proceed on the basis that the Habitat Plan goals and objectives can be met on the site even with the presence of a recognized environmental condition.
- Conduct a Phase II Environmental Site Assessment, including soil and groundwater testing, to further study the potential for contamination to limit the Implementing Entity's management activities.
- If the results of the Phase I (or Phase II) Environmental Site Assessment indicate that the Habitat Plan goals and objectives cannot be met on the site, the Implementing Entity should not acquire the site.

The SunCreek Projects will comply with HAZARDOUS MATERIALS-1.

**HAZARDOUS MATERIALS-2 (Contingency Plan):** As part of each Preserve Management Plan or site restoration plan, a Contingency Plan shall be prepared to address the actions that would be taken during construction in the event that unexpected contaminated soil or groundwater is discovered. The Contingency Plan shall include health and safety considerations, handling and disposal of wastes, reporting requirements, and emergency procedures. The Contingency Plan shall include a requirement that if evidence of contaminated materials is encountered during construction, construction would cease immediately and applicable requirements of the Comprehensive Environmental Release Compensation and Liability Act and the California Code of Regulations Title 22 regarding the disposal of waste would be implemented.

The SunCreek Projects will comply with HAZARDOUS MATERIALS-2.

#### ***5.4.2 Covered Species Take Avoidance and Minimization Measures***

The following section describes measures to avoid or minimize effects of Covered Activities on specific SSHCP Covered Species. Species-specific AMMs include species surveys, pre-construction surveys, and construction monitoring. Most species-specific AMMs require that species surveys be conducted if Covered Species modeled habitat is within the proposed Covered Activity footprint or within a specified distance of the proposed Covered Activity. Section 3.4 of the SSHCP provides maps and descriptions of modeled habitat for each Covered Species. The AMMs described below apply to Covered Activities when Covered Species modeled habitat or a Covered Species occurrence are at a project site. The Implementing Entity and Wildlife Agencies may update specific SSHCP AMMs over the Permit Term to provide the best and most appropriate protective measures for a Covered Species.

The SunCreek SunCreek Projects have undergone numerous biological surveys and literature reviews in support of the development of the CEQA EIR/EIS (Sacramento County 2011). Through those

analyses, the occurrence of several SSHCP Covered Species have already been determined. Any edits to the AMMs below reflect the results of analyses conducted in support of the CEQA EIS/EIR and reflect the Applicants' attempts to reconcile the AMMs with the EIR/EIS MMRPs without losing anything important from either document.

### **General Covered Species Take Avoidance and Minimization Measures**

The following AMMs will apply to all Covered Activities that are required to implement Covered Species take AMMs.

**SPECIES-1 (Litter Removal Program):** A litter control program will be instituted for the entire project site. All workers will ensure that their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. All garbage will be removed from the project site at the end of each work day, and construction personnel will not feed or otherwise attract wildlife to the area where construction activities are taking place.

The SunCreek Projects will comply with SPECIES-1.

**SPECIES-2 (No Pets in Construction Areas):** To avoid harm and harassment of native species, workers and visitors will not bring pets onto a project site.

The SunCreek Projects will comply with SPECIES-2.

**SPECIES-3 (Take Report):** If an accidental injury or death of any Covered Species occurs, workers will immediately inform the approved biologist or on-site monitor and site supervisor. The approved biologist or on-site monitor will phone the appropriate contact person at the Implementing Entity. The Implementing Entity will immediately contact the Wildlife Agencies by telephone. A memorandum will be provided to the Implementing Entity and Wildlife Agencies within 1 working day of the incident. The report will provide the date and location of the incident, number of individuals taken, the circumstances resulting in the take, and any corrective measures taken to prevent additional take.

The SunCreek Projects will comply with SPECIES-3.

**SPECIES-4 (Post-Construction Compliance Report):** A post-construction compliance report will be submitted to the SSHCP Implementing Entity within 30 calendar days of completion of construction activities or within 30 calendar days of any break in construction activity that lasts more than 30 days. The report will detail the construction start and completion dates, any information about meeting or failing to meet species take Avoidance and Minimization Measures (AMM), effectiveness of each AMM that was applied at the project site, and any known project effects to Covered Species.

The SunCreek Projects will comply with SPECIES-4.

**PLANT-1 (Rare Plant Surveys):** If a Covered Activity project site contains modeled habitat for Ahart's dwarf rush (*Juncus leiospermus* var. *ahartii*), Boggs Lake hedge-hyssop (*Gratiola heterosepala*), dwarf downingia (*Downingia pusilla*), Legenere (*Legenere limosa*), pincushion navarretia (*Navarretia myersii*), or Sanford's arrowhead (*Sagittaria sanfordii*), the Covered Activity project site will be surveyed for the rare plant by an approved biologist and following the California Department of Fish and Wildlife (CDFW) rare plant survey protocols (CDFG 2009) or the most recent CDFW rare plant survey protocols. An approved biologist will conduct the field surveys and will identify and map plant species occurrences according to the protocols. See Chapter 10 for the

process to submit survey information to the Plan Permittee and the Permitting Agencies.

The SunCreek Projects conducted rare plant surveys in 1993, 2003, 2005, and 2008. No special-status plants were identified during any of these surveys. Therefore, no further analysis or surveying is required for the SunCreek Projects and PLANT-1 is not applicable.

**PLANT-2 (Rare Plant Protection):** a rare plant listed in AMM PLANT-1 is detected within an area proposed to be disturbed by a Covered Activity or is detected within 250 feet of the area proposed to be disturbed by a Covered Activity, the Implementing Entity will assure one unprotected occurrence of the species is protected within a SSHCP Preserve before any ground disturbance occurs at the project site.

As stated in PLANT-1, no rare plants occur on the SunCreek Projects. Therefore, PLANT-2 is not applicable.

### **Sacramento and Slender Orcutt Grass**

Sacramento Orcutt grass (*Orcuttia viscida*) is a federally and state endangered species and is ranked by the California Native Plant Society as a California Rare Plant Rank 1B.1 species. Slender Orcutt grass (*Orcuttia tenuis*) is a federally threatened and state endangered species and is ranked by the California Native Plant Society as a California Rare Plant Rank 1B.1 species. Both Orcutt grasses are very rare, and the likelihood of finding new occurrences within the Plan Area is low. Due to their rarity, take of either of these species is not permitted under the SSHCP, with the exception of take related to Preserve management and monitoring (see Section 5.2.7, SSHCP Preserve System Covered Activities).

**ORCUTT-1 (Orcutt Grass Surveys):** a Covered Activity project site is located within 1 mile of the Mather Core Recovery Area and contains the Vernal Pool land cover type, the project site will be surveyed for Sacramento and slender Orcutt grass by an approved biologist following California Department of Fish and Wildlife (CDFW) rare plant survey protocols (CDFG 2009) or most recent CDFW guidelines to determine if Sacramento and/or slender Orcutt grass is present. An approved biologist will conduct the field investigation to identify and map occurrences. See Chapter 10 for the process to conduct and submit survey information.

The SunCreek Projects conducted rare plant surveys in 1993, 2003, 2005, and 2008. No special-status plants were identified during any of these surveys. The California Natural Heritage Database contains no historic or current records of this species on the SunCreek Projects and no further analysis or surveying is required for the SunCreek Projects. ORCUTT-1 is not applicable to the SunCreek Projects.

**ORCUTT-2 (Orcutt Grass Protection):** Where known or new Sacramento or slender Orcutt grass occurrences are found, they will be protected within an SSHCP Preserve that is at least 50 acres. The occurrence will be located interior to the Preserve at a distance of no less than 300 feet from the edge of the Preserve boundary. a Third-Party Project Proponent encounters a previously undiscovered occurrence of Sacramento or slender Orcutt grass on a Covered Activity project site, the Third-Party Project Proponent will contact the Implementing Entity or Land Use Authority Permittee with authority over the project, who will coordinate with the Wildlife Agencies for written concurrence of avoidance to ensure that the project does not cause take of the species.

The SunCreek Projects conducted rare plant surveys in 1993, 2003, 2005, and 2008. No special-status plants were identified during any of these surveys. The California Natural Heritage Database contains

no historic or current records of this species on the SunCreek Projects and no further analysis or surveying is required. As stated in ORCUTT-1, no Orcutt species occur on the SunCreek Projects. Therefore, ORCUTT-2 is not applicable.

### **California Tiger Salamander**

California tiger salamander AMMs omitted from this Appendix; the SunCreek Projects are outside of this species' range.

### **Western Spadefoot**

To avoid direct and indirect effects of the SunCreek Projects on western spadefoot (*Spea hammondi*), the following AMMs will be implemented.

**WS-1 (Western Spadefoot Work Window):** Ground-disturbing Covered Activities within western spadefoot modeled habitat (Figure 3-17) will occur outside the breeding and dispersal season (after May 15 and before October 15), to the maximum extent practicable.

**WS-2 (Western Spadefoot Exclusion Fencing):** If Covered Activities must be implemented in within the modeled habitat after October 15 and before May 15, exclusion fencing will be installed around the project footprint before October 15 and the project site must be monitored by an approved biologist following rain events. Temporary high-visibility construction fencing will be installed along the edge of work areas and silt fencing will be installed immediately behind the temporary high-visibility construction fencing to exclude western spadefoot from entering the construction area. Fencing will remain in place until all construction activities within the construction area are completed. No project activities will occur outside the delineated project footprint. If a western spadefoot is encountered, refer to WS-6, below.

**WS-3 (Western Spadefoot Monitoring):** If Covered Activities must be implemented in modeled habitat (Figure 3-17) in the breeding and dispersal season (after October 15 and before May 15), an approved biologist experienced with western spadefoot identification and behavior will monitor the project site, including the integrity of any exclusion fencing. The approved biologist will be onsite daily while construction-related activities are taking place and will inspect the project site daily for western spadefoot prior to construction activities. The approved biologist will also train construction personnel on the required avoidance procedures, exclusion fencing, and protocols in the event that a western spadefoot enters an active construction zone (i.e., outside the buffer zone). If a western spadefoot is encountered, refer to WS-6, below.

**WS-4 (Avoid Western Spadefoot Entrapment):** If a Covered Activity occurs in western spadefoot modeled habitat (Figure 3-17), all excavated steep-walled holes and trenches more than 6 inches deep will be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, or similar structures will be inspected for western spadefoot by the approved biologist prior to being moved. If a western spadefoot is encountered, refer to WS-6, below.

**WS-5 (Erosion Control Materials in Western Spadefoot Habitat):** If erosion control (BMP-2) is implemented within the Preserves western spadefoot modeled habitat (Figure 3-

17), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure that western spadefoots are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.

**WS-6 (Western Spadefoot Encounter Protocol):** Covered Activities must be implemented in modeled habitat (Figure 3-17) during the breeding and dispersal season (after October 15 and before May 15), and a western spadefoot is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately. Construction activities will be suspended in a 100-foot radius of the animal until the animal leaves the project site on its own volition. If necessary, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the western spadefoot within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife immediately. Any worker who inadvertently injures or kills a western spadefoot or who finds dead, injured, or entrapped western spadefoot(s) must immediately report the incident to the approved biologist.

The SunCreek Projects will comply with WS-1 through WS-6.

#### **Giant Garter Snake**

Giant garter snake AMMs omitted from this Appendix; the SunCreek Projects are out of the species' known range.

#### **Western Pond Turtle**

The SunCreek EIR/EIS determined that two stock ponds within the SunCreek Projects are suitable aquatic habitat for western pond turtle (*Actinemys marmorata*). The SunCreek EIR/EIS Mitigation Measure 3.3-3e states that a preconstruction survey for western pond turtle shall be conducted by a qualified biologist prior to work in suitable aquatic habitat (i.e., stock ponds). If western pond turtles are found onsite, the AMMs WPT-1 through WPT-9 will be implemented.

**WPT-1 (Western Pond Turtle Surveys):** If the western pond turtle is found to be present within a Covered Activity's project footprint or within 300 feet of a project footprint, then an approved biologist will conduct a field investigation to delineate western pond turtle aquatic habitat within the project footprint and within 300 feet of the project footprint. In addition, western pond turtle aquatic habitat includes, but is not limited to, low-gradient streams and creeks, open water, freshwater marsh, and rice fields. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. The third-party project proponent will map all existing or potential sites and provide those maps to the Local Land Use Permittees and the Implementing Entity. Locations of delineated western pond turtle habitat must also be noted on plans that are submitted to a Local Land Use Permittee. The applicant will use this information to finalize project design. Covered Activities may occur throughout the year as long as western pond turtle habitat is identified and fully avoided. Otherwise, if the western pond turtle is identified during pre-construction surveys in the onsite suitable habitat (i.e., stock ponds as opposed to the presence of modeled habitat under the SSHCP), Covered Activities must comply with WPT-2

through WPT-9. See Chapter 10 for the process to conduct and submit survey information.

**WPT-2 (Western Pond Turtle Work Window):** Maintenance and improvements to existing structures may occur throughout the year as long as western pond turtle habitat is identified and avoided, and movement of equipment is confined to existing roads. Otherwise, construction and ground-disturbing Covered Activities must be conducted outside of western pond turtle's active season. Construction and ground-disturbing activities will be initiated after May 1 and will commence prior to September 15. If it appears that construction activities may go beyond September 15, the appropriate Plan Permittee will contact the Local Land Use Permittee and the Implementing Entity as soon as possible, but not later than September 1, to determine if additional measures are necessary to minimize take.

**WPT-3 (Western Pond Turtle Monitoring):** If a Covered Activity is occurring in western pond turtle habitat and this species is found during pre-construction surveys, an approved biologist experienced with western pond turtle identification and behavior will monitor the project site, including the integrity of any exclusion fencing. The approved biologist will be on site daily while construction-related activities are taking place in aquatic habitat or within 300 feet of aquatic habitat, and will inspect the project site daily for western pond turtle prior to construction activities. The approved biologist will also training construction personnel on the required avoidance procedures, exclusion fencing, and protocols in the event that a western pond turtle enters an active construction zone (i.e., outside the buffer zone).

**WPT-4 (Western Pond Turtle Habitat Dewatering and Exclusion):** If construction activities will occur in western pond turtle aquatic habitat (i.e., stock ponds) and pre-construction surveys confirm the presence of pond turtles, the stock ponds aquatic habitat for the turtle will be dewatered and then remain dry and absent of aquatic prey (e.g., crustaceans and other aquatic invertebrates) for 15 days prior to the initiation of construction activities. ~~complete~~ dewatering is not possible, the Implementing Entity will be contacted to determine what additional measures may be necessary to minimize effects to western pond turtle. After aquatic habitat has been dewatered 15 days prior to construction activities, exclusion fencing will be installed extending a minimum of 300 feet into adjacent uplands to isolate both the aquatic and adjacent upland habitat. Exclusionary fencing will be erected 36 inches above ground and buried at least 6 inches below the ground to prevent turtles from attempting to burrow or move under the fence into the construction area. In addition, high-visibility fencing will be erected to identify construction limits and to protect adjacent habitat from encroachment of personnel and equipment. Western pond turtle habitat outside construction fencing will be avoided by all construction personnel. The fencing and work area will be inspected by the approved biologist to ensure that the fencing is intact and that no turtles have entered the work area before the start of each work day. Fencing will be maintained by the contractor until completion of the project. If, after exclusion fencing and dewatering, western pond turtles are found within the project footprint or within 300 feet of the project footprint, the third-party project proponent will discuss the next best steps with the Implementing Entity and Wildlife Agencies.

**WPT-5 (Avoid Western Pond Turtle Entrapment):** ~~If Western Pond Turtle are found during pre-construction surveys~~ ~~If a Covered Activity occurs within western pond turtle modeled habitat (Figure 3-19)~~, all excavated steep-walled holes and trenches more

than 6 inches deep will be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within western pond turtle modeled habitat will be inspected for western pond turtle by the approved biologist prior to being moved.

**WPT-6 (Erosion Control Materials in Western Pond Turtle Habitat):** If erosion control (BMP-2) is implemented within western pond turtle ~~suitable modeled~~ habitat (i.e., stock ponds ~~Figure 3-19~~), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure that turtles are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.

**WPT-7 (Western Pond Turtle Modeled Habitat Speed Limit):** Covered Activity construction and maintenance vehicles will observe a 20-mile-per-hour speed limit within western pond turtle habitat (i.e., adjacent to stock ponds).

**WPT-8 (Western Pond Turtle Encounter Protocol):** If a western pond turtle is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately. Construction activities will be suspended in a 100-foot radius of the animal until the animal leaves the project site on its own volition. If necessary, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the turtle, within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to the U.S. Fish and Wildlife Service immediately. Any worker who inadvertently injures or kills a western pond turtle or who finds one dead, injured, or entrapped must immediately report the incident to the approved biologist.

**WPT-9 (Western Pond Turtle Post-Construction Restoration):** After completion of ground-disturbing Covered Activities, the applicant will remove any temporary fill and construction debris and will restore temporarily disturbed areas to pre-project conditions. Restoration work includes such activities as re-vegetating the banks and active channels with a seed mix similar to pre-project conditions. Appropriate methods and plant species used to re-vegetate such areas will be determined on a site-specific basis in consultation with the Implementing Entity. Restoration work may include replanting emergent aquatic vegetation and placing appropriate artificial or natural basking areas in waterways and wetlands. A photo documentation report showing pre- and post-project conditions will be submitted to the Implementing Entity 1 month after implementation of the restoration.

western pond turtles are identified on the SunCreek Projects in the onsite suitable aquatic habitat (i.e., stock ponds) AMMs WPT-1 through WPT-9 will be implemented.

### **Tricolored Blackbird**

To avoid direct and indirect effects of Covered Activities on tricolored blackbird (*Agelaius tricolor*), the following AMMs will be implemented.

**TCB-1 (Tricolored Blackbird Surveys):** If modeled habitat for tricolored blackbird is present within a Covered Activity's project footprint or within 500 feet of a project footprint, then an approved biologist will conduct a field investigation to determine if existing or potential nesting or foraging sites are present within the project footprint and adjacent areas within 500 feet of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Within the Plan Area, potential tricolor blackbird nest sites are often associated with freshwater marsh and seasonal wetlands, or in thickets of willow, blackberry, wild rose, thistle, and other thorny vegetation. Tricolored blackbirds are also known to nest in crops associated with dairy farms. Foraging habitat is associated with annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields (such as large tracts of alfalfa and pastures with continuous haying schedules and recently tilled fields), cattle feedlots, and dairies. The Third-Party Project Proponent will map all existing or potential nesting or foraging sites and provide these maps to the Local Land Use Permittees and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Local Land Use Permittee. See Chapter 10 for the process to conduct and submit survey information.

**TCB-2 (Tricolored Blackbird Pre-Construction Surveys):** Pre-construction surveys will be required to determine if active nests are present within a project footprint or within 500 feet of a project footprint if existing or potential nest sites were found during design surveys and construction activities will occur during the breeding season (March 1 through September 15). An approved biologist will conduct pre-construction surveys within 30 days and within 3 days of ground-disturbing activities, and within the proposed project footprint and 500 feet of the proposed project footprint to determine the presence of nesting tricolored blackbird. Pre-construction surveys will be conducted during the breeding season (March 1 through August 31). Surveys conducted in February (to meet pre-construction survey requirements for work starting in March) must be conducted within 14 days and 3 days in advance of ground-disturbing activities. If a nest is present, then TCB-3 and TCB-4 will be implemented. The approved biologist will inform the Land Use Authority Permittee and the Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

**TCB-3 (Tricolored Blackbird Nest Buffer):** If active nests are found within the project footprint or within 500 feet of any project-related Covered Activity, the Third-Party Project Proponent will establish a 500-foot temporary buffer around the active nest until the young have fledged.

**TCB-4 (Tricolored Blackbird Nest Buffer Monitoring):** If nesting tricolored blackbirds are present within the project footprint or within 500 feet of any project-related Covered Activity, then an approved biologist experienced with tricolored blackbird behavior will be retained by the Third-Party Project Proponent to monitor the nest throughout the nesting season and to determine when the young have fledged. The approved biologist will be on site daily while construction-related activities are taking place near the disturbance buffer. Work within the nest disturbance buffer will not be permitted. If the approved biologist determines that tricolored blackbirds are exhibiting agitated behavior, construction will cease until the buffer size is increased to a distance necessary to result in no harm or harassment to the nesting tricolored blackbirds. If the biologist determines that the colonies are at risk, a meeting with the Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will be held to determine the best course of action to avoid nest abandonment or take of individuals.

The approved biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a tricolored blackbird flies into an active construction zone (i.e., outside the buffer zone).

The SunCreek Projects will implement TCB-1 through TCB-4.

### **Swainson's Hawk**

To avoid direct and indirect effects of Covered Activities on Swainson's hawk (*Buteo swainsoni*), the following AMMs will be implemented.

**SWHA-1 (Swainson's Hawk Surveys):** If modeled habitat for Swainson's hawk (Figure 3-25) is present within a Covered Activity's project footprint or within 0.25 mile of a project footprint, then an approved biologist will conduct a survey to determine if existing or potential nesting sites are present within the project footprint and adjacent areas within 0.25 mile of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Nest sites are often associated with Riparian land cover, but also include lone trees in fields, trees along roadways, and trees around structures. Nest trees may include, but are not limited to, Fremont's cottonwood (*Populus fremontii*), oaks (*Quercus* spp.), willows (*Salix* spp.), walnuts (*Juglans* spp.), eucalyptus (*Eucalyptus* spp.), pines (*Pinus* spp.), and Deodar cedar (*Cedrus deodara*). The Third-Party Project Proponent will map all existing and potential nesting sites and provide these maps to the Local Land Use Permittees and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Local Land Use Permittee. See Chapter 10 for the process to conduct and submit survey information.

**SWHA-2 (Swainson's Hawk Pre-Construction Surveys):** Pre-construction surveys will be required to determine if active nests are present within a project footprint or within 0.25 mile of a project footprint if existing or potential nest sites were found during initial surveys and construction activities will occur during the breeding season (March 1 through September 15). An approved biologist will conduct pre-construction surveys within 30 days and 3 days of ground-disturbing activities to determine presence of nesting Swainson's hawk. Pre-construction surveys will be conducted during the breeding season (March 1 through September 15). If a nest is present, then SWHA-3 and SWHA-4 will be implemented. The approved biologist will inform the Land Use Authority Permittee and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

**SWHA-3 (Swainson's Hawk Nest Buffer):** If active nests are found within the project footprint or within 0.25 mile of any project-related Covered Activity, the Third-Party Project Proponent will establish a 0.25 mile disturbance buffer around the active nest until the young have fledged, with concurrence from the Wildlife Agencies.

**SWHA-4 (Swainson's Hawk Nest Buffer Monitoring):** If nesting Swainson's hawks are present within the project footprint or within 0.25 mile of any project-related Covered Activity, then an approved biologist experienced with Swainson's hawk behavior will be retained by the Third-Party Project Proponent to monitor the nest throughout the nesting season and to determine when the young have fledged. The approved biologist will be on site daily while construction-related activities are taking place within the buffer. Work within the temporary nest disturbance buffer can occur with the written permission of the Implementing Entity and Wildlife Agencies. nesting Swainson's hawks begin to exhibit agitated behavior, such as defensive flights at intruders, getting

up from a brooding position, or flying off the nest, the approved biologist will have the authority to shut down construction activities. If agitated behavior is exhibited, the biologist, Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will meet to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a Swainson's hawk flies into an active construction zone (i.e., outside the buffer zone).

The SunCreek Projects will comply with SWHA-1 through SWHA-4.

### **Greater Sandhill Crane**

Great Sandhill Crane AMMs are omitted from this Appendix; the SunCreek Projects are outside of the species' known range.

### **Western Burrowing Owl**

Western burrowing owl (*Athene cunicularia*) is known to nest on the SunCreek Projects. Three burrowing owls were identified in the central southwestern portion of the SunCreek Projects during a November 10, 2005 field visit. To avoid direct and indirect effects of the SunCreek Projects on western burrowing owl, the following AMMs will be implemented.

**WBO-1 (Western Burrowing Owl Surveys):** Surveys within modeled habitat are required for both the breeding and non-breeding season. If the project site falls within modeled habitat, an approved biologist will survey the project site and map all burrows, noting any burrows that may be occupied. Occupied burrows are often (but not always) indicated by tracks, feathers, egg shell fragments, pellets, prey remains, and/or excrement. Surveying and mapping will be conducted by the approved biologist while walking transects throughout the entire project site plus all accessible areas within a 250-foot radius from the project site. The centerline of these transects will be no more than 50 feet apart and will vary in width to account for changes in terrain and vegetation that can preclude complete visual coverage of the area. For example, in hilly terrain with patches of tall grass, transects will be closer together, and in open areas with little vegetation, they can be 50 feet apart. This methodology is consistent with current survey protocols for this species (California Burrowing Owl Consortium 1993). Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. If suitable habitat is identified during the initial survey, and if the project does not fully avoid the habitat, pre-construction surveys will be required. Burrowing owl habitat is fully avoided if project-related activities do not impinge on a 250-foot buffer established by the approved biologist around suitable burrows. See Chapter 10 for the process to conduct and submit survey information.

**WBO-2 (Western Burrowing Owl Pre-Construction Surveys):** Prior to any Covered Activity ground disturbance, an approved biologist will conduct pre-construction surveys in all areas that were identified as suitable habitat during the initial surveys. The purpose of the pre-construction surveys is to document the presence or absence of burrowing owls on the project site, particularly in areas within 250 feet of construction activities. To maximize the likelihood of detecting owls, the pre-construction survey will last a minimum of 3 hours. The survey will begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total), or begin 2 hours before sunset and continue until 1 hour after sunset. Additional time may be required for large project sites. A minimum

of two pre-construction surveys will be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their location will be mapped. Surveys will conclude no more than 2 calendar days prior to construction. Therefore, the Third-Party Project Proponent must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last-minute changes in schedule or contracting that may occur if burrowing owls are found, the Third-Party Project Proponent may also conduct a preliminary survey up to 15 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction.

**WBO-3 (Burrowing Owl Avoidance):** If western burrowing owl or evidence of western burrowing owl is observed on the project site or within 250 feet of the project site during pre-construction surveys, then the following will occur:

**During Breeding Season:** the approved biologist finds evidence of western burrowing owls within a project site during the breeding season (February 1 through August 31), all project-related activities will avoid nest sites during the remainder of the breeding season or while the nest remains occupied by adults or young (nest occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance is establishment of a minimum 250-foot buffer zone around nests. Construction and other project-related activities may occur outside of the 250-foot buffer zone. Construction and other project-related activities may be allowed inside of the 250-foot non-disturbance buffer during the breeding season if the nest is not disturbed, and the Third-Party Project Proponent develops an avoidance, minimization, and monitoring plan that is approved by the Implementing Entity and Wildlife Agencies prior to project construction based on the following criteria:

- The Implementing Entity and Wildlife Agencies approve of the avoidance and minimization plan provided by the project applicant.
- An approved biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
- The same approved biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.

If there is any change in owl nesting and foraging behavior as a result of construction activities, the approved biologist will have authority to shut down activities within the 250-foot buffer. Construction cannot resume within the 250-foot buffer until any owls present are no longer affected by nearby construction activities, and with written concurrence from the Wildlife Agencies.

monitoring by the approved biologist indicates that the nest is abandoned prior to the end of nest season and the burrow is no longer in use, the non-disturbance buffer zone may be removed if approved by the Wildlife Agencies. The approved biologist will excavate the burrow in accordance with the latest California Department of Fish and Wildlife guidelines for burrowing owl to prevent reoccupation after receiving approval from the Wildlife Agencies.

The Implementing Entity and Wildlife Agencies will respond to a request from the Third-Party Project Proponent to review the proposed construction monitoring plan within 21 days.

**During Non-Breeding Season:** During the non-breeding season (September 1 through January 31), the approved biologist will establish a minimum 250-foot non-disturbance buffer around occupied burrows. Construction activities outside of this 250-foot buffer will be allowed. Construction activities within the non-disturbance buffer will be allowed if the following criteria are met to prevent owls from abandoning over-wintering sites:

- An approved biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
- The same approved biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.

there is any change in owl foraging behavior as a result of construction activities, the approved biologist will have authority to shut down activities within the 250-foot buffer.

the owls are gone for at least 1 week, the Third-Party Project Proponent may request approval from the Implementing Entity and Wildlife Agencies that an approved biologist excavate usable burrows and install one-way exclusionary devices to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue.

Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

**WBO-4 (Burrowing Owl Construction Monitoring):** During construction of Covered Activities, 250-foot construction buffer zones will be established and maintained around any occupied burrow. An approved biologist will monitor the site to ensure that buffers are enforced and owls are not disturbed. The approved biologist will also train construction personnel on avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.

**WBO-5 (Burrowing Owl Passive Relocation):** Passive relocation is not allowed without the express written approval of the Wildlife Agencies. Passive owl relocation may be allowed on a case-by-case basis on project sites during the non-breeding season (September 1 through January 31) with the written approval of the Wildlife Agencies if the other measures described in this condition preclude work from continuing. Passive relocation must be done in accordance with the latest California Department of Fish and Wildlife guidelines for burrowing owl. Passive relocation will only be proposed if the burrow needing to be removed or with the potential to collapse from construction activities is the result of a Covered Activity. If passive relocation is approved by the Wildlife Agencies, an approved biologist can passively exclude birds from their burrows during the non-breeding season by installing one-way doors in burrow entrances. These doors will be in place for 48 hours to ensure that owls have left the burrow, and then the biologist will excavate the burrow to prevent reoccupation. Burrows will be excavated using hand tools only. During excavation, an escape route will be maintained at all times. This may include inserting an artificial structure into the burrow to avoid having materials collapse into the burrow and trap owls inside. Other methods of passive relocation, based on best available science, may be approved by the Wildlife Agencies over the 50-year Permit Term.

**WBO-6 (Burrowing Owl Timing of Maintenance Activities):** All activities adjacent to existing or planned Preserves, Preserve Setbacks, or Stream Setback areas will be seasonally timed, when safety permits, to avoid or minimize adverse effects on occupied burrows.

**WBO-7 (Rodent Control):** Rodent control will be allowed only in developed portions of a Covered Activity project site within western burrowing owl modeled habitat. Where rodent control is allowed, the method of rodent control will comply with the methods of rodent control discussed in the 4(d) Rule published in the U.S. Fish and Wildlife Service's (2004) final listing rule for tiger salamander.

The SunCreek Projects will comply with WBO-1 through WBO-7.

### **Covered Raptor Species**

To avoid direct and indirect effects of Covered Activities on covered raptor species, the following AMMs will be implemented. This measure applies to Cooper's hawk (*Accipiter cooperii*), loggerhead shrike (*Lanius ludovicianus*), northern harrier (*Circus cyaneus*), and white-tailed kite (*Elanus leucurus*). The following AMMs do not apply to ferruginous hawk (*Buteo regalis*), as they do not nest in the Plan Area. The following AMMs also do not apply to Swainson's hawk or burrowing owl, as specific AMMs have been developed for these covered raptor species.

**RAPTOR-1 (Raptor Surveys):** modeled habitat for a covered raptor species (Figures 3-20, 3-23, 3-24, or 3-28) is present within a Covered Activity's project footprint or within 0.25 mile of a project footprint, then an approved biologist will conduct a field investigation to determine if existing or potential nesting sites are present within the project footprint and adjacent areas within 0.25 mile of the project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. The Third-Party Project Proponent will map all existing or potential nesting sites and provide these maps to the Local Land Use Permittees and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Local Land Use Permittee. See Chapter 10 for the process to conduct and submit survey information.

**RAPTOR-2 (Raptor Pre-Construction Surveys):** Pre-construction surveys will be required to determine if active nests are present with a project footprint or within 0.25 mile of a project footprint if existing or potential nest sites are found during initial surveys and construction activities will occur during the raptor breeding season. An approved biologist will conduct pre-construction surveys within 30 days and 3 days of ground-disturbing activities within the proposed project footprint and within 0.25 mile of the proposed project footprint to determine presence of nesting covered raptor species. Pre-construction surveys will be conducted during the raptor breeding season. If a nest is present, then RAPTOR-3 and RAPTOR-4 will be implemented. The approved biologist will inform the Land Use Authority Permittee and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

**RAPTOR-3 (Raptor Nest/Roost Buffer):** If active nests are found within the project footprint or within 0.25 mile of any project-related Covered Activity, the Third-Party Project Proponent will establish a 0.25 mile temporary nest disturbance buffer around the active nest until the young have fledged.

**RAPTOR-4 (Raptor Nest/Roost Buffer Monitoring):** If project-related Covered Activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an approved biologist experienced with raptor behavior will be retained by the Third-Party Project Proponent to monitor the nest throughout the nesting season and to determine when the young have fledged. The approved biologist will be on site daily while construction-related activities are taking place within the disturbance buffer. Work within the temporary nest disturbance buffer can occur with

the written permission of the Implementing Entity and Wildlife Agencies. If nesting raptors begin to exhibit agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, the approved biologist/monitor will have the authority to shut down construction activities. If agitated behavior is exhibited, the biologist, Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will meet to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a covered raptor species flies into an active construction zone (i.e., outside the buffer zone).

The SunCreek Projects will comply with RAPTOR-1 through RAPTOR-4.

### **Western Red Bat**

The SunCreek Projects are mapped foraging habitat for western red bat (*Lasiurus blossevillii*). The AMMs for this species address winter hibernaculum and day and night roosts which include forested riparian areas, orchards, or concentrations of trees near edges. None of these features are present on-site; therefore, the AMMs are omitted from this Appendix.

# **Attachment D**

## **Section 401 Water Quality Certifications**

# **Backbone Infrastructure**



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## Central Valley Regional Water Quality Control Board

15 November 2018

Patrick Hindmarsh  
City of Rancho Cordova  
2729 Prospect Drive  
Rancho Cordova, CA 95670

CERTIFIED MAIL  
91 7199 9991 7035 8421 2585

### **CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE SUNCREEK SPECIFIC PLAN AREA, BACKBONE INFRASTRUCTURE PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00716)**

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Central Valley Regional Water Quality Control Board Executive Officer, Patrick Pulupa. This Order is issued to the City of Rancho Cordova for the Sun creek Specific Plan Area, Backbone Infrastructure Project (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by the City of Rancho Cordova for proposed Project discharges to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

Please review your Order carefully to ensure that you understand all aspects of the Order. Note that this Order requires reporting and notification. Requirements for the content of the reporting and notification requirements are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

These reports, notifications, and other submissions must be submitted in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

If you require further assistance, please contact me by phone at (916) 464-4812 or by email at [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov). You may also contact Stephanie Tadlock, Unit Supervisor, by phone at (916) 464-4644 or by email at [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).

*Original Signed By:*

Jordan Hensley  
Environmental Scientist  
401 Water Quality Certification Unit

Enclosures (1): Order for the Suncreek Specific Plan Area, Backbone Infrastructure Project

cc: [Via email only] (w/ enclosure):

Bill Guthrie (SPK-2005-00888)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
Regulatory Division  
SPKRegulatoryMailbox@usace.army.mil

Sam Ziegler  
United States Environmental Protection Agency  
Ziegler.Sam@epa.gov

California Department of Fish and Wildlife, Region 2  
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Stephanie Tadlock  
Unit Supervisor  
Central Valley Regional Water Quality Control Board, Sacramento  
Stephanie.Tadlock@waterboards.ca.gov

cc: (w/ enclosure):  
Bill Jennings  
CA Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, CA 95204

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Central Valley Regional Water Quality Control Board

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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<b>Effective Date:</b> 15 November 2018	<b>Reg. Meas. ID:</b> 416332
<b>Expiration Date:</b> 14 November 2023	<b>Place ID:</b> 813644
<b>Program Type:</b> Fill/Excavation	<b>WDID:</b> 5A34CR00716
<b>Project Type:</b> Residential	<b>USACOE#:</b> SPK-2005-00888 NWP 12, 14
<b>Project:</b> Suncreek Specific Plan Area, Backbone Infrastructure Project (Project)	
<b>Applicant:</b> City of Rancho Cordova	
<b>Applicant Contact:</b> Patrick Hindmarsh 2729 Prospect Park Drive Rancho Cordova, CA 95670 Phone: (916) 231-3375 Email: phindmarsh@mbakerintl.com	
<b>Applicant's Agent:</b> Kathleen Ports ECORP Consulting, Inc. 2525 Warren Drive Rocklin, CA 95677 Phone: (916) 782-9100 Email: kports@ecorpconsulting.com	
<b>Water Board Staff:</b> Jordan Hensley Environmental Scientist 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670 Phone: (916) 464-4812 Email: Jordan.Hensley@waterboards.ca.gov	

**Water Board Contact Person:**

If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the City of Rancho Cordova (herein after Permittee) for the Project. The Central Valley Water Board Staff issued a Denial without Prejudice of the 26 February 2015 application on 16 March 2016. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 13 September 2017. The application was deemed complete on 5 January 2018.

**II. Public Notice**

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 15 September 2017 to 6 October 2017. The Central Valley Water Board did not receive any comments during the comment period.

**III. Project Purpose**

The purpose of the Project is to construct infrastructure to allow for phased implementation of the Suncreek Specific Plan Area.

**IV. Project Description**

The 286-acre Project consists of constructing sanitary sewer, water supply, drainage and flood control improvements, and on-site and off-site roadway improvements to support a future residential development area.

**V. Project Location**

County: Sacramento  
Nearest City: Rancho Cordova

Section 15, 21, & 29, Township 8 North, Range 7 East, MDB&M.

Latitude: 38°32'00"N and Longitude: 121°12'45"W

Maps showing the Project location are found in Attachment A of this Order.

**VI. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, revised May 2018 (Basin Plan). The Basin Plan for the region and other plans and policies may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

**VII. Description of Direct Impacts to Waters of the State**

The main sanitary sewer system will service the specific plan area. Sewer lines will be incorporated in major roadways and include some separate sewer lines and a sewer pump station. Two new water wells will be constructed in the northwest corner of the Shalako property and a water treatment plant will be built in the southeast corner of the Shalako property, as shown on Figure 2. Detention and water quality basin will be constructed on individual properties and serve the greater specific plan area. Basins will be located at the northern end and west central portion of the Sierra Sunrise property, the western side of the Grantline 220 property, the southwest corner of the Jaeger Ranch property, the southern portion of the Smith and Kamilos properties, and the northern and southern boundaries of the Shalako property, as shown on Figure 2. Drainage crossing will be constructed in the northeastern corner of the Grantline 220 property, center and northeast corner of the Jaeger Ranch Property near the intersection of the Smith, Shalako, and Sierra Sunrise boundaries, and the center of the Shalako property.

Dewatering will occur at perennial stream crossings within the Project area. Wet concrete will be placed into wetland habitat at the culvert, bridge, and drainage structure installations after being fully dewatered.

Project activities will permanently impact 7.579 acres/5,722 linear feet of wetland habitat.

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact <sup>1</sup>			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Acres	CY	LF	Acres	CY	LF
Wetland	-	-	-	6.654	-	-	1.024	-	-
Stream Channel	-	-	-	0.925	-	-	0.055		
<b>Total</b>	-	-	-	<b>7.579</b>	-	<b>5,722</b>	<b>1.079</b>		

**VIII. Description of Indirect Impacts to Waters of the State**

The Central Valley Water Board recognizes the potential for 0.535 acre of indirect impacts to waters of the state associated with the Project due to grading or fill of hydrologic features.

**IX. Avoidance and Minimization**

To minimize the potential effects of construction on water quality and resources, the Project will implement all measures required as described in the Order. The following measures identified in the Final Environmental Impact Report/Final Environmental Impact Statement would also limit the potential for water quality and water quantity impacts during construction activities:

The Project would be required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), to prepare an erosion and

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

<sup>2</sup> Cubic Yards (CY); Linear Feet (LF)

sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan shall be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the project applicants for any discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project) shall obtain coverage under the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) storm water permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed. The project applicants shall also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova (City) Public Works Department. The SWPPP and other appropriate plans shall identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that shall reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-storm water management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in storm water drainage and non-storm water discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction/demolition activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.

- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP shall be maintained and available at all times on the construction site.

The project shall result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The applicant shall establish a baseline of conditions for drainage on site. The baseline flow conditions shall be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions shall be used to develop monitoring standards for the storm water system in the specific plan area. The baseline conditions, monitoring standards, and a monitoring program shall be submitted to the City for their approval. The detention basins shall be designed and constructed so that performance standards for hydrology and water quality are met. The discharge site into Kite Creek and associated tributaries shall be monitored so that pre-project conditions are being met. Corrective measures shall be implemented as necessary. The mitigation measures shall be considered satisfied when the monitoring standards are met for five consecutive years without undertaking corrective measures.

The Permittee shall submit an updated Regional Master Drainage Study for the specific plan area to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:

- the proposed storm water detention basins are appropriately sized in compliance with the Storm Water Quality Plan (SSQP) NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley Water Board) so that hydromodification would not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements shall be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;
- the storm water detention basins will drain by gravity;
- the storm water detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
- the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.

The Permittee shall develop and implement a BMP and Water Quality Maintenance Plan. Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by the project applicants for any particular discretionary development application. Drafts of the plan

shall be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan shall include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Pre- and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the “Stormwater Quality Design Manual for Sacramento and South Placer Regions” and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that shall include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept storm water.
- New storm water facilities shall be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns.

The reduction in runoff as a result of the LID configurations shall be quantified based on the runoff reduction credit system methodology described in “Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4” (SSQP 2007) and proposed detention basins and other water quality BMPs shall be sized to handle these runoff volumes.

#### **X. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for direct impacts described in section VII for permanent impacts.

#### **XI. California Environmental Quality Act (CEQA)**

On 2 December 2013, the City of Rancho Cordova , as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 3 December 2013. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

## **XII. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State Water Resources Control Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

## **XIII. Fees Received**

An application fee deposit of \$78,694.00 was received on 13 September 2017.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

## **XIV. Conditions**

The Central Valley Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

### **A. Authorization**

Impacts to waters of the state shall not exceed quantities shown in Table 1.

### **B. Reporting and Notification Requirements**

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

#### **1. Project Reporting**

- a. Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 30th day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

If no sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every month thereafter.

- b. Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of January starting one year after the effective date of the Order.

Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

## 2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities which includes the corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,<sup>3</sup> and no further Project activities will occur. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

## 3. Conditional Notifications and Reports: The following notifications and reports are required as appropriate.

### a. Accidental Discharges of Hazardous Materials<sup>4</sup>

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, section 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - first call – 911 (to notify local response agency)

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<sup>3</sup> Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

<sup>4</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
  - Lastly follow the required OES procedures as set forth in:  
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
  - iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions**
- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
  - ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.
- d. Modifications to Project**
- Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.
- e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:
- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership.

- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
- f. **Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### C. Water Quality Monitoring

1. **General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling<sup>5</sup>:
  - a. when performing any in-water work;
  - b. during the entire duration of temporary surface water diversions;
  - c. in the event that the Project activities result in any materials reaching surface waters; or
  - d. when any activities result in the creation of a visible plume in surface waters.
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
3. **In-Water Work or Diversions:**

During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

  - a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
  - b. The pH shall not be depressed below 6.5 nor raised above 8.5.
  - c. Activities shall not cause turbidity increases in surface water to exceed:
    - I. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;

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<sup>5</sup> Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

- II. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
- III. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- IV. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- V. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters.<sup>6</sup> The sampling in Table 2 shall be conducted in the lake outside the influence of the Project to obtain a representative sample and within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the lake.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversions Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and with every monthly report thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.d.

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
pH <sup>7</sup>	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours

**4. Post-Construction:** Visually inspect the Project site during the rainy season for one year to ensure excessive erosion, stream instability, or other water quality pollution is

<sup>6</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

<sup>7</sup> Sampling to be conducted if uncured concrete comes into contact with surface water.

not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

**D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

**E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement.** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

#### **F. Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

- a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
  5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

## **G. Construction**

### **1. Dewatering**

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.
- c. The temporary dam or other artificial obstruction shall only be built from clean materials, including, but not limited to, sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- d. If water is present in the work area, the area must be dewatered prior to start of work.
- e. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

### **2. Directional Drilling – NOT APPLICABLE**

### **3. Dredging – NOT APPLICABLE**

### **4. Fugitive Dust – NOT APPLICABLE**

**5. Good Site Management “Housekeeping”**

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.
- d. A method of containment shall be used below the bridges and temporary crossings to prevent debris from falling into the waterbody through the entire duration of the Project.

**6. Hazardous Materials**

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.
- b. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

**7. Invasive Species and Soil Borne Pathogens – NOT APPLICABLE**

**8. In-Water Work**

- a. Work in the wetland shall occur during periods of no precipitation and when the work area is naturally dry.

**9. Post-Construction Storm Water Management**

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:

- i. Minimize the amount of impervious surface;
  - ii. Reduce peak runoff flows;
  - iii. Provide treatment BMPs to reduce pollutants in runoff;
  - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
  - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
- i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

## **10. Roads – NOT APPLICABLE**

## **11. Sediment Control**

- a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments

from migrating into the waters of the state through the entire duration of the Project.

- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

**12. Special Status Species – NOT APPLICABLE**

**13. Stabilization/Erosion Control**

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding shall be performed with California native seed mix.

**14. Storm Water**

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - i. The Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparation and implementation of a Storm Water Pollution Prevention Plan; and
  - ii. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

**H. Site Specific – NOT APPLICABLE**

**I. Total Maximum Daily Load (TMDL) – NOT APPLICABLE**

**J. Mitigation for Temporary Impacts – NOT APPLICABLE**

**K. Compensatory Mitigation for Permanent Impacts<sup>8</sup>**

The Permittee has agreed to provide compensatory mitigation for direct and indirect impacts, described in section VII and VIII for permanent impacts.

**1. Compensatory Mitigation Plan – NOT APPLICABLE**

**2. Irrevocable Letter of Credit – NOT APPLICABLE**

**3. Permittee-Responsible Compensatory Mitigation Responsibility**

- a. Permittee responsible compensatory mitigation installation shall be completed within 90 days of authorized impacts.
- b. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:

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<sup>8</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

- i. Performance standards are met.
    - ii. A Transfer Agreement to a third party has been approved by Central Valley Water Board staff.
    - iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.
    - iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Central Valley Water Board staff.
  - c. Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility
    - i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Central Valley Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Central Valley Water Board under Water Code section 13385, subdivision (a).
    - ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Central Valley Water Board staff. A draft transfer agreement is due to Central Valley Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Central Valley Water Board staff within 30 days of the completion of the transfer.

#### **4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

- a. The Permittee shall purchase 3.31 acres of vernal pools at Clay Station Mitigation Bank or other USACE-approved mitigation bank.
- b. The Permittee shall purchase 1.92 acres of seasonal wetland floodplain mosaic wetlands at Cosumnes Floodplain Mitigation bank or other USACE-approved mitigation bank.

#### **5. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to wetland habitat by creating 2.35 acres of off-site habitat mitigation at the Town Center Property as required by the USACE.
- b. The Permittee is required to purchase 3.31 acres of vernal pools at Clay Station Mitigation Bank and 1.92 acres of seasonal wetland floodplain mosaic wetlands at Cosumnes Floodplain Mitigation Bank. Other USACE-approved mitigation banks may be substituted with approval by the USACE.
- c. The Permittee is required to provide compensatory mitigation for the authorized indirect impact to wetland habitat by creating 0.27 acre of off-site habitat mitigation at an USACE-approved mitigation bank.
- d. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3.

<b>Table 3: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area</b>								
Aquatic Resource Type	Comp Mit. Type <sup>9</sup>	Units	Method <sup>10</sup>					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	PR	Acres	2.62	-	-	-	-	-
Vernal Pool	MB	Acres	3.31	-	-	-	-	-
Wetland	MB	Acres	1.92	-	-	-	-	-
<b>Total</b>	-	Acres	7.85	-	-	-	-	-

**L. Certification Deviation**

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

<sup>9</sup> Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

<sup>10</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

**XV. Water Quality Certification**

I hereby issue the Order for the Suncreek Specific Plan Area, Backbone Infrastructure Project, (WDID#5A34CR00624) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

*Original Signed By Adam Laputz for:*

*11.16.18*

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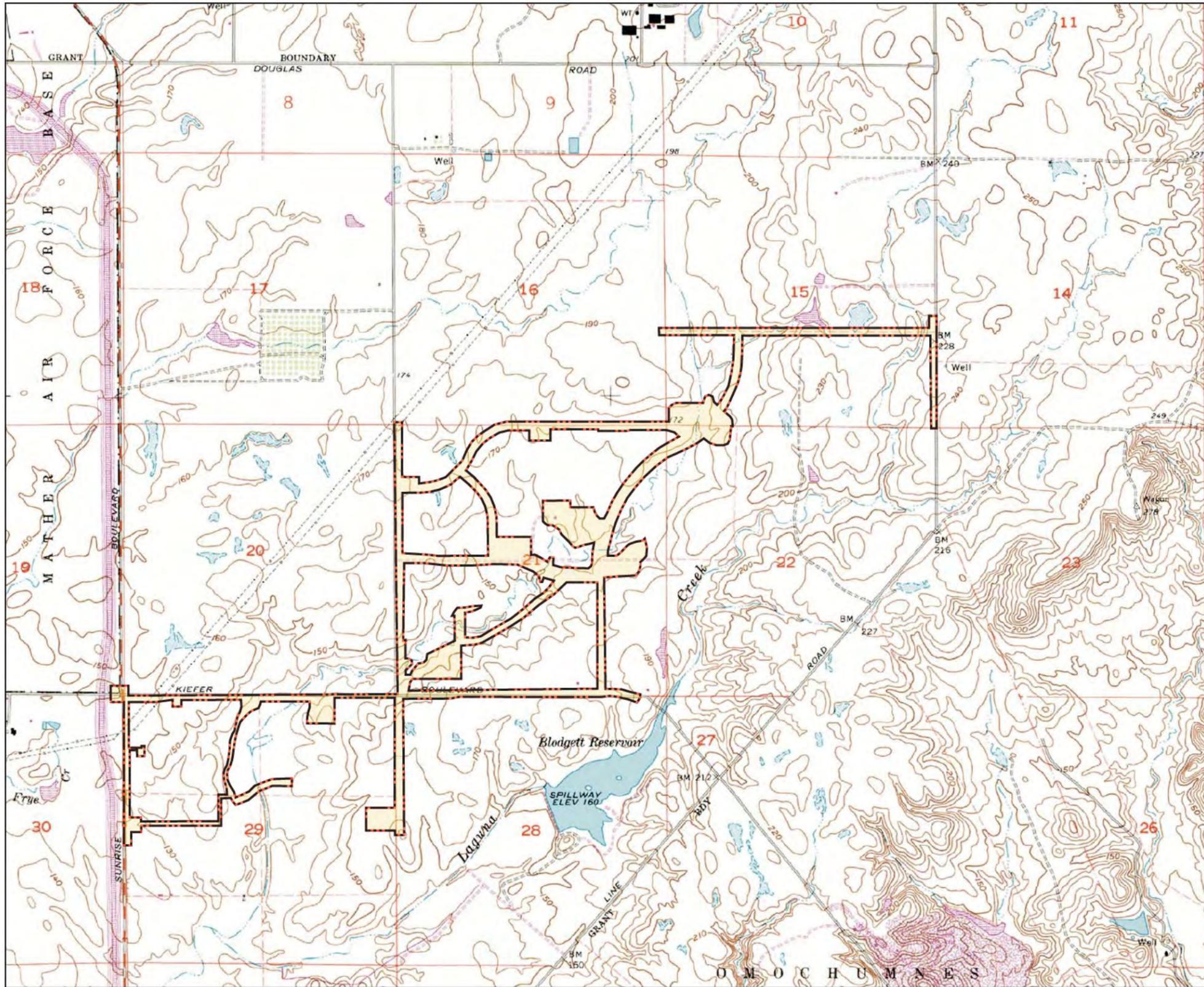
Patrick Pulupa  
Executive Officer  
Central Valley Regional Water Quality Control Board

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Date

- Attachment A** Project Map
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings of Facts
- Attachment D** Report and Notification Requirements
- Attachment E** Signatory Requirements
- Attachment F** Certification Deviation Procedures

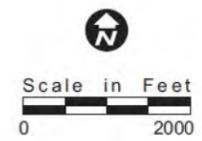




**Figure 1.**  
**Project Site and Vicinity**

§15, 21, & 29, T.8N., R.7E., MDBM  
Latitude 38° 32' 00" N  
Longitude 121° 12' 45" W  
Lower Sacramento Watershed (18020109)

 Backbone Infrastructure

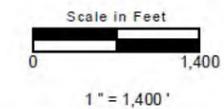
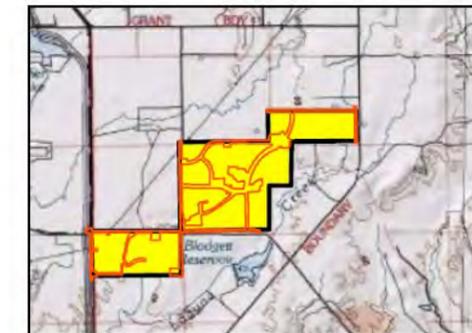
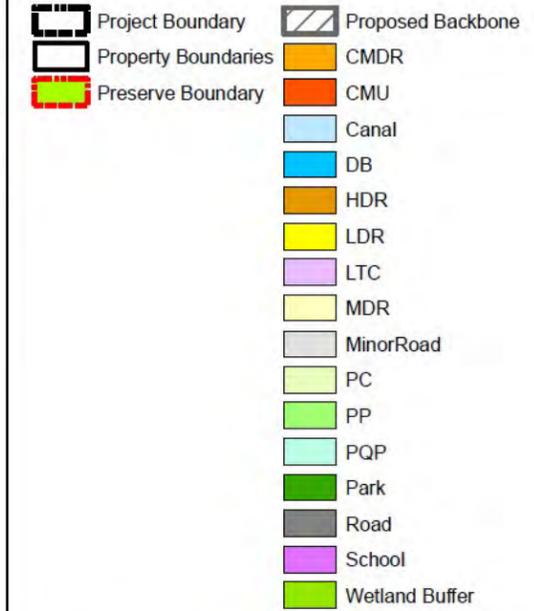


Buffalo Creek, California, 7.5 minute topographic  
quadrangle, US Geological Survey, 1980.



Figure 2. Proposed Impact Plan

Backbone



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\404\404\_v1\INDIVIDUAL\SCSP\_Backbone\_imp\_1.txd (10/7/2011)

Table 1: Total Project Fill/Excavation Quantity

Aquatic Resource Type	Temporary Impact <sup>1</sup>			Permanent Impact					
	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Physical Loss of Area			Degradation of Ecological Condition		
				Acres	CY	LF	Acres	CY	LF
Wetland	-	-	-	6.654	-	-	1.024	-	-
Stream Channel	-	-	-	0.925	-	-	0.055	-	-
<b>Total</b>	-	-	-	7.579	-	5,722	1.079	-	-



**Receiving Waters**

The following table shows the receiving waters associated with each impact site.

<b>Table 1: Receiving Water(s) Information</b>								
Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID <sup>11</sup>
<input type="checkbox"/>	Site 1	Unnamed tributary	Wetland	519.12	Laguna Creek	n/a	n/a	n/a

**Individual Direct Impact Locations**

The following table shows individual impact locations.

<b>Table 2: Individual Direct Impact Information</b>											
Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Site 1	38°32'00" N	121°12'45" W	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	7.579	-	5,722

<sup>11</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

### Compensatory Mitigation Information

The following tables show individual compensatory mitigation information and locations.

#### (a) Permittee Responsible Compensatory Mitigation Site Information

<b>Table 3: Onsite Permittee Responsible Compensatory Mitigation<sup>12</sup></b>					
Site ID	Lat.	Long.	Aquatic Resource Type	Mitigation Quantity	
				Acres	Linear Feet
Town Center Property	TBD	TBD	unknown	2.35	-

#### (b) Mitigation Bank Compensatory Mitigation Site Information

<b>Table 4 Mitigation Bank</b>			
Mitigation Bank	Name:	Clay Station Mitigation Bank	
	Website:	<a href="http://www.ecorpc consulting.com/projects/industry/Mitigation/clay_station_proj.html">http://www.ecorpc consulting.com/projects/industry/Mitigation/clay_station_proj.html</a>	
Contact Information	Name:	Marin Meza	
	Phone:	(916) 782-9100	
	Email:	mmeza@ecorpcconstulting.com	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	3.31	-	-

<sup>12</sup> Mitigation site is analyzed in the Project CEQA document.

<b>Table 5 Mitigation Bank</b>			
Mitigation Bank	Name:	Cosumnes Floodplain Mitigation Bank	
	Website:	<a href="https://www.wesmitigation.com/cabanks/another-california-bank/">https://www.wesmitigation.com/cabanks/another-california-bank/</a>	
Contact Information	Name:	Travis Hemmen	
	Phone:	(916) 646-3644	
	Email:	themmen@westervelt.com	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Wetland	1.92	-	-



## A. Environmental Review

On 2 December 2013, the City of Rancho Cordova, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 3 December 2013. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, section 21069) and in making its determinations and findings, must presume that the City of Rancho Cordova's certified environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, section 21167.3). The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Rancho Cordova addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Rancho Cordova for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, section 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, section 15091, subd. (d).)

## B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: Rancho Cordova City Hall, 2729 Prospect Park Drive, Rancho Cordova, CA 95670.

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

## C. Findings

The FEIR describes the potential significant environmental effects to water quality. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings

- (1) Findings regarding impacts that will be mitigated to a less than significant level. (Pub. Resources Code, section 21081, subd. (a)(1); Cal. Code Regs., tit. 14, section 15091, subd. (a)(1).)

*Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.*

### a.i. Potential Significant Impact:

The Project may cause significant impacts in the following areas: loss and degradation of jurisdictional wetlands and other waters of the United States; loss and degradation of habitat for special-status wildlife; potential for substantial interference with the movement of any native resident or migrator wildlife species or with established native

resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; substantial reduction in the habitat of a wildlife species; potential temporary, short-term construction-related drainage and water quality effects; potential increased risk of flooding and hydromodification from increased storm water runoff; long-term water quality and hydrology effects from urban runoff; potential exposure of people or structures to a significant risk of flooding as a result of the failure of a levee or dam; and potential impacts from new impervious surfaces and the use of groundwater resources on groundwater recharge and aquifer volume.

a.ii. Facts in Support of Finding:

**Mitigation Measure 3.3-1a: Include in Drainage Plans All Wetlands that Remain On-site, Submit Plans to the City of Rancho Cordova (City) and United States Army Corps of Engineers (USACE) for Review and Approval, and Implement all Measures in Drainage Plans.** To minimize indirect impacts on water quality and wetland hydrology, the project applicants for any particular discretionary development application shall include drainage plans in their improvement plans and shall submit the drainage plans to the City Public Works Department for review and approval. Before approval of these improvement plans, the project applicants for all project phases shall commit to implement all measures in their drainage plans, to avoid and minimize erosion and runoff into Laguna Creek, its tributaries, and all wetlands to remain on-site. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants. See Section 3.9, "Hydrology and Water Quality," for further discussion of the project's National Pollutant Discharge Elimination System (NPDES) permit and associated Stormwater Pollution Prevention Plan (SWPPP), which would also reduce erosion and siltation.

The project shall result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The applicant shall establish a baseline of conditions for drainage on site. The baseline flow conditions shall be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions shall be used to develop monitoring standards for the storm water system in the SPA. The baseline conditions, monitoring standards, and a monitoring program shall be submitted to the City for their approval. The detention basins shall be designed and constructed so that performance standards described in Section 3.9, "Hydrology and Water Quality" are met. The discharge site into Kite Creek and associated tributaries shall be monitored so that pre-project conditions are being met. Corrective measures shall be implemented as necessary. The mitigation measures shall be considered satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures.

**Mitigation Measure 3.3-1b: Secure CWA Section 404 Permit and Implement All Permit Conditions, and Ensure No Net Loss of Wetlands and other Waters of the United States and Associated Functions.** Before the approval of grading and improvement plans and before any ground-disturbing activity associated with each distinct discretionary development entitlement, the project applicants for any particular

discretionary development application requiring fill of wetlands or other waters of the United States or waters of the state shall obtain all necessary permits under Sections 401 and 404 of the Clean Water Act (CWA) or the state's Porter-Cologne Act for the respective phase. For each respective discretionary development entitlement, all permits, regulatory approvals, and permit conditions for effects on wetland habitats shall be secured before implementation of any grading activities within 250 feet (or lesser distance deemed sufficiently protective by a qualified biologist approved by United States Fish and Wildlife Service (USFWS) and USACE) of waters of the United States or wetland habitats, including waters of the state, that potentially support Federally listed species, or within 100 feet of any other waters of the United States or wetland habitats, including waters of the state. The project applicants shall commit to replace or restore on a "no net loss" of function basis (in accordance with USACE and the Central Valley Regional Water Quality Control Board (Central Valley RWQCB)) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded as a result of implementing project plans for that phase.

Wetland habitat shall be restored or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes, sufficient to achieve the "no net loss" standard.

As part of the Section 404 permitting process, a draft wetland mitigation and monitoring plan (MMP) shall be developed for the project and submitted to USACE, the Central Valley RWQCB, and the City for review and approval of those portions of the plan over which they have jurisdiction. The MMP would have to be finalized and approved prior to issuance of a grading permit for any project phase that would adversely affect wetlands or other waters of the U.S. or waters of the state. The MMP shall be implemented before beginning ground-disturbing activities in any project phase that would adversely affect wetlands or other waters of the U.S. or waters of the state. Once the final MMP is approved and implemented, mitigation monitoring shall continue for a minimum of 5 years from completion of mitigation, or approved human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer.

As part of the MMP, the project applicants shall prepare and submit plans for the creation of aquatic habitat to adequately offset and replace the aquatic functions and services that would be lost at the Specific Plan Area (SPA), account for the temporal loss of habitat, and contain an adequate margin of safety to reflect anticipated success. Restoration of previously altered and degraded wetlands shall be a priority of the MMP for offsetting losses of aquatic functions in the SPA because it is typically easier to achieve functional success in restored wetlands than in those created from uplands. The MMP must demonstrate how the aquatic functions that would be lost through project implementation will be replaced.

The habitat MMP for jurisdictional wetland features shall be consistent with USACE's and Environmental Protection Agency's (EPA) April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (73 CFR 19594) and USACE's October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* (USACE 2010). According to the Final Rule, mitigation banks should be given preference over other types of mitigation because much of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before the USACE will approve the sale of credits. The use of mitigation bank credits also alleviates temporal losses of wetland function while compensatory wetlands are being established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study and planning and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA 2008). Permittee-responsible on-site mitigation areas can be exposed to long-term negative effects of surrounding development since they tend to be smaller and less buffered than mitigation banks. The Final Rule also establishes a preference for a "watershed approach" in selecting locations for compensatory mitigation project locations, that mitigation selection must be "appropriate and practicable" and that mitigation banks must address watershed needs based on criteria set forth in the *Final Rule*. The watershed approach accomplishes this objective by expanding the informational and analytic basis of mitigation project site selection decisions and ensuring that both authorized impacts and mitigation are considered on a watershed scale rather than only project by project. This requires a degree of flexibility so that district engineers can authorize mitigation projects that most effectively address the case-specific circumstances and needs of the watershed, while remaining practicable for the permittee.

The majority of the SPA is within the Laguna Creek Watershed, but the northwest portion of the Kamilos property is within the Morrison Creek Watershed. Both of these watersheds are part of the Lower Sacramento River Watershed. As shown in Table 3.3-5, as of the writing of this document, mitigation credits are available within the Laguna Creek Watershed at the Bryte Ranch, Laguna Terrace East, and the Sunrise Douglas Conservation Banks; however, there are no available mitigation credits within the Morrison Creek Watershed. If USACE determines that the use of mitigation bank credits is not sufficient mitigation to offset impacts within the SPA, the October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* requires USACE to specifically demonstrate why the use of bank credits is not acceptable to USACE in accordance with Section 33 CFR 332.3(a)(1).

Mitigation for SunCreek impacts must be consistent with the USACE's *Record of Decision for the Sunridge Properties*, as stated below:

The Corps recognizes the significant cumulative loss of vernal pool wetlands within the Mather Core Recovery Area. For future unavoidable impacts to vernal pool wetlands within the Mather Core Recovery Area, including those associated with the Arista del Sol project, compensatory mitigation shall be:

1. Based on a method for assessing the functions of all waters of the U.S. on the project site;
2. Accomplished at a ratio of greater than 1:1 (final ratio will be based, in part, on wetland functional condition determined during the functional assessment), after considering direct and indirect impacts, temporal loss and difficulties creating vernal pool wetlands; and
3. Located in the Mather Core Recovery Area, unless determined impracticable or inappropriate by the Corps.

If the South Sacramento Habitat Conservation Plan (SSHCP) is adopted and available before the project is fully implemented, project applicants may participate in the SSHCP mechanisms, such as payment of fees, purchase of mitigation bank credits, acquisition of conservation easement(s), and/or acquisition of mitigation land(s) in fee title to mitigate project effects on wetland habitats. In the event that mitigation is not available through the SSCHP, the applicants shall mitigate by purchasing a combination of appropriate credits from an agency-approved mitigation bank or providing an agency-approved off-site mitigation area. The applicants' biological consultant, ECORP, has identified mitigation banks whose service areas appear to include the SPA. However, some of these banks are not yet approved and the availability of credits at the other banks is subject to change. Therefore, a combination of mitigation bank credits and permittee responsible on and off-site mitigation may be necessary to fully offset project impacts on wetlands and other waters of the United States.

Compensatory mitigation for losses of stream and ephemeral and intermittent drainage channels shall be achieved through in-kind preservation, restoration, or enhancement, as specified in the Final Rule guidelines. The wetland MMP shall address how to mitigate impacts on vernal pool, seasonal wetland, swale, pond, and intermittent and ephemeral stream habitat, and shall describe specific method(s) to be implemented to avoid and/or mitigate any off-site project-related impacts. The wetland compensation section of the habitat MMP shall include the following:

- Compensatory mitigation sites and criteria for selecting these mitigation sites. In General, compensatory mitigation sites should meet the following criteria, based on the Final Rule;
- Located within the same watershed as the wetland or other waters that would be lost, as appropriate and practicable;
- Located in the most likely position to successfully replace wetland functions lost on the impact site considering watershed-scale features such as aquatic habitat diversity, habitat connectivity, available water sources and hydrologic relationships, land use trends, ecological benefits, the likelihood of success and sustainability, and compatibility with adjacent land uses,
- A complete assessment of the existing biological resources in both the on-site preservation areas and off-site compensatory mitigation areas, including

wetland functional assessment using the California Rapid Assessment Method (CRAM) (Collins et al. 2008), to establish baseline conditions;

- Specific creation and restoration plans for each mitigation site;
- Use of CRAM to compare compensatory wetlands to the baseline CRAM scores from wetlands in the SPA. The compensatory wetland CRAM scores shall be compared against the highest quality wetland of each type from the SPA;
- CRAM scores, or other wetland assessment protocol scores, from the compensatory wetlands shall be compared against the highest quality wetland scores for each wetland type to document success of compensatory wetlands in replacing the functions of the affected wetlands to be replaced;
- Monitoring protocol, including schedule and annual report requirements, and the following elements:
  - Ecological performance standards, based on the best available science, that can be assessed in a practicable manner (e.g., performance standards proposed by Barbour et al. 2007). Performance standards must be based on attributes that are objective and verifiable;
  - CRAM, or other USACE-approved wetland assessment protocol, conducted annually for 5 years after construction or restoration of compensatory wetlands to determine whether these areas are acquiring wetland functions and to plot the performance trajectory of compensatory wetlands over time.

For each phase of development, the project applicants shall secure the permits and regulatory approvals described below and shall implement all permit conditions. All permits, regulatory approvals, and permit conditions for effects on wetland habitats shall be secured prior to implementing any grading activities within 250 feet of waters of the United States, or wetland habitats that potentially support Federally listed species.

The setback may be reduced to a distance approved by the City and USFWS if a wetland avoidance plan is developed and implemented by a qualified biologist. The wetland avoidance plan must be approved by USFWS and the City and shall demonstrate that all direct and indirect impacts on wetlands will be avoided. Project phases in upland areas with no wetlands or waters of the U.S. within 250 feet, and no overland hydrologic flow patterns, the disturbance of which may affect such waters, may begin construction before these particular permits are obtained. Buffers around wetlands that do not support Federally listed species shall be a minimum of 50 feet from the edge of these features in accordance with conditions of the NPDES permit and associated best management practices (BMPs).

Water Quality certification pursuant to Section 401 of the Clean Water Act will be required prior to issuance of a Section 404 permit. Before construction in any areas containing wetland features, the project applicants shall obtain water quality certification for the applicable phase of the project.

**Mitigation Measure 3.3-3a: Conduct Preconstruction Surveys for Nesting Swainson's Hawk, White-Tailed Kite, Burrowing Owls, and Other Raptors, and if Found, Establish Appropriate Buffers, and Implement Avoidance or Appropriate Mitigation.** To mitigate impacts on Swainson's hawk and other raptors (including burrowing owl), the project applicants for any particular discretionary development application shall retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the SPA and active burrows in the SPA. The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) shall be followed for surveys for Swainson's hawk. If no nests are found, no further mitigation is required.

If active nests are found, impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around the nests. No project activity shall commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined in coordination with DFG that reducing the buffer would not result in nest abandonment. DFG guidelines recommend establishing buffers of 0.25- to 0.5-mile, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with DFG, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.

If active burrows are found, a mitigation plan shall be submitted to the City for review and approval before any ground-disturbing activities. The City shall consult with DFG regarding appropriate mitigation before approving the mitigation plan. The mitigation plan may consist of installation of one-way doors on all burrows to allow owls to exit, but not reenter, and construction of artificial burrows within the project vicinity, as needed; however, burrowing owl exclusions may only be used if a qualified biologist verifies that the burrow does not contain eggs or dependent young. If active burrows contain eggs and/or young, no construction shall occur within 50 feet of the burrow until young have fledged. Once it is confirmed that there are no owls inside burrows, these burrows may be collapsed.

**Mitigation Measure 3.3-3b: Prepare and Implement a Swainson's Hawk Mitigation Plan.** To mitigate for the loss of Swainson's hawk foraging habitat, the project applicants for any particular discretionary development application shall prepare and implement a Swainson's hawk mitigation plan including, but not limited to the requirements described below.

- Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, the project applicants shall preserve, to the satisfaction of the City, suitable Swainson's hawk foraging

habitat to ensure 1:1 mitigation of habitat value for Swainson's hawk foraging habitat lost as a result of the project, as determined by the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist.

- The 1:1 habitat value shall be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within the City's planning area. The mitigation ratio shall be consistent with the 1994 CDFW Swainson's Hawk Guidelines included in the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*. Such mitigation shall be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land shall be located within the known foraging area and within Sacramento County. The City, after consultation with CDFW, will determine the appropriateness of the mitigation land.
- Before approval of such proposed mitigation, the City shall consult with CDFW regarding the appropriateness of the mitigation. If mitigation is accomplished through conservation easement, then such an easement shall ensure the continued management of the land to maintain Swainson's hawk foraging values, including but not limited to ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The conservation easement shall be recordable and shall prohibit any activity that substantially impairs or diminishes the land's capacity as suitable Swainson's hawk habitat.
- The project applicants shall transfer said Swainson's hawk mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and DFG named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and shall be selected or approved by the City, after consultation with CDFW. The City, after consultation with CDFW and the conservation Operator, shall approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator shall each have the power to enforce the terms of the conservation easement. The Conservation Operator shall monitor the easement in perpetuity to assure compliance with the terms of the easement.

The project applicants, after consultation with the City, CDFW, and the Conservation Operator, shall establish an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement. If an endowment is used, either the endowment funds shall be submitted to the City to be distributed to an appropriate third-party nonprofit conservation agency, or they shall be submitted directly to the third party nonprofit conservation agency in exchange for an agreement to manage and maintain the lands in perpetuity. The Conservation Operator shall not sell, lease, or transfer any interest of any

conservation easement or mitigation land it acquires without prior written approval of the City and CDFW.

- If the Conservation Operator ceases to exist, the duty to hold, administer, manage, maintain, and enforce the interest shall be transferred to another entity acceptable to the City and CDFW. The City Planning Department shall ensure that mitigation habitat is properly established and is functioning as habitat by conducting regular monitoring of the mitigation site(s) for the first 10 years after establishment of the easement.

**Mitigation Measure 3.3-3c: Secure Take Authorization of Federally Listed Vernal Pool Invertebrates and Implement Permit Conditions, Develop and Implement a Habitat Mitigation and Monitoring Plan.** No project construction shall proceed in areas supporting potential habitat for Federally listed vernal pool invertebrates or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS) until a biological opinion (BO) and incidental take permit has been issued by USFWS and the project applicant has abided by conditions in the BO, including all conservation and minimization measures. A similar process shall be followed for future subsequent improvement plans and conservation and minimization measures for those phases shall also be implemented according to the BO. Conservation and minimization measures shall include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction, a detailed monitoring plan, and reporting requirements. Western spadefoot also requires the protection of vernal pool habitat for survival; therefore, implementation of Mitigation Measure 3.3-3c would also reduce impacts to western spadefoot.

The project applicants shall identify mitigation acceptable to the City, USACE, and USFWS for the impacts to vernal pools and other seasonal wetland habitats that support or potentially support Federally listed vernal pool invertebrates in such a manner that there will be no net loss of habitat (acreage and function) for these species following project implementation. As described under Mitigation Measure 3.3-1a, project applicants shall complete and implement a habitat MMP describing how loss of vernal pool and other wetland habitats shall be offset, including details for creating habitat; accounting for the temporal loss of habitat, performance standards to ensure success, and remedial actions to be implemented if performance standards are not met. Mitigation shall include, where feasible and practicable, preservation and or restoration of in-kind wetland habitats within the Mather Core Area at ratios satisfactory to ensure no net loss of habitat acreage, function, and value within the Mather Core Area.

The project applicants shall preserve acreage of vernal pool habitat for each wetted acre of any indirectly affected vernal pool habitat at a ratio approved by USFWS at the conclusion of the Section 7 consultation.

This mitigation shall occur before the approval of any grading or improvement plans for any project phase that would allow work within 250 feet of such habitat, and before any

ground-disturbing activity within 250 feet of the habitat. Unless otherwise agreed to by USFWS, vernal pool habitat within 250 feet of development will be considered indirectly affected. The project applicants will not be required to complete this mitigation measure for direct or indirect impacts that have already been mitigated to the satisfaction of USFWS through another BO or mitigation plan.

A standard set of BMPs shall be applied when working in areas within 250 feet of off-site vernal pool habitat or within any lesser distance deemed by a qualified biologist to constitute a sufficient buffer from such habitat with approval from USFWS. Refer to Section 3.9 "Hydrology and Water Quality" for the details of BMPs to be implemented.

**Mitigation Measure 3.3-3d: Obtain Incidental Take Permit for Impacts to Valley Elderberry Longhorn Beetle (VELB) and Implement All Permit Conditions.** No project construction shall proceed in areas containing VELB habitat (i.e., elderberry shrubs) until a BO and an Incidental Take Permit have been issued by USFWS and the project applicant has abided by all pertinent conditions in the BO relating to the proposed construction, including all conservation and minimization measures. Conservation and minimization measures are likely to include preparation of supporting documentation describing methods for relocating the existing shrub.

Relocation of existing elderberry shrubs and planting of new elderberry seedlings shall be implemented on a no-net-loss basis. Detailed information on monitoring success of relocated and planted shrubs, and measures to compensate should success criteria not be met, would also likely be required in the BO. Ratios for mitigation of VELB habitat will ultimately be determined through the Federal Endangered Species Act (ESA) Section 7 consultation process with USFWS, but shall be a minimum of "no net loss."

**Mitigation Measure 3.3-3e: Conduct Preconstruction Surveys to Avoid Western Pond Turtle.** A preconstruction survey for western pond turtle shall be conducted by a qualified biologist prior to work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary.

If pond turtles are found, they shall be relocated by a qualified biologist to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities.

**Mitigation Measure 3.9-1: Acquire Appropriate Regulatory Permits and Prepare and Implement an Erosion and Sediment Control Plan, SWPPP, and BMPs.** As required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), projects disturbing 350 cubic yards or more of soil or one or more acres of land shall prepare an erosion and sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan shall be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the project applicants for any particular discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project) shall obtain coverage under the SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed.

The project applicants shall also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova Public Works Department. The SWPPP and other appropriate plans shall identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that shall reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-stormwater management controls, permanent postconstruction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in stormwater drainage and non-stormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction/demolition activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles,

sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.

- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP shall be maintained and available at all times on the construction site.

**Mitigation Measure 3.9-2: Prepare and Submit Updated Regional Master Drainage Studies and Final Drainage Plans and Implement Requirements Contained in Those Plans.** Before approval of the first large lot tentative subdivision map in the SPA, the project applicants shall:

1. Submit an updated Regional Master Drainage Study for the SPA to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:
  - a. the proposed stormwater detention basins are appropriately sized in compliance with the SSQP's NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley RWQCB) so that hydromodification would not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements shall be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;
  - b. the stormwater detention basins will drain by gravity;
  - c. the stormwater detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
  - d. the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.
2. Prepare and submit a Conditional Letters of Map Revision (CLOMR) to FEMA showing the existing 100-year (0.01 AEP) floodplain for the existing site (existing conditions).

Furthermore, before the approval of grading plans, site improvements, and/or building permits, the project applicants for any particular discretionary development application shall obtain an approved CLOMR from FEMA and submit a final construction level drainage study and plans to the City demonstrating that project-related on-site runoff would be appropriately contained in detention basins or managed with other

improvements (e.g., source controls using LID techniques) to maintain peak storm flows at no greater than the level existing before development and to accommodate flows based on a 100-year storm event, as required by the Sacramento County Flood Control Ordinance.

The drainage study and plans shall include all the items required for tentative map level study. In addition, the drainage study and plans shall include, but not be limited to, the following items:

- an accurate calculation of pre-project and post-project runoff for the final design scenario, obtained using appropriate engineering methods, that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) shall be performed and the trunk drainage pipeline sizes confirmed based on alignments and finalized detention facility locations;
- a description of the proposed maintenance program for the on-site drainage system; and
- City flood control design requirements and measures designed to comply with them.

Implementation of stormwater management BMPs that avoid increases in the erosive force of flows beyond a specific range of conditions shall limit hydromodification and maintain current stream geomorphology. BMPs may include, but are not limited to, the use of LID techniques to limit increases in stormwater runoff at the point of origination (these may include but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater). These BMPs may be designed and constructed in accordance with the forthcoming SSQP Hydromodification Management Plan (to be adopted by the Central Valley RWQCB), as appropriate.

The final drainage plan shall demonstrate to the satisfaction of the City of Rancho Cordova Community Development and Public Works Departments that 100-year (0.01 AEP) flood flows would be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the SPA would not occur, and that hydromodification would not be increased from predevelopment levels such that existing stream geomorphology would be changed. The range of conditions should be calculated for each receiving water (if feasible), as approved by the SSQP and/or City of Rancho Cordova Public Works Department).

**Mitigation Measure 3.9-3: Develop and Implement a BMP and Water Quality Maintenance Plan.** Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by the project applicants for any particular discretionary development application. Drafts of the plan shall be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative

subdivision maps for all project phases. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan shall include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Predevelopment and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the "Stormwater Quality Design Manual for Sacramento and South Placer Regions" and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that shall include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept stormwater.
- New stormwater facilities shall be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns. The reduction in runoff as a result of the LID configurations shall be quantified based on the runoff reduction credit system methodology described in "Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4" (SSQP 2007) and proposed detention basins and other water quality BMPs shall be sized to handle these runoff volumes.

#### **D. Statement of Overriding Considerations**

The City of Rancho Cordova FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Pub. Resources Code, § 21081, subd (b); Cal. Code Regs., tit. 14, § 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Suncreek Specific Plan Area, Backbone Infrastructure Project are disclosed in the City of Rancho Cordova FEIR, CEQA Findings of Fact, and Statement of Overriding

Considerations. The unavoidable impacts to water quality are discussed in subsection C above.

The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic, legal, social, and technological benefits of implementing the Project outweigh the significant and unavoidable impacts to water quality.

**E. Determination**

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the City of Rancho Cordova, and has reached its own conclusion to approve this Project. The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, section 15096.)



### Copies of this Form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report: please retain for your records. If you need to obtain a copy of the Cover Sheet you may download a copy of this Order as follows:

1. Go to: [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/certifications.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml)
2. Find your Order in the table based on Applicant, Date, and Subject headers.

### Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
  - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Jordan Hensley; Reg. Measure ID: 416332\_Report

### Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to

the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** 15 November 2018

### Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	Suncreek Specific Plan Area, Backbone Infrastructure Project		
<b>Permittee:</b>	City of Rancho Cordova		
<b>Reg. Meas. ID:</b>	416332	<b>Place ID:</b>	813644
<b>WDID:</b>	5A34CR00716	<b>Construction Storm Water General Permit WDID#:</b>	_____
<b>Order Effective Date:</b>	15 November 2018		
<b>Order Expiration Date:</b>	14 November 2023		

**Report Type Submitted**

**Part A – Project Reporting**

- Report Type 1       Monthly Report # \_\_\_\_\_  
 Report Type 2       Annual Report # \_\_\_\_\_

**Part B - Project Status Notifications**

- Report Type 3       Commencement of Construction  
 Report Type 4       Request for Notice of Completion of Discharges Letter  
 Report Type 5       Request for Notice of Project Complete Letter

**Part C - Conditional Notifications and Reports**

- Report Type 6       Accidental Discharge of Hazardous Material Report  
 Report Type 7       Violation of Compliance with Water Quality Standards Report  
 Report Type 8       In-Water Work/Diversions Water Quality Monitoring Report  
 Report Type 9       Modifications to Project Report  
 Report Type 10       Transfer of Property Ownership Report  
 Report Type 11       Transfer of Long-Term BMP Maintenance Report

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name <sup>1</sup>

Affiliation and Job Title

Signature

Date

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

I hereby authorize \_\_\_\_\_ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Date

**\*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

**Part A – Project Reporting**

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b> Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs<sup>13</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b> Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b> Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</b> List associated monitoring reports for the reporting period. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> </ol> </li> </ol>

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<sup>13</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	<p><b>d)</b> Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</p>
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<b>Report Type 2</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year on the 1st day of January starting one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>
<b>Annual Report Topics (1-3)</b>	
<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.</li> <li>2. Map showing general Project progress.</li> <li>3. If applicable: <ol style="list-style-type: none"> <li>a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below).</li> <li>b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.</li> </ol> </li> </ol>
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status – Not Applicable</b>
<b>When to Submit</b>	Not required

<b>Report Contents</b>	-
<b>Annual Report Topic 3</b>	<b>Compensatory Mitigation for Permanent Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<p><b>Part A. Permittee Responsible</b></p> <ol style="list-style-type: none"> <li>1. Planned date of initiation of compensatory mitigation site installation.</li> <li>2. If installation is in progress, a map of what has been completed to date.</li> <li>3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.</li> </ol>

<b>Part B – Project Status Notifications</b>
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<b>Report Type 3</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the state will occur.</li> <li>3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.</li> <li>4. Construction Storm Water General Permit WDID No.</li> </ol>

<b>Report Type 4</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.</li> <li>5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.</li> </ol>

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.</li> <li>2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.</li> </ol> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <ol style="list-style-type: none"> <li>3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li> <li>4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li> <li>5. Pre- and post-photo documentation of all compensatory mitigation sites.</li> <li>6. Final maps of all compensatory mitigation areas (including buffers).</li> </ol> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ol style="list-style-type: none"> <li>7. Date of storm water Notice of Termination(s), if applicable.</li> <li>8. Report status and functionality of all post-construction BMPs.</li> </ol>

**Part C – Conditional Notifications and Reports**

<b>Report Type 6</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.</li> <li>2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.</li> </ol>

	<b>3.</b> Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.
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<b>Report Type 7</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
<b>Report Contents</b>	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

<b>Report Type 8</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
<b>When to Submit</b>	Forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
<b>Report Contents</b>	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

<b>Report Type 9</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>When to Submit</b>	If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>Report Contents</b>	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

<b>Report Type 10</b>	<b>Transfer of Property Ownership Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least 10 working days prior to the transfer of ownership.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> <li>a. the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and</li> <li>b. responsibility for compliance with any long-term BMP<sup>14</sup> maintenance plan requirements in this Order.</li> </ol> </li> <li>2. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.</li> </ol>

<b>Report Type 11</b>	<b>Transfer of Long-Term BMP Maintenance Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
<b>When to Submit</b>	At least 10 working days prior to the transfer of BMP maintenance responsibility.
<b>Report Contents</b>	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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<sup>14</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.



## SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."



## Certification Deviation Procedures

### Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section L of the Order, may be requested by the Permittee as set forth below:

### Process Steps

Who may apply: The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

How to apply: By letter or email to the 401 staff designated as the contact for this Order.

Certification Deviation Request: The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Order. The request should:

1. Describe the Project change or modification:
  - a. Proposed activity description and purpose;
  - b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
  - c. How the Project activity is currently addressed in the Order; and,
  - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (Cal. Code Regs., tit. 14, §§ 15061, 15162-15164.)

Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
  - a. Activity description and purpose;
  - b. Activity location, start date, and completion date;
  - c. Erosion control and pollution prevention measures applied;
  - d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - e. Mitigation plan, if applicable; and,
  - f. Map of activity location and boundaries; post-construction photos.

Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all Certification Deviation activities through the reporting period with the following information:
  - a. Site name(s).
  - b. Date(s) of Certification Deviation approval.
  - c. Location(s) of authorized activities.
  - d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order.
  - e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies).
  - f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - g. Mitigation to be provided (approved mitigation ratio and amount).

# **Grantline 220**



## Central Valley Regional Water Quality Control Board

15 March 2019

Angelo Christie  
Grantline & Chrysanthy 220 Investors, LLC  
5524 Fair Oaks Boulevard  
Carmichael, CA 95608

**CERTIFIED MAIL**  
91 7199 9991 7039 6992 3716

***CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; GRANTLINE & CHRYSANTHY 22 INVESTORS, LLC, GRANTLINE 220 PROJECT (WDID#5A34CR00616), SACRAMENTO COUNTY***

This Order responds to the 16 January 2015 application submitted by Grantline & Chrysanthy 220 Investors, LLC (Applicant) for the Water Quality Certification of the Grantline 220 Project (Project), permanently impacting 4.458 acres/5,063 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK-2006-00604) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

### **WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

- 1. This Water Quality Certification (Certification) is not valid until coverage under Section 404 of the Clean Water Act is obtained. If the Project, including the area of impact (as described) is modified through this process, this Certification will not be valid until amended by the Central Valley Regional Water Quality Control Board (Central Valley Water Board).**
2. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.
3. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to Section 3855(b) of the California Code of

Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

4. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.
5. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.
6. All reports, notices, or other documents required by this Certification or requested by the Central Valley Water Board shall be signed by a person described below or by a duly authorized representative of that person.
  - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
  - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

7. Any person signing a document under Standard Condition number 6 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**TECHNICAL CERTIFICATION CONDITIONS:**

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.
2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling<sup>1</sup>:
  - a) when performing any in-water work;
  - b) in the event that Project activities result in any materials reaching surface waters; or
  - c) when any activities result in the creation of a visible plume in surface waters.

The sampling requirements in Table 1 shall be conducted within ambient waters of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

**Table 1:**

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
Visible construction related pollutants <sup>(3)</sup>	Observations	Visual Inspections	Continuous throughout the construction period	—

- <sup>(1)</sup> Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.
- <sup>(2)</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.
- <sup>(3)</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
- <sup>(4)</sup> A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

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<sup>1</sup> Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:
  - a) Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
  - b) Activities shall not cause turbidity increases in surface water to exceed:
    - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
    - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
    - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
    - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
    - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity or other water quality objectives are exceeded.
7. Work shall occur during periods of low water level (i.e., water level shall be below the construction area) and no precipitation.
8. Activities shall not cause visible oil, grease, or foam in the receiving water.
9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.
11. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
12. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
13. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the Project.
14. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.
15. All areas disturbed by Project activities shall be protected from washout and erosion.
16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
17. Hydroseeding shall be performed with California native seed mix.
18. All materials resulting from the Project shall be removed from the site and disposed of properly.
19. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
20. If water is present, the area must be dewatered prior to the start of work.
21. When work in a flowing stream is unavoidable and any temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.
22. If any temporary dam or other artificial obstruction is constructed, the temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel

bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

23. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Individual Permit, the United States Fish and Wildlife Service decision document(s), or the California Department of Fish and Wildlife Streambed Alteration Agreement.
24. The Applicant shall consult with the California Department of Fish and Wildlife prior to construction to determine whether a Lake or Streambed Alteration Agreement is required and submit the determination from the California Department of Fish and Wildlife to the Central Valley Water Board Contact within 14 days of issuance.

If a Lake or Streambed Alteration Agreement is required, the Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife.

The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the Lake or Streambed Alteration Agreement.

25. The Applicant shall submit a copy of the Biological Opinion to the Central Valley Water Board Contact within 14 days of issuance by the United States Fish and Wildlife Service.

The Applicant shall comply with all United States Fish and Wildlife Service requirements, including those requirements described in the Biological Opinion.

26. If the Project will involve land disturbance activities of one or more acres, or where the Project disturbs less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.
27. If dewatering activities result in ground water discharges into surface water, the Applicant shall work with the Central Valley Water Board to obtain coverage under an NPDES permit.
28. If dewatering activities result in discharges to land, the Applicant shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs).

29. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
30. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.
31. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
  - (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
  - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.
32. To mitigate for the loss of 0.722 acre/4,659 linear feet of stream channel, 2.505 acres of vernal pool, and 0.729 acre of wetland habitat, the Applicant shall purchase a minimum of 2.505 vernal pool habitat creation and 1.450 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. Additionally, to mitigate for the degradation of ecological conditions of 0.055 acre/404 linear feet of stream channel habitat, 0.363 acre of vernal pool habitat and 0.084 acre of wetland habitat, the Applicant shall purchase a minimum of 0.182 vernal pool habitat creation and 0.070 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. The

Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state, at the time of Certification.

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved compensatory mitigation bank. The letter must: a) be on the compensatory mitigation bank's letterhead; b) be signed by an authorized representative of the compensatory mitigation bank; c) indicate the United States Army Corps of Engineers' SPK number; d) describe the Project name and location; and e) detail the type of compensatory mitigation credits purchased for the Project's impacts.

### **NOTIFICATIONS AND REPORTS:**

33. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
34. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

### **STORM WATER QUALITY CONDITIONS:**

The Applicant shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - (a) the Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; and
  - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

2. The Applicant must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
  - (a) minimize the amount of impervious surface;
  - (b) reduce peak runoff flows;
  - (c) provide treatment BMPs to reduce pollutants in runoff;
  - (d) ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - (e) preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - (g) use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
  - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
  
3. The Applicant shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
  - (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - (c) written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - (d) any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

**CENTRAL VALLEY WATER BOARD CONTACT:**

Jordan Hensley  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-8114  
Jordan.Hensley@waterboards.ca.gov  
(916) 464-4812

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The City of Rancho Cordova is the Lead Agency responsible for compliance with the California Environmental Quality Act for the SunCreek Specific Plan Project pursuant to Section 21000 et seq. of the Public Resources Code. The City of Rancho Cordova approved the Environmental Impact Report and Statement of Overriding Considerations for the SunCreek Specific Plan Project on 18 November 2013. Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to biology, hydrology, and water quality. The City of Rancho Cordova filed a Notice of Determination with the State Clearinghouse on 19 November 2013 (SCH No. 2006072067).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Environmental Impact Report, and Statement of Overriding Considerations is in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report, and Statement of Overriding Considerations. The proposed mitigation measures discussed in the Environmental Impact Report and Statement of Overriding Considerations for the SunCreek Specific Plan Project were adopted to avoid and minimize project impacts to State waters and are required by this Certification.

With regard to the remaining impacts identified in the Environmental Impact Report, and the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

## **WATER QUALITY CERTIFICATION:**

I hereby issue an Order certifying that any discharge from the Grantline & Chrysanthy 220 Investors, LLC, Grantline 220 Project (WDID#5A34CR00616) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, Grantline & Chrysanthy 220 Investors, LLC's application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

*Original Signed By Adam Laputz for:*

Patrick Pulupa  
Executive Officer

Enclosure: Project Information Sheet

Attachments: Figure 1 – Project Location Map  
Figure 2 – Site Map

cc: Distribution List, page 17

## PROJECT INFORMATION SHEET

**Application Date:** 16 January 2015

**Applicant:** Angelo Christie  
Grantline & Chrysanthy 220 Investors, LLC  
5524 Fair Oaks Boulevard  
Carmichael, CA 95608

**Applicant Representative:** Kathleen Ports  
ECORP Consulting, Inc.  
2525 Warren Avenue  
Rocklin, CA 95677

**Project Name:** Grantline 220 Project

**Application Number:** WDID#5A34CR00616

**Date on Public Notice:** 23 January 2015

**Date Application Deemed Complete:** 24 May 2017

**Date All Information Received:** 10 December 2018

**Type of Project:** Development - Residential

**Approved Months of Project Implementation:** The Project will be constructed 1 April through 31 October, or as otherwise required by the United States Fish and Wildlife Service.

**Project Location:** Section 15, Township 08 North, Range 7 East, MDB&M. Latitude: 38°32'32" N and Longitude: 121°11'47" W

**County:** Sacramento County

**Receiving Water(s) (hydrologic unit):** Unnamed tributary of the Laguna Creek, Sacramento, Valley-American Hydrologic Unit #519.12, Florin HSA

**Water Body Type:** Wetland, Vernal Pool, Stream Channel

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD);

Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

**303(d) List of Water Quality Limited Segments:** The unnamed tributary to Laguna Creek is the receiving water for the Grantline 220 Project. The unnamed tributary to Laguna Creek not listed on the 303(d) list. The most recent list of approved water quality limited segments is found at: [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2012.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml)

**Project Description:** The 220-acre Grantline 220 Project (Project) is located west of Grant Line Road, south of Douglas Road, and east of Rancho Cordova Parkway in the City of Rancho Cordova in Sacramento County. The Project consists of filling wetland, stream channel, and vernal pool habitat with clean soil during dry conditions to prepare for future construction of a residential community with parks, town center, public, and school components. Project areas effected by cut or fill slopes will be hydroseeded.

The Central Valley Water Board issued a Clean Water Act Section 401 Water Quality Certification and Order for the Sun creek Specific Plan Area, Backbone Infrastructure Project for the construction of major roadways and stormwater infrastructure impacting waters of the United States for this project on 2 November 2018.

Dewatering will occur within the Project area. No wet concrete will be placed into the wetland habitat. The Project will permanently impact 4.458/5,063 linear feet of waters of the United States.

**Preliminary Water Quality Concerns:** Construction activities may impact surface waters with increased turbidity.

**Proposed Mitigation to Address Concerns:** The Applicant will implement Best Management Practices to control sedimentation and erosion. The Applicant will conduct turbidity matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

**Excavation/Fill Area:** Approximately 5,961 cubic yards of clean soil will be placed into 4.458 acres/5,063 linear feet of waters of the United States.

**Dredge Volume:** None

**California Integrated Water Quality System Impact Data:** The Project will permanently impact 0.777 acre/5,063 linear feet of stream channel, 2.868 acres of vernal pool, and 0.813 acre of wetland habitat from fill activities.

**Table 2: Impacts from Fill Activities**

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Stream Channel	-	-	-	0.722	2,330	4,659	0.055	177	404
Vernal Pool	-	-	-	2.505	4,041	-	0.363	1171	-
Wetland	-	-	-	0.729	1,176	-	0.084	271	-

**United States Army Corps of Engineers File Number:** SPK-2006-00604

**United States Army Corps of Engineers Permit Type:** Individual Permit

**California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:** The Applicant shall consult with the California Department of Fish and Wildlife prior to construction to determine whether a Lake or Streambed Alteration Agreement is required and submit the determination from the California Department of Fish and Wildlife to the Central Valley Water Board Contact within 14 days of issuance.

If a Lake or Streambed Alteration Agreement is required, the Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife.

The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the Lake or Streambed Alteration Agreement.

**Possible Listed Species:** Vernal pool fairy shrimp, Valley elderberry longhorn beetle, Vernal pool tadpole shrimp, Western pond turtle, Western spadefoot, Western burrowing owl, Northern harrier, American badger.

**Status of CEQA Compliance:** The City of Rancho Cordova has approved an Environmental Impact Report on 18 November 2013. The City of Rancho Cordova filed a Notice of Determination with the State Clearinghouse on 19 November 2013 (SCH No. 2006072067).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

**Compensatory Mitigation:** To mitigate for the loss of 0.722 acre/4,659 linear feet of stream channel, 2.505 acres of vernal pool, and 0.729 acre of wetland habitat, the Applicant shall purchase a minimum of 2.505 vernal pool habitat creation and 1.450 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to

commencing construction. Additionally, to mitigate for the degradation of ecological conditions of 0.055 acre/404 linear feet of stream channel habitat, 0.363 acre of vernal pool habitat and 0.084 acre of wetland habitat, the Applicant shall purchase a minimum of 0.182 vernal pool habitat creation and 0.070 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of this purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

**Table 3: Compensatory Mitigation for Permanent Physical Loss of Area**

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Vernal Pool	-	X	-	2.505	-	X	-	-	-	-	-
Wetland	-	X	-	1.451	-	-	X	-	-	-	-
<b>TOTAL</b>	-	-	-	3.956	-	-	-	-	-	-	-

**Table 4: Compensatory Mitigation for Temporary Impacts and for Permanent Degradation of Ecological Condition; Ecological Restoration/Enhancement Projects**

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Vernal Pool	-	X	-	0.182	-	X	-	-	-	-	-
Wetland	-	X	-	0.070	-	-	X	-	-	-	-
<b>TOTAL</b>	-	-	-	0.251	-	-	-	-	-	-	-

**Application Fee Provided:** \$1,201.00 was received on 20 January 2018, \$38,441.00 was received on 17 April 2017, \$4,321.00 was received on 15 May 2018, and \$24,388.00 was received on 4 January 2019.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

## DISTRIBUTION LIST

Lisa Gibson (SPK-2006-00604)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
Regulatory Division  
SPKRegulatoryMailbox@usace.army.mil

Department of Fish and Wildlife, Region 2 (Electronic Copy Only)  
R2LSA@wildlife.ca.gov

Stephanie Tadlock  
Unit Supervisor  
Central Valley Regional Water Quality Control Board, Sacramento Office  
Stephanie.Tadlock@waterboards.ca.gov

Bill Jennings  
CA Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, CA 95204

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

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kports@ecorpconsulting.com

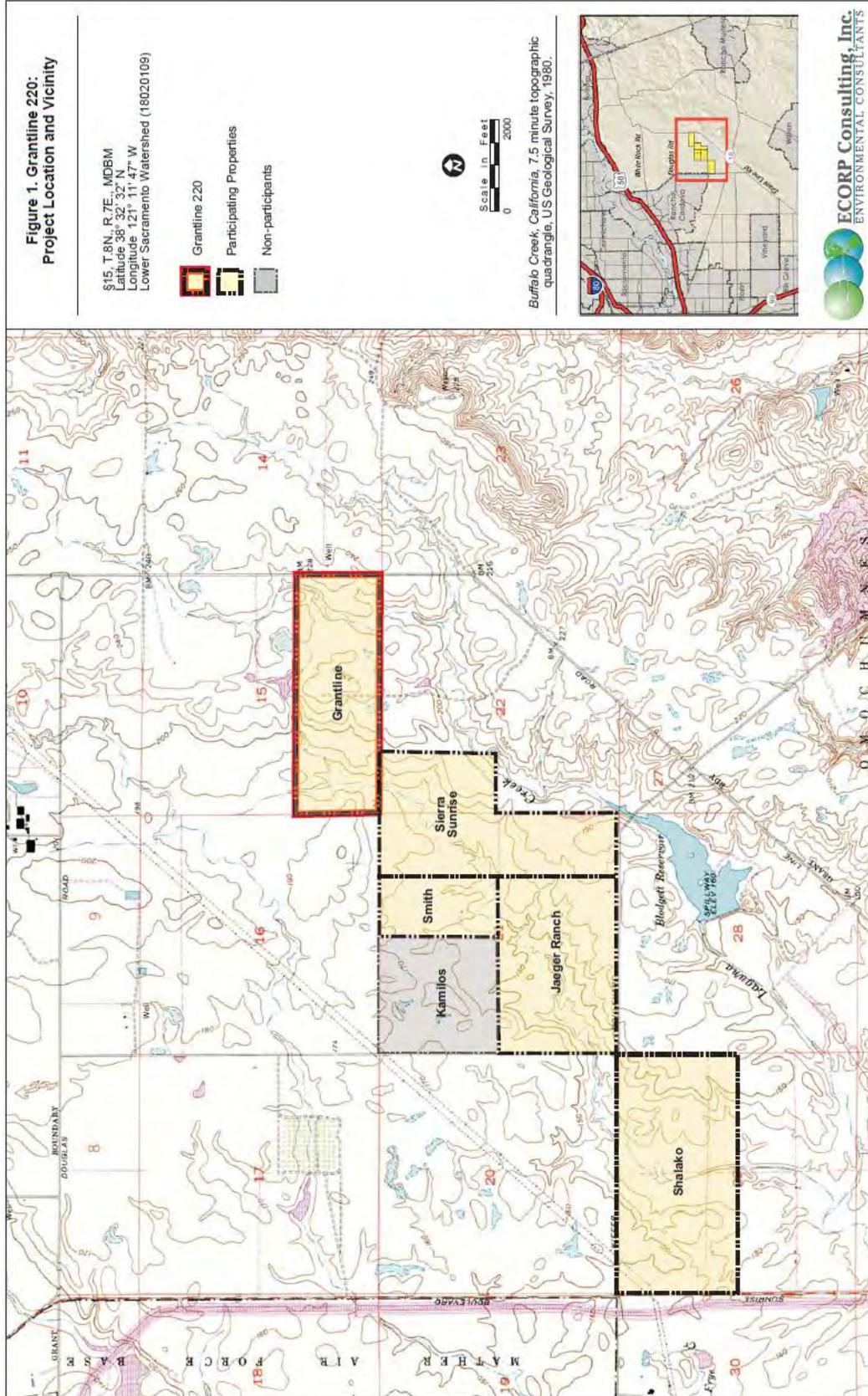


Figure 1 – Project Location Map

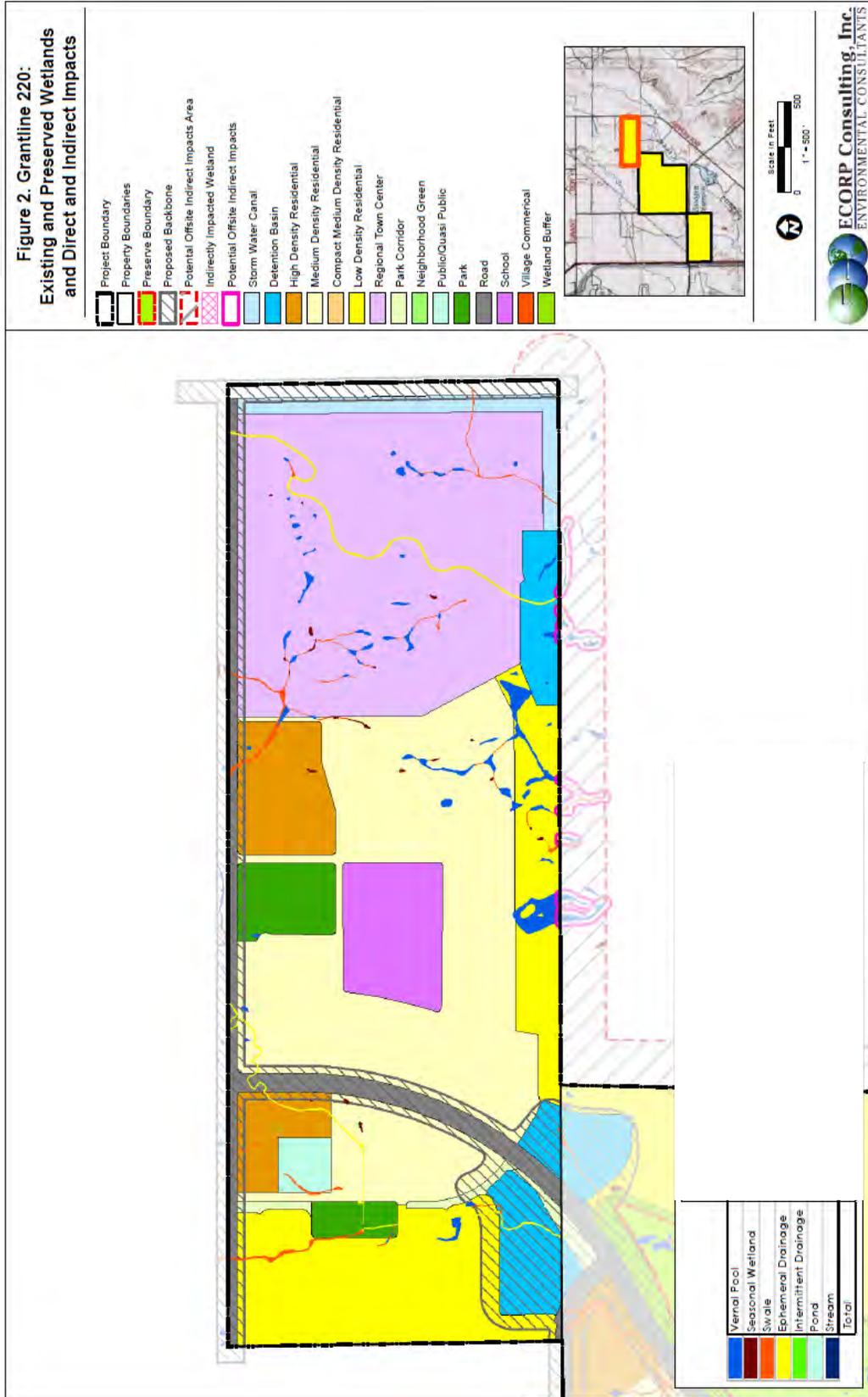


Figure 2 – Site Map

# **Jaeger Ranch**



## Central Valley Regional Water Quality Control Board

5 April 2019

William Trevor  
Investek Properties, LLC  
P.O. Box 586  
Burlingame, CA 94011

**CERTIFIED MAIL**  
91 7199 9991 7039 6992 3754

### **CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE JAEGAR RANCH PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00706)**

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Central Valley Regional Water Quality Control Board Executive Officer, Patrick Pulupa. This Order is issued to Investek Properties, LLC for the Jaegar Ranch Project (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by Investek Properties, LLC for proposed Project discharge to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

Please review your Order carefully to ensure that you understand all aspects of the Order. Note that this Order requires reporting and notification. Requirements for the content of the reporting and notification requirements are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

These reports, notifications, and other submissions must be submitted in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

If you require further assistance, please contact me by phone at (916) 464-4812 or by email at [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov). You may also contact Stephanie Tadlock, Unit Supervisor, by phone at (916) 464-4644 or by email at [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).

*Original Signed By:*

Jordan Hensley  
Environmental Scientist  
401 Water Quality Certification Unit

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

Enclosures (1): Order for the Jaegar Ranch Project

cc: [Via email only] (w/ enclosure):

Lisa Gibson (SPK-2006-00602)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
Regulatory Division  
SPKRegulatoryMailbox@usace.army.mil

Sam Ziegler  
United States Environmental Protection Agency  
Ziegler.Sam@epa.gov

California Department of Fish and Wildlife, Region 2  
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Stephanie Tadlock  
Unit Supervisor  
Central Valley Regional Water Quality Control Board, Sacramento  
Stephanie.Tadlock@waterboards.ca.gov

Kathleen Ports  
ECORP Consulting, Inc.  
kports@ecorpconsulting.com

cc: (w/ enclosure):  
Bill Jennings  
CA Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, CA 95204



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

**Effective Date:** 5 April 2019

**Expiration Date:** 4 April 2024

**Program Type:** Fill/Excavation

**Project Type:** Residential

**Project:** Jaegar Ranch Project (Project)

**Applicant:** Investek Properties, LLC

**Applicant Contact:** William Trevor  
P.O. Box 586  
Burlingame, CA 94011  
Phone: (650) 347-1279

**Applicant's Agent:** Kathleen Ports  
ECORP Consulting, Inc  
2525 Warren Avenue  
Rocklin, CA 95677  
Phone: (916) 782-9100  
Email: kports@ecorpconsulting.com

**Water Board Staff:** Jordan Hensley  
Environmental Scientist  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
Phone: (916) 464-4812  
Email: Jordan.Hensley@waterboards.ca.gov

Reg. Meas. ID:	413281
Place ID:	812461
WDID:	5A34CR00706
USACE#:	SPK-2006-00602 Individual Permit

**Water Board Contact Person:**

If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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- Attachment A** Project Maps
- Attachment B** Receiving Waters, Impact, and Mitigation Information
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- Attachment D** Report and Notification Requirements
- Attachment E** Signatory Requirements
- Attachment F** Certification Deviation Procedures

**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Investek Properties, LLC (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 12 May 2017. The application was deemed complete on 11 June 2017.

Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 1).

<b>Table 1: Record of Supplemental Application Information</b>	
Date of Request for Supplemental Information	Date all requested information was received.
27 July 2018	26 September 2018
18 October 2018	10 December 2018
14 December 2018	13 February 2019

**II. Public Notice**

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 19 May 2017 to 9 June 2017. The Central Valley Water Board did not receive any comments during the comment period.

**III. Project Purpose**

The purpose of the Project is to prepare for future construction of a residential community with parks, an on-site wetland preserve, commercial components and a school.

**IV. Project Description**

The 84-acre Project consists of filling wetland, stream channel, and vernal pool habitat in order to grade and develop community and wetland preservation areas.

**V. Project Location**

Address: North-east corner of the intersection of Rancho Cordova Parkway and Kiefer Boulevard

County: Sacramento

Nearest City: Rancho Cordova

Section 21, Township 08 North, Range 7 East, MDB&M.

Latitude: 38°31'45"N and Longitude: 121°13'00" W

Maps showing the Project location are found in Attachment A of this Order.

**VI. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, revised May 2018 (Basin Plan) The Basin Plan for the region and other plans and policies may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial

uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

**VII. Description of Direct Impacts to Waters of the State**

The Project will permanently impact 0.103 acre/1,606 linear feet of stream channel habitat, 1.238 acres of vernal pool habitat, and 0.327 acre of wetland habitat from physical loss of area. Additionally, the Project will permanently impact 0.135 acre of vernal pool habitat and 0.148 acre of wetland habitat from degradation of ecological condition of habitat. Permanent impacts result from the placement of approximately 1,349 cubic yards of clean soil in order to grade and develop the community and commercial areas. Wetland, stream channel, and vernal pool impacts within the Project area are shown in Figure 2 in Attachment A of this Order.

Dewatering will occur within the Project area. No wet concrete will be placed into wetland, stream channel, and vernal pool habitat.

Total Project fill/excavation quantities for all impacts are summarized in Table 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

<b>Table 2: Total Project Fill/Excavation Quantity</b>									
<b>Aquatic Resource Type</b>	<b>Temporary Impact<sup>1</sup></b>			<b>Permanent Impact</b>					
				<b>Physical Loss of Area</b>			<b>Degradation of Ecological Condition</b>		
	<b>Acres</b>	<b>CY<sup>2</sup></b>	<b>LF<sup>2</sup></b>	<b>Acres</b>	<b>CY</b>	<b>LF</b>	<b>Acres</b>	<b>CY</b>	<b>LF</b>
Vernal Pool	-	-	-	1.238	-	-	0.135	-	-
Wetland	-	-	-	0.327	-	-	0.148	-	-
Stream Channel	-	-	-	0.103	-	1,606	-	-	-
<b>Total</b>	-	-	-	1.668	-	1,606	0.283	-	-

**VIII. Avoidance and Minimization**

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. The following measures identified in the Final Environmental Impact Report/Final Environmental Impact Statement will also limit the potential for water quality and water quantity impacts during construction activities:

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

<sup>2</sup> Cubic Yards (CY); Linear Feet (LF)

The Project will be required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), to prepare an erosion and sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan shall be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the Permittee, for any discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project), will obtain coverage under the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) storm water permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed. The Permittee will also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova (City) Public Works Department. The SWPPP and other appropriate plans shall identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that shall reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but will not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-storm water management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in storm water drainage and non-storm water discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP will be in place throughout all site work and construction/demolition activities and will be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.

- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP will be maintained and available at all times on the construction site.

The Project will result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The Permittee will establish a baseline of conditions for drainage on site. The baseline flow conditions will be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions will be used to develop monitoring standards for the storm water system in the specific plan area. The baseline conditions, monitoring standards, and a monitoring program will be submitted to the City for their approval. The detention basins will be designed and constructed so that performance standards for hydrology and water quality are met. The discharge site into Kite Creek and associated tributaries will be monitored so that pre-project conditions are being met. Corrective measures will be implemented as necessary. The mitigation measures will be considered satisfied when the monitoring standards are met for five consecutive years without undertaking corrective measures.

The Permittee will submit an updated Regional Master Drainage Study for the specific plan area to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:

- the proposed storm water detention basins are appropriately sized in compliance with the Storm Water Quality Plan (SSQP) NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley Water Board) so that hydromodification will not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements will be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;
- the storm water detention basins will drain by gravity;
- the storm water detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
- the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.

The Permittee will develop and implement a BMP and Water Quality Maintenance Plan. Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan will be prepared by a qualified engineer retained by the Permittee for any particular discretionary development application. Drafts of the plan will be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan will finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan will include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Pre- and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the “Stormwater Quality Design Manual for Sacramento and South Placer Regions” and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the SunCreek Specific Plan area, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that will include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures will be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept storm water.
- New storm water facilities will be placed along the natural drainage courses within the SunCreek Specific Plan area to the extent practicable so as to mimic the natural drainage patterns.

The reduction in runoff as a result of the LID configurations will be quantified based on the runoff reduction credit system methodology described in “Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4” (SSQP 2007) and proposed detention basins and other water quality BMPs will be sized to handle these runoff volumes.

#### **IX. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for direct impacts described in section VII for permanent impacts.

#### **X. California Environmental Quality Act (CEQA)**

On 2 December 2013, the City of Rancho Cordova, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 3 December 2013. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

#### **XI. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State Water Resources Control Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

## XII. Fees Received

An application fee deposit of \$1,201.00 was received on 16 January 2015. \$17,754.00 was received on 12 May 2017. The remaining project fee balance of \$957.00 based on total Project impacts was received on 13 February 2019.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

## XIII. Conditions

The Central Valley Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

### A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 2.

### B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

### 1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 30th day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

If no sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every month thereafter.

- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of May starting one year after the effective date of the Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

## 2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities which includes the corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,<sup>3</sup> and no further Project activities will occur. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

## 3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

### a. Accidental Discharges of Hazardous Materials<sup>4</sup>

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - first call – 911 (to notify local response agency)
  - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911

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<sup>3</sup> Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

<sup>4</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- Lastly follow the required OES procedures as set forth in:  
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
  - ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
  - iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions**
- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
  - ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.
- d. Modifications to Project**
- Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.
- e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:
- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership.
  - ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

- f. Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### C. Water Quality Monitoring

- 1. General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling<sup>5</sup>:
  - a. when performing any in-water work;
  - b. during the entire duration of temporary surface water diversions;
  - c. in the event that the Project activities result in any materials reaching surface waters; or
  - d. when any activities result in the creation of a visible plume in surface waters.
- 2. Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
- 3. In-Water Work or Diversions:**

During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

  - a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
  - b. Activities shall not cause turbidity increases in surface water to exceed:
    - I. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
    - II. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
    - III. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;

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<sup>5</sup> Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

- IV. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- V. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.<sup>6</sup> The sampling in Table 3 shall be conducted within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the ambient waters.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversions Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and with every monthly report thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.d.

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Turbidity	NTU	Grab	Every 4 hours

- 4. Post-Construction:** Visually inspect the Project site during the rainy season for one year to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

<sup>6</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

**D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

**E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) Wetland Mitigation and Monitoring Plan: Town Center Property which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement.** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

#### F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

## **G. Construction**

### **1. Dewatering**

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.
- c. The temporary dam or other artificial obstruction shall only be built from clean materials, including, but not limited to, sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- d. If water is present in the work area, the area must be dewatered prior to start of work.
- e. Dewatering will occur within the Project area.
- f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.
- g. If dewatering activities result in ground water discharges into surface water, the Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit.
- h. If dewatering activities result in discharges to land, the Applicant shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs).

### **2. Directional Drilling – Not Applicable**

### **3. Dredging – Not Applicable**

### **4. Fugitive Dust – Not Applicable**

## 5. Good Site Management “Housekeeping”

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.
- d. A method of containment shall be used below the bridges and temporary crossings to prevent debris from falling into the waterbody through the entire duration of the Project.

## 6. Hazardous Materials

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.
- b. Creosote-treated wood products or any other treated wood products that are highly flammable or toxic to aquatic life shall not be installed in waters of the state.

## 7. Invasive Species and Soil Borne Pathogens

Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

## 8. Post-Construction Storm Water Management

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
  - i. Minimize the amount of impervious surface;

- ii. Reduce peak runoff flows;
  - iii. Provide treatment BMPs to reduce pollutants in runoff;
  - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
  - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
- i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

## **9. Roads – Not Applicable**

## **10. Sediment Control**

- a. Except for activities permitted by the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments

from migrating into the waters of the state through the entire duration of the Project.

- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

#### **11. Special Status Species – Not Applicable**

#### **12. Stabilization/Erosion Control**

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding shall be performed with California native seed mix.

#### **13. Storm Water**

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - i. The Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparation and implementation of a Storm Water Pollution Prevention Plan; and
  - ii. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

#### **H. Site Specific – Not Applicable**

#### **I. Total Maximum Daily Load (TMDL) – Not Applicable**

#### **J. Mitigation for Temporary Impacts – Not Applicable**

#### **K. Compensatory Mitigation for Permanent Impacts<sup>7</sup>**

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts.

##### **1. Compensatory Mitigation Plan**

- a. The Permittee has submitted a draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory mitigation plan for written acceptance by Central Valley Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Central Valley Water Board staff. Upon acceptance by Central Valley Water Board staff, the Permittee shall implement the approved plan.
- b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR section 230.94(c).

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<sup>7</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

- c. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR section 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

**2. Irrevocable Letter of Credit – Not Applicable**

**3. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable**

**4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

- a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the start of construction.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

**5. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to wetland and vernal pool habitat by:
  - i. Purchasing a minimum of 1.306 acres of vernal pool and 0.504 acre of wetland habitat creation mitigation credits from a USACE approved mitigation bank, in lieu fee program, or as required by the USACE and USFWS; or,
  - ii. Purchasing applicable mitigation fees to the South Sacramento Conservation Agency (SSCA), a joint exercise of power authority formed by Sacramento County and the Cities of Galt and Rancho Cordova, to implement the proposed South Sacramento Habitat Conservation Plan (SSHCP). The total mitigation fee of \$327,721.00, or as required by the adopted SSHCP Fee Calculator, is based on the 31 March 2018 draft SSHCP Fee Calculator for permanent and temporary impacts for urban development and Project impacts. The Permittee shall use the adopted SSHCP Fee Calculator for Project impacts to calculate the accurate total mitigation fee prior to the start of construction.

The Permittee shall provide evidence of the SSCA fees purchased in association with the mitigation requirements of the Project to the Central Valley Water Board prior to proceeding with the activity authorized by this Order. Evidence of mitigation fees purchased with the mitigation requirements of this Project shall be demonstrated by a copy of a purchase receipt from the SSCA. The receipt should include the Project name, Project phase, amount of the mitigation fee, date of purchase, USACE's file number, and detail the mitigation purchased, including, but not limited to the mitigation ratios and other pertinent information.

- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4.

Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area								
Aquatic Resource Type	Comp Mit. Type <sup>8</sup>	Units	Method <sup>9</sup>					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Vernal Pool	MB or SSHCP	Acres	-	-	-	-	-	1.306
Wetland	MB or SSHCP	Acres	-	-	-	-	-	0.504

**L. Certification Deviation**

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project’s environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

<sup>8</sup> Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

<sup>9</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

**XIV. Water Quality Certification**

I hereby issue the Order for the Jaegar Ranch Project, (WDID#5A34CR00706) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

*Original Signed By Adam Laputz for:*

*4.9.2019*

\_\_\_\_\_  
Patrick Pulupa  
Executive Officer  
Central Valley Regional Water Quality Control Board

\_\_\_\_\_  
Date

- Attachment A** Project Maps
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings of Facts
- Attachment D** Report and Notification Requirements
- Attachment E** Signatory Requirements
- Attachment F** Certification Deviation Procedures



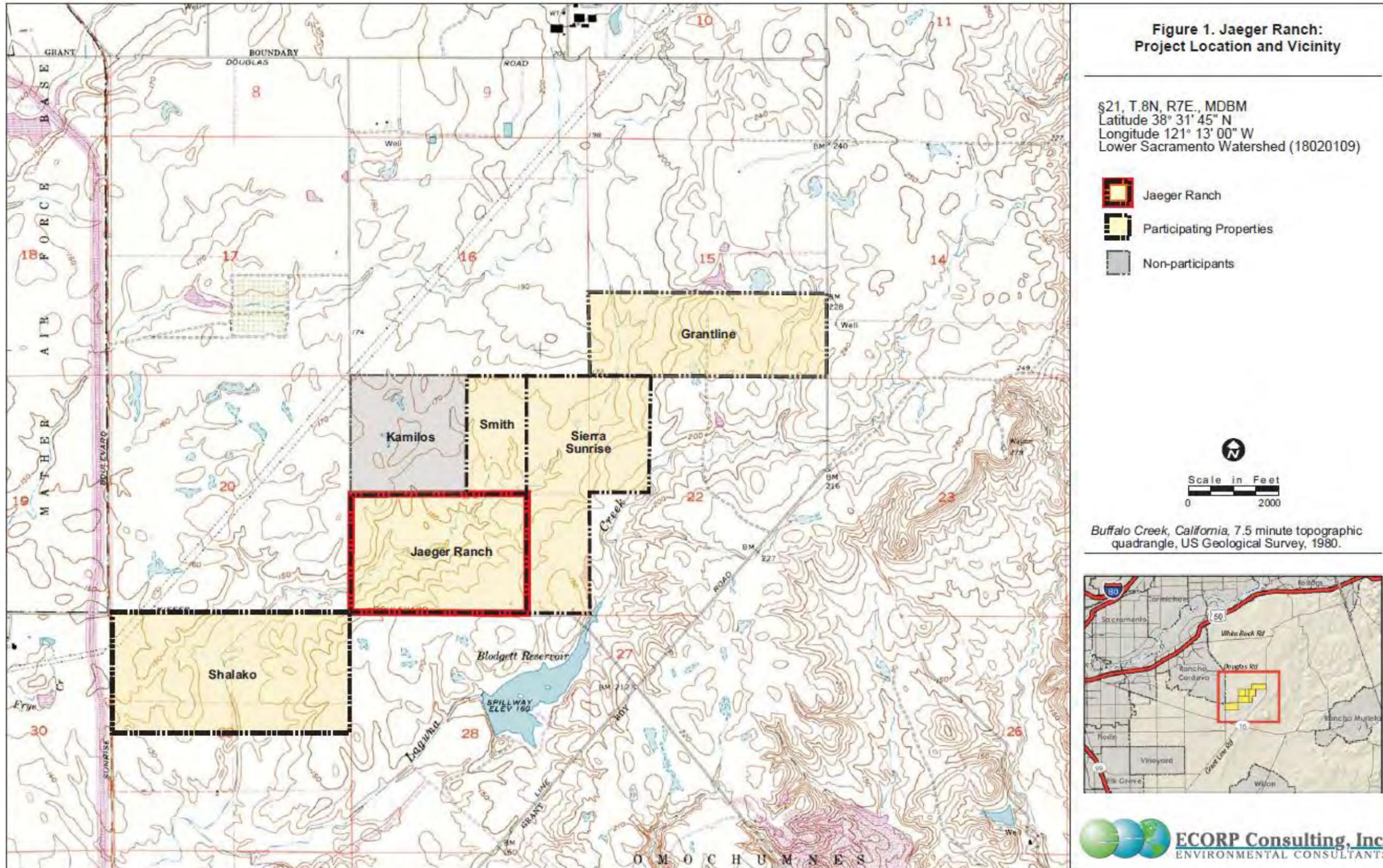


Figure 1 – Project Map

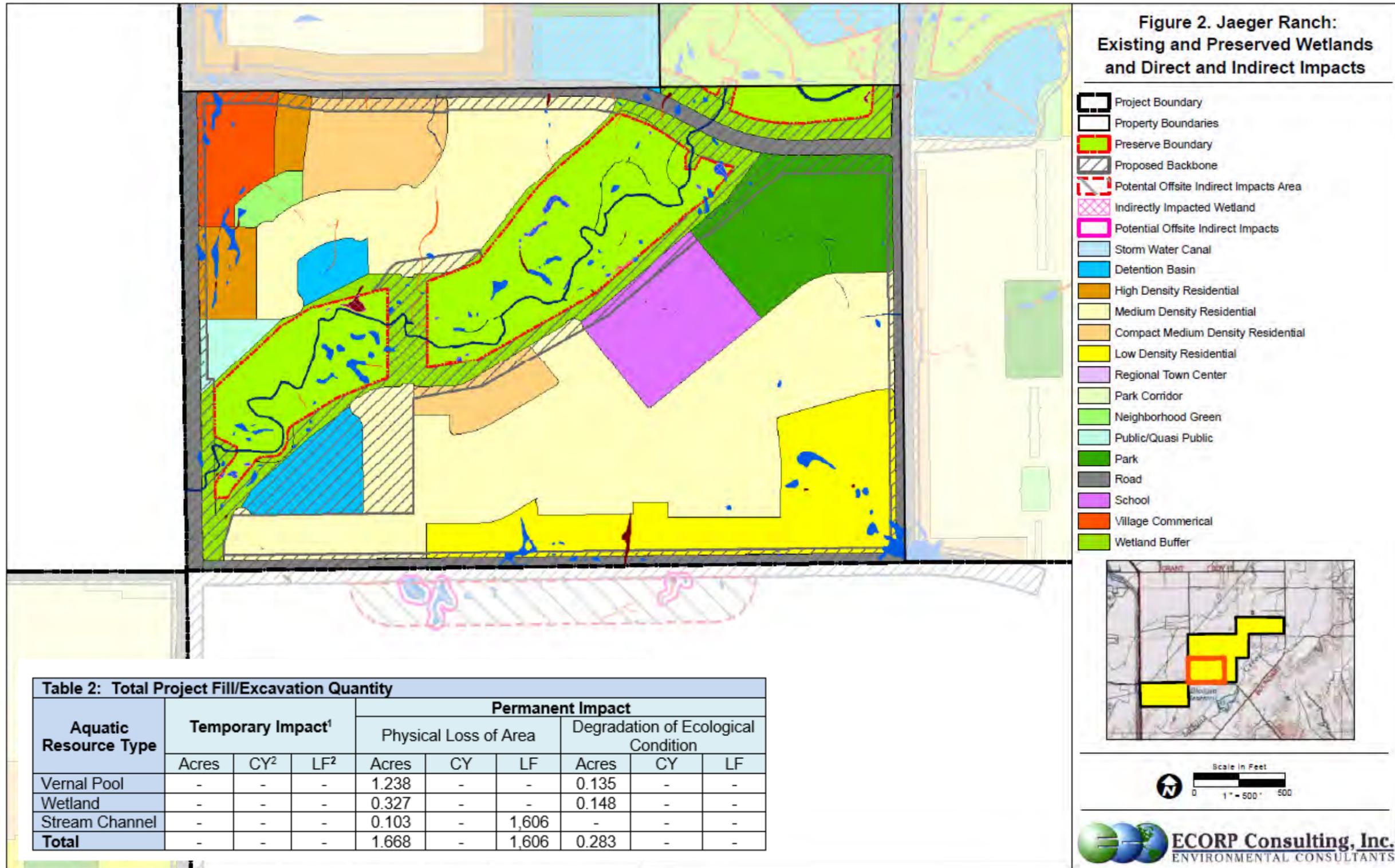


Figure 2 – Site Map



**Receiving Waters**

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation site.

Table 1: Receiving Waters Information							
Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID <sup>10</sup>
<i>Vernal Pool</i>	<i>Unnamed tributary to Laguna Creek</i>	<i>Vernal Pool</i>	519.12	<i>Laguna Creek</i>	n/a	n/a	n/a
<i>Wetland</i>		<i>Wetland</i>					
<i>Stream Channel</i>		<i>Stream Channel</i>					

**Individual Direct Impact Locations**

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information											
Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
1.Vernal Pool	38°32'00" N	121°12'45" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	1.373	-	-
2.Wetland			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	0.475	-	-
3. Stream Channel			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	0.103	-	1,606

<sup>10</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

**Compensatory Mitigation Information**

The following tables show options for individual compensatory mitigation information and locations.

**Mitigation Bank Compensatory Mitigation Site Information**

Table 3: Mitigation Bank			
Mitigation Bank	Name:	TBD	
	Website:	-	
Contact Information	Name:	TBD	
	Phone:	-	
	Email:	-	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	1.306	-	TBD
Wetland	0.504	-	TBD

**In-Lieu Fee Compensatory Mitigation Information**

<b>Table 4: South Sacramento Habitat Conservation Plan</b>			
In-Lieu Fee Program	Name:	South Sacramento Habitat Conservation Plan	
	Website:	<a href="https://www.southsachcp.com/">https://www.southsachcp.com/</a>	
Contact Information	Name:	Kim Hudson	
	Phone:	916-874-5849	
	Email:	hudsonk@saccounty.net	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	1.306	-	TBD
Stream Channel	0.103	1,606	TBD
Wetland	0.401	-	TBD



## A. Environmental Review

On 18 November 2013, the City of Rancho Cordova, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 19 November 2013. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the City of Rancho Cordova's certified environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Rancho Cordova addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Rancho Cordova for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

## B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: Rancho Cordova City Hall, 2729 Prospect Park Drive, Rancho Cordova, CA 95670.

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

## C. Findings

The FEIR describes the potential significant environmental effects to water quality. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

- (1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

*Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.*

### a.i. Potential Significant Impact:

The Project may cause significant impacts in the following areas: loss and degradation of jurisdictional wetlands and other waters of the United States; potential temporary, short-term construction-related drainage and water quality effects; potential increased risk of flooding and hydromodification from increased storm water runoff; long-term water quality and hydrology effects from urban runoff; potential exposure of people or

structures to a significant risk of flooding as a result of the failure of a levee or dam; and potential impacts from new impervious surfaces and the use of groundwater resources on groundwater recharge and aquifer volume.

a.ii. Facts in Support of Finding:

**Mitigation Measure 3.3-1a: Include in Drainage Plans All Wetlands that Remain On-site, Submit Plans to the City of Rancho Cordova (City) and United States Army Corps of Engineers (USACE) for Review and Approval, and Implement all Measures in Drainage Plans.** To minimize indirect impacts on water quality and wetland hydrology, the project applicants for any particular discretionary development application will include drainage plans in their improvement plans and will submit the drainage plans to the City Public Works Department for review and approval. Before approval of these improvement plans, the project applicants for all project phases will commit to implement all measures in their drainage plans, to avoid and minimize erosion and runoff into Laguna Creek, its tributaries, and all wetlands to remain on-site. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps will be implemented to control siltation and the potential discharge of pollutants. See Section 3.9, "Hydrology and Water Quality," for further discussion of the project's National Pollutant Discharge Elimination System (NPDES) permit and associated Stormwater Pollution Prevention Plan (SWPPP), which would also reduce erosion and siltation.

The project will result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The applicant will establish a baseline of conditions for drainage on site. The baseline flow conditions will be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions will be used to develop monitoring standards for the storm water system in the SPA. The baseline conditions, monitoring standards, and a monitoring program will be submitted to the City for their approval. The detention basins will be designed and constructed so that performance standards described in Section 3.9, "Hydrology and Water Quality" are met. The discharge site into Kite Creek and associated tributaries will be monitored so that pre-project conditions are being met. Corrective measures will be implemented as necessary. The mitigation measures will be considered satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures.

**Mitigation Measure 3.3-1b: Secure CWA Section 404 Permit and Implement All Permit Conditions and Ensure No Net Loss of Wetlands and other Waters of the United States and Associated Functions.** Before the approval of grading and improvement plans and before any ground-disturbing activity associated with each distinct discretionary development entitlement, the project applicants for any particular discretionary development application requiring fill of wetlands or other waters of the United States or waters of the state will obtain all necessary permits under Sections 401 and 404 of the Clean Water Act (CWA) or the state's Porter-Cologne Act for the respective phase. For each respective discretionary development entitlement, all permits, regulatory approvals, and permit conditions for effects on wetland habitats will be secured before implementation of any grading activities within 250 feet (or lesser distance deemed sufficiently protective by a qualified biologist approved by United States Fish and Wildlife Service (USFWS) and USACE) of waters of the United States or wetland habitats, including waters of the state, that potentially support Federally listed species, or within 100 feet of any other waters of the United States or wetland habitats, including waters of the state. The project applicants will commit to replace or

restore on a “no net loss” of function basis (in accordance with USACE and the Central Valley Regional Water Quality Control Board (Central Valley RWQCB)) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded as a result of implementing project plans for that phase.

Wetland habitat will be restored or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes, sufficient to achieve the “no net loss” standard.

As part of the Section 404 permitting process, a draft wetland mitigation and monitoring plan (MMP) will be developed for the project and submitted to USACE, the Central Valley RWQCB, and the City for review and approval of those portions of the plan over which they have jurisdiction. The MMP would have to be finalized and approved prior to issuance of a grading permit for any project phase that would adversely affect wetlands or other waters of the U.S. or waters of the state. The MMP will be implemented before beginning ground-disturbing activities in any project phase that would adversely affect wetlands or other waters of the U.S. or waters of the state. Once the final MMP is approved and implemented, mitigation monitoring will continue for a minimum of 5 years from completion of mitigation, or approved human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer.

As part of the MMP, the project applicants will prepare and submit plans for the creation of aquatic habitat to adequately offset and replace the aquatic functions and services that would be lost at the Specific Plan Area (SPA), account for the temporal loss of habitat, and contain an adequate margin of safety to reflect anticipated success. Restoration of previously altered and degraded wetlands will be a priority of the MMP for offsetting losses of aquatic functions in the SPA because it is typically easier to achieve functional success in restored wetlands than in those created from uplands. The MMP must demonstrate how the aquatic functions that would be lost through project implementation will be replaced.

The habitat MMP for jurisdictional wetland features will be consistent with USACE’s and Environmental Protection Agency’s (EPA) April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (73 CFR 19594) and USACE’s October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* (USACE 2010). According to the Final Rule, mitigation banks should be given preference over other types of mitigation because much of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before the USACE will approve the sale of credits. The use of mitigation bank credits also alleviates temporal losses of wetland function while compensatory wetlands are being established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study and planning and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA 2008). Permittee-responsible on-site mitigation areas can be exposed to long-term negative effects of surrounding development since they tend to be smaller and less buffered than mitigation banks. The Final Rule also establishes a preference for a “watershed approach” in selecting locations for compensatory mitigation project locations, that mitigation selection must be “appropriate and practicable” and that mitigation banks must address watershed needs based on criteria set forth in the *Final*

*Rule.* The watershed approach accomplishes this objective by expanding the informational and analytic basis of mitigation project site selection decisions and ensuring that both authorized impacts and mitigation are considered on a watershed scale rather than only project by project. This requires a degree of flexibility so that district engineers can authorize mitigation projects that most effectively address the case-specific circumstances and needs of the watershed, while remaining practicable for the permittee.

The majority of the SPA is within the Laguna Creek Watershed, but the northwest portion of the Kamilos property is within the Morrison Creek Watershed. Both of these watersheds are part of the Lower Sacramento River Watershed. As shown in Table 3.3-5, as of the writing of this document, mitigation credits are available within the Laguna Creek Watershed at the Bryte Ranch, Laguna Terrace East, and the Sunrise Douglas Conservation Banks; however, there are no available mitigation credits within the Morrison Creek Watershed. If USACE determines that the use of mitigation bank credits is not sufficient mitigation to offset impacts within the SPA, the October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* requires USACE to specifically demonstrate why the use of bank credits is not acceptable to USACE in accordance with Section 33 CFR 332.3(a)(1).

Mitigation for SunCreek impacts must be consistent with the USACE's *Record of Decision for the Sunridge Properties*, as stated below:

The Corps recognizes the significant cumulative loss of vernal pool wetlands within the Mather Core Recovery Area. For future unavoidable impacts to vernal pool wetlands within the Mather Core Recovery Area, including those associated with the Arista del Sol project, compensatory mitigation will be:

1. Based on a method for assessing the functions of all waters of the U.S. on the project site;
2. Accomplished at a ratio of greater than 1:1 (final ratio will be based, in part, on wetland functional condition determined during the functional assessment), after considering direct and indirect impacts, temporal loss and difficulties creating vernal pool wetlands; and
3. Located in the Mather Core Recovery Area, unless determined impracticable or inappropriate by the Corps.

If the South Sacramento Habitat Conservation Plan (SSHCP) is adopted and available before the project is fully implemented, project applicants may participate in the SSHCP mechanisms, such as payment of fees, purchase of mitigation bank credits, acquisition of conservation easement(s), and/or acquisition of mitigation land(s) in fee title to mitigate project effects on wetland habitats. In the event that mitigation is not available through the SSCHP, the applicants will mitigate by purchasing a combination of appropriate credits from an agency-approved mitigation bank or providing an agency-approved off-site mitigation area. The applicants' biological consultant, ECORP, has identified mitigation banks whose service areas appear to include the SPA. However, some of these banks are not yet approved and the availability of credits at the other banks is subject to change. Therefore, a combination of mitigation bank credits and permittee responsible on and off-site mitigation may be necessary to fully offset project impacts on wetlands and other waters of the United States.

Compensatory mitigation for losses of stream and ephemeral and intermittent drainage channels will be achieved through in-kind preservation, restoration, or enhancement, as specified in the Final Rule guidelines. The wetland MMP will address how to

mitigate impacts on vernal pool, seasonal wetland, swale, pond, and intermittent and ephemeral stream habitat, and will describe specific method(s) to be implemented to avoid and/or mitigate any off-site project-related impacts. The wetland compensation section of the habitat MMP will include the following:

- Compensatory mitigation sites and criteria for selecting these mitigation sites. In General, compensatory mitigation sites should meet the following criteria, based on the Final Rule;
- Located within the same watershed as the wetland or other waters that would be lost, as appropriate and practicable;
- Located in the most likely position to successfully replace wetland functions lost on the impact site considering watershed-scale features such as aquatic habitat diversity, habitat connectivity, available water sources and hydrologic relationships, land use trends, ecological benefits, the likelihood of success and sustainability, and compatibility with adjacent land uses,
- A complete assessment of the existing biological resources in both the on-site preservation areas and off-site compensatory mitigation areas, including wetland functional assessment using the California Rapid Assessment Method (CRAM) (Collins et al. 2008), to establish baseline conditions;
- Specific creation and restoration plans for each mitigation site;
- Use of CRAM to compare compensatory wetlands to the baseline CRAM scores from wetlands in the SPA. The compensatory wetland CRAM scores will be compared against the highest quality wetland of each type from the SPA;
- CRAM scores, or other wetland assessment protocol scores, from the compensatory wetlands will be compared against the highest quality wetland scores for each wetland type to document success of compensatory wetlands in replacing the functions of the affected wetlands to be replaced;
- Monitoring protocol, including schedule and annual report requirements, and the following elements:
  - Ecological performance standards, based on the best available science, that can be assessed in a practicable manner (e.g., performance standards proposed by Barbour et al. 2007). Performance standards must be based on attributes that are objective and verifiable;
  - CRAM, or other USACE-approved wetland assessment protocol, conducted annually for 5 years after construction or restoration of compensatory wetlands to determine whether these areas are acquiring wetland functions and to plot the performance trajectory of compensatory wetlands over time.

For each phase of development, the project applicants will secure the permits and regulatory approvals described below and will implement all permit conditions. All permits, regulatory approvals, and permit conditions for effects on wetland habitats will be secured prior to implementing any grading activities within 250 feet of waters of the United States, or wetland habitats that potentially support Federally listed species.

The setback may be reduced to a distance approved by the City and USFWS if a wetland avoidance plan is developed and implemented by a qualified biologist. The wetland avoidance plan must be approved by USFWS and the City and will

demonstrate that all direct and indirect impacts on wetlands will be avoided. Project phases in upland areas with no wetlands or waters of the U.S. within 250 feet, and no overland hydrologic flow patterns, the disturbance of which may affect such waters, may begin construction before these particular permits are obtained. Buffers around wetlands that do not support Federally listed species will be a minimum of 50 feet from the edge of these features in accordance with conditions of the NPDES permit and associated best management practices (BMPs).

Water Quality certification pursuant to Section 401 of the Clean Water Act will be required prior to issuance of a Section 404 permit. Before construction in any areas containing wetland features, the project applicants will obtain water quality certification for the applicable phase of the project.

**Mitigation Measure 3.9-1: Acquire Appropriate Regulatory Permits and Prepare and Implement an Erosion and Sediment Control Plan, SWPPP, and BMPs.** As required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), projects disturbing 350 cubic yards or more of soil or one or more acres of land will prepare an erosion and sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan will be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the project applicants for any particular discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project) will obtain coverage under the SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed.

The project applicants will also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova Public Works Department. The SWPPP and other appropriate plans will identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that will reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-stormwater management controls, permanent postconstruction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in stormwater drainage and non-stormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;

- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP will be in place throughout all site work and construction/demolition activities and will be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP will be maintained and available at all times on the construction site.

**Mitigation Measure 3.9-2: Prepare and Submit Updated Regional Master Drainage Studies and Final Drainage Plans and Implement Requirements Contained in Those Plans.** Before approval of the first large lot tentative subdivision map in the SPA, the project applicants will:

1. Submit an updated Regional Master Drainage Study for the SPA to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:
  - a. the proposed stormwater detention basins are appropriately sized in compliance with the SSQP's NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley RWQCB) so that hydromodification would not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements will be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;

- b. the stormwater detention basins will drain by gravity;
  - c. the stormwater detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
  - d. the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.
2. Prepare and submit a Conditional Letters of Map Revision (CLOMR) to FEMA showing the existing 100-year (0.01 AEP) floodplain for the existing site (existing conditions).

Furthermore, before the approval of grading plans, site improvements, and/or building permits, the project applicants for any particular discretionary development application will obtain an approved CLOMR from FEMA and submit a final construction level drainage study and plans to the City demonstrating that project-related on-site runoff would be appropriately contained in detention basins or managed with other improvements (e.g., source controls using LID techniques) to maintain peak storm flows at no greater than the level existing before development and to accommodate flows based on a 100-year storm event, as required by the Sacramento County Flood Control Ordinance.

The drainage study and plans will include all the items required for tentative map level study. In addition, the drainage study and plans will include, but not be limited to, the following items:

- an accurate calculation of pre-project and post-project runoff for the final design scenario, obtained using appropriate engineering methods, that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) will be performed and the trunk drainage pipeline sizes confirmed based on alignments and finalized detention facility locations;
- a description of the proposed maintenance program for the on-site drainage system; and
- City flood control design requirements and measures designed to comply with them.

Implementation of stormwater management BMPs that avoid increases in the erosive force of flows beyond a specific range of conditions will limit hydromodification and maintain current stream geomorphology. BMPs may include, but are not limited to, the use of LID techniques to limit increases in stormwater runoff at the point of origination (these may include but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater). These BMPs may be designed and constructed in accordance with the forthcoming SSQP Hydromodification Management Plan (to be adopted by the Central Valley RWQCB), as appropriate.

The final drainage plan will demonstrate to the satisfaction of the City of Rancho Cordova Community Development and Public Works Departments that 100-year (0.01

AEP) flood flows would be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the SPA would not occur, and that hydromodification would not be increased from predevelopment levels such that existing stream geomorphology would be changed. The range of conditions should be calculated for each receiving water (if feasible), as approved by the SSQP and/or City of Rancho Cordova Public Works Department).

**Mitigation Measure 3.9-3: Develop and Implement a BMP and Water Quality Maintenance Plan.** Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan will be prepared by a qualified engineer retained by the project applicants for any particular discretionary development application. Drafts of the plan will be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan will finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan will include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Predevelopment and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the "Stormwater Quality Design Manual for Sacramento and South Placer Regions" and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that will include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures will be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept stormwater.
- New stormwater facilities will be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns. The reduction in runoff as a result of the LID configurations will be quantified based on the runoff reduction credit system methodology described in "Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4" (SSQP 2007) and proposed detention

basins and other water quality BMPs will be sized to handle these runoff volumes.

- (2) Findings regarding mitigation measures which are the responsibility of another agency. (Public Resources Code, section 21081, subd. (a)(2); California Code of Regulations, Title 14, section 15091, subd.(a)(2).)

*There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the Central Valley Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

a.i. Potential Significant Impact:

The Project may cause significant impacts in the following areas: loss and degradation of habitat for special-status wildlife; potential for substantial interference with the movement of any native resident or migrator wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; substantial reduction in the habitat of a wildlife species.

a.ii. Facts in Support of Finding:

**Mitigation Measure 3.3-3a: Conduct Preconstruction Surveys for Nesting Swainson's Hawk, White-Tailed Kite, Burrowing Owls, and Other Raptors, and if Found, Establish Appropriate Buffers, and Implement Avoidance or Appropriate Mitigation.** To mitigate impacts on Swainson's hawk and other raptors (including burrowing owl), the project applicants for any particular discretionary development application will retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the SPA and active burrows in the SPA. The surveys will be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) will be followed for surveys for Swainson's hawk. If no nests are found, no further mitigation is required.

If active nests are found, impacts on nesting Swainson's hawks and other raptors will be avoided by establishing appropriate buffers around the nests. No project activity will commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined in coordination with DFG that reducing the buffer would not result in nest abandonment. DFG guidelines recommend establishing buffers of 0.25- to 0.5-mile, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with DFG, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.

If active burrows are found, a mitigation plan will be submitted to the City for review and approval before any ground-disturbing activities. The City will consult with DFG regarding appropriate mitigation before approving the mitigation plan. The mitigation

plan may consist of installation of one-way doors on all burrows to allow owls to exit, but not reenter, and construction of artificial burrows within the project vicinity, as needed; however, burrowing owl exclusions may only be used if a qualified biologist verifies that the burrow does not contain eggs or dependent young. If active burrows contain eggs and/or young, no construction will occur within 50 feet of the burrow until young have fledged. Once it is confirmed that there are no owls inside burrows, these burrows may be collapsed.

**Mitigation Measure 3.3-3b: Prepare and Implement a Swainson's Hawk Mitigation Plan.** To mitigate for the loss of Swainson's hawk foraging habitat, the project applicants for any particular discretionary development application will prepare and implement a Swainson's hawk mitigation plan including, but not limited to the requirements described below.

- Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, the project applicants will preserve, to the satisfaction of the City, suitable Swainson's hawk foraging habitat to ensure 1:1 mitigation of habitat value for Swainson's hawk foraging habitat lost as a result of the project, as determined by the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist.
- The 1:1 habitat value will be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within the City's planning area. The mitigation ratio will be consistent with the 1994 CDFW Swainson's Hawk Guidelines included in the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*. Such mitigation will be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land will be located within the known foraging area and within Sacramento County. The City, after consultation with CDFW, will determine the appropriateness of the mitigation land.
- Before approval of such proposed mitigation, the City will consult with CDFW regarding the appropriateness of the mitigation. If mitigation is accomplished through conservation easement, then such an easement will ensure the continued management of the land to maintain Swainson's hawk foraging values, including but not limited to ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The conservation easement will be recordable and will prohibit any activity that substantially impairs or diminishes the land's capacity as suitable Swainson's hawk habitat.
- The project applicants will transfer said Swainson's hawk mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and DFG named as third-party beneficiaries. The Conservation Operator will be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator will be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and will be selected or approved by the City,

after consultation with CDFW. The City, after consultation with CDFW and the conservation Operator, will approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator will each have the power to enforce the terms of the conservation easement. The Conservation Operator will monitor the easement in perpetuity to assure compliance with the terms of the easement.

The project applicants, after consultation with the City, CDFW, and the Conservation Operator, will establish an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement. If an endowment is used, either the endowment funds will be submitted to the City to be distributed to an appropriate third-party nonprofit conservation agency, or they will be submitted directly to the third party nonprofit conservation agency in exchange for an agreement to manage and maintain the lands in perpetuity. The Conservation Operator will not sell, lease, or transfer any interest of any conservation easement or mitigation land it acquires without prior written approval of the City and CDFW.

- If the Conservation Operator ceases to exist, the duty to hold, administer, manage, maintain, and enforce the interest will be transferred to another entity acceptable to the City and CDFW. The City Planning Department will ensure that mitigation habitat is properly established and is functioning as habitat by conducting regular monitoring of the mitigation site(s) for the first 10 years after establishment of the easement.

**Mitigation Measure 3.3-3c: Secure Take Authorization of Federally Listed Vernal Pool Invertebrates and Implement Permit Conditions, Develop and Implement a Habitat Mitigation and Monitoring Plan.** No project construction will proceed in areas supporting potential habitat for Federally listed vernal pool invertebrates or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS) until a biological opinion (BO) and incidental take permit has been issued by USFWS and the project applicant has abided by conditions in the BO, including all conservation and minimization measures. A similar process will be followed for future subsequent improvement plans and conservation and minimization measures for those phases will also be implemented according to the BO. Conservation and minimization measures will include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction, a detailed monitoring plan, and reporting requirements. Western spadefoot also requires the protection of vernal pool habitat for survival; therefore, implementation of Mitigation Measure 3.3-3c would also reduce impacts to western spadefoot.

The project applicants will identify mitigation acceptable to the City, USACE, and USFWS for the impacts to vernal pools and other seasonal wetland habitats that support or potentially support Federally listed vernal pool invertebrates in such a manner that there will be no net loss of habitat (acreage and function) for these species following project implementation. As described under Mitigation Measure

3.3-1a, project applicants will complete and implement a habitat MMP describing how loss of vernal pool and other wetland habitats will be offset, including details for creating habitat; accounting for the temporal loss of habitat, performance standards to ensure success, and remedial actions to be implemented if performance standards are not met. Mitigation will include, where feasible and practicable, preservation and or restoration of in-kind wetland habitats within the Mather Core Area at ratios satisfactory to ensure no net loss of habitat acreage, function, and value within the Mather Core Area.

The project applicants will preserve acreage of vernal pool habitat for each wetted acre of any indirectly affected vernal pool habitat at a ratio approved by USFWS at the conclusion of the Section 7 consultation.

This mitigation will occur before the approval of any grading or improvement plans for any project phase that would allow work within 250 feet of such habitat, and before any ground-disturbing activity within 250 feet of the habitat. Unless otherwise agreed to by USFWS, vernal pool habitat within 250 feet of development will be considered indirectly affected. The project applicants will not be required to complete this mitigation measure for direct or indirect impacts that have already been mitigated to the satisfaction of USFWS through another BO or mitigation plan.

A standard set of BMPs will be applied when working in areas within 250 feet of off-site vernal pool habitat or within any lesser distance deemed by a qualified biologist to constitute a sufficient buffer from such habitat with approval from USFWS. Refer to Section 3.9 "Hydrology and Water Quality" for the details of BMPs to be implemented.

**Mitigation Measure 3.3-3d: Obtain Incidental Take Permit for Impacts to Valley Elderberry Longhorn Beetle (VELB) and Implement All Permit Conditions.** No project construction will proceed in areas containing VELB habitat (i.e., elderberry shrubs) until a BO and an Incidental Take Permit have been issued by USFWS and the project applicant has abided by all pertinent conditions in the BO relating to the proposed construction, including all conservation and minimization measures. Conservation and minimization measures are likely to include preparation of supporting documentation describing methods for relocating the existing shrub.

Relocation of existing elderberry shrubs and planting of new elderberry seedlings will be implemented on a no-net-loss basis. Detailed information on monitoring success of relocated and planted shrubs, and measures to compensate should success criteria not be met, would also likely be required in the BO. Ratios for mitigation of VELB habitat will ultimately be determined through the Federal Endangered Species Act (ESA) Section 7 consultation process with USFWS, but will be a minimum of "no net loss."

**Mitigation Measure 3.3-3e: Conduct Preconstruction Surveys to Avoid Western Pond Turtle.** A preconstruction survey for western pond turtle will be conducted by a qualified biologist prior to work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary.

If pond turtles are found, they will be relocated by a qualified biologist to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities.

#### **D. Statement of Overriding Considerations**

The City of Rancho Cordova FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Pub. Resources Code, § 21081, subd (b); Cal. Code Regs., tit. 14, § 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Jaegar Ranch Project are disclosed in the City of Rancho Cordova FEIR, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts to water quality are discussed in subsection C above.

The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic, legal, social, and technological benefits of implementing the Project outweigh the significant and unavoidable impacts to water quality.

#### **E. Determination**

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the City of Rancho Cordova, and has reached its own conclusion to approve this Project. The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, § 15096.)



### Copies of this Form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report: please retain for your records. If you need to obtain a copy of the Cover Sheet you may download a copy of this Order as follows:

1. Go to: [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/certifications.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml)
2. Find your Order in the table based on Applicant, Date, and Subject headers.

### Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
  - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Jordan Hensley; Reg. Measure ID: 413281\_Report

### Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual

active discharge fee to the annual post-discharge monitoring fee.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

**Effective Date:** 5 April 2019

### Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

#### 1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	Jaegar Ranch Project		
<b>Permittee:</b>	Investek Properties, LLC		
<b>Reg. Meas. ID:</b>	413281	<b>Place ID:</b>	812461
<b>WDID:</b>	5A34CR00706	<b>Construction Storm Water General Permit WDID#:</b>	_____
<b>Order Effective Date:</b>	5 April 2019		
<b>Order Expiration Date:</b>	4 April 2024		

**Report Type Submitted**

**Part A – Project Reporting**

Report Type 1	<input type="checkbox"/> Monthly Report # _____
Report Type 2	<input type="checkbox"/> Annual Report # _____

**Part B - Project Status Notifications**

Report Type 3	<input type="checkbox"/> Commencement of Construction
Report Type 4	<input type="checkbox"/> Request for Notice of Completion of Discharges Letter
Report Type 5	<input type="checkbox"/> Request for Notice of Project Complete Letter

**Part C - Conditional Notifications and Reports**

Report Type 6	<input type="checkbox"/> Accidental Discharge of Hazardous Material Report
Report Type 7	<input type="checkbox"/> Violation of Compliance with Water Quality Standards Report
Report Type 8	<input type="checkbox"/> In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9	<input type="checkbox"/> Modifications to Project Report
Report Type 10	<input type="checkbox"/> Transfer of Property Ownership Report
Report Type 11	<input type="checkbox"/> Transfer of Long-Term BMP Maintenance Report

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name <sup>1</sup>

Affiliation and Job Title

Signature

Date

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

I hereby authorize \_\_\_\_\_ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Date

**\*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

**Part A – Project Reporting**

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b> Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs<sup>11</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b> Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b> Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</b> List associated monitoring reports for the reporting period. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> </ol> </li> </ol>

<sup>11</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	<p><b>d)</b> Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</p>
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<b>Report Type 2</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year on the 1st day of May starting one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>
<b>Annual Report Topics (1-3)</b>	
<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.</li> <li>2. Map showing general Project progress.</li> <li>3. If applicable: <ol style="list-style-type: none"> <li>a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below).</li> <li>b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.</li> </ol> </li> </ol>
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status – Not Applicable</b>
<b>When to Submit</b>	Not Required
<b>Report Contents</b>	-

<b>Annual Report Topic 3</b>	<b>Compensatory Mitigation for Permanent Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<b>Part A. Mitigation Bank or In-Lieu Fee</b> <ol style="list-style-type: none"> <li>1. Status or proof of purchase of credit types and quantities.</li> <li>2. Include the name of bank/ILF Program and contact information.</li> <li>3. If ILF, location of project and type if known.</li> </ol>

<b>Part B – Project Status Notifications</b>
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<b>Report Type 3</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the state will occur.</li> <li>3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.</li> <li>4. Construction Storm Water General Permit WDID No.</li> <li>5. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.</li> </ol>

<b>Report Type 4</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.</li> <li>5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.</li> </ol>

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.

<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.</li> <li>2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.</li> </ol> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <ol style="list-style-type: none"> <li>3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li> <li>4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li> <li>5. Pre- and post-photo documentation of all compensatory mitigation sites.</li> <li>6. Final maps of all compensatory mitigation areas (including buffers).</li> </ol> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ol style="list-style-type: none"> <li>7. Date of storm water Notice of Termination(s), if applicable.</li> <li>8. Report status and functionality of all post-construction BMPs.</li> </ol>

<b>Part C – Conditional Notifications and Reports</b>
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<b>Report Type 6</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.</li> <li>2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.</li> <li>3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.</li> </ol>

<b>Report Type 7</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
<b>Report Contents</b>	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

<b>Report Type 8</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
<b>When to Submit</b>	Forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
<b>Report Contents</b>	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

<b>Report Type 9</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>When to Submit</b>	If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>Report Contents</b>	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

<b>Report Type 10</b>	<b>Transfer of Property Ownership Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least 10 working days prior to the transfer of ownership.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> <li>a. the Order's requirements and the obligation to implement them or be</li> </ol> </li> </ol>

	<p>subject to administrative and/or civil liability for failure to do so; and</p> <p><b>b.</b> responsibility for compliance with any long-term BMP maintenance plan requirements in this Order.</p> <p><b>2.</b> A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.</p>
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<b>Report Type 11</b>	<b>Transfer of Long-Term BMP Maintenance Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
<b>When to Submit</b>	At least 10 working days prior to the transfer of BMP maintenance responsibility.
<b>Report Contents</b>	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.



## SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."



## Certification Deviation Procedures

### Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section L of the Order, may be requested by the Permittee as set forth below:

### Process Steps

Who may apply: The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

How to apply: By letter or email to the 401 staff designated as the contact for this Order.

Certification Deviation Request: The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Order. The request should:

1. Describe the Project change or modification:
  - a. Proposed activity description and purpose;
  - b. Why the proposed activity is considered minor in terms of impacts waters of the state;
  - c. How the Project activity is currently addressed in the Order; and,
  - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (Cal. Code Regs., tit. 14, §§ 15061, 15162-15164.)

Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
  - a. Activity description and purpose;
  - b. Activity location, start date, and completion date;
  - c. Erosion control and pollution prevention measures applied;
  - d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - e. Mitigation plan, if applicable; and,
  - f. Map of activity location and boundaries; post-construction photos.

Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all Certification Deviation activities through the reporting period with the following information:
  - a. Site name(s).
  - b. Date(s) of Certification Deviation approval.
  - c. Location(s) of authorized activities.
  - d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order.
  - e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies).
  - f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - g. Mitigation to be provided (approved mitigation ratio and amount).

# Kamilos



## Central Valley Regional Water Quality Control Board

15 March 2019

Gerry N. Kamilos  
Callahan Sun Creek, LLC  
11249 Gold Country Boulevard, Suite 190  
Gold River, CA 95670

**CERTIFIED MAIL**  
91 7199 9991 7039 6992 3709

### **CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE KAMILOS PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00618)**

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Central Valley Regional Water Quality Control Board Executive Officer, Patrick Pulupa. This Order is issued to Callahan Sun Creek, LLC for the Kamilos Project (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by Callahan Sun Creek, LLC for proposed Project discharge to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

Please review your Order carefully to ensure that you understand all aspects of the Order. Note that this Order requires reporting and notification. Requirements for the content of the reporting and notification requirements are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

These reports, notifications, and other submissions must be submitted in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

If you require further assistance, please contact me by phone at (916) 464-4812 or by email at [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov). You may also contact Stephanie Tadlock, Unit Supervisor, by phone at (916) 464-4644 or by email at [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).

*Original Signed By:*

Jordan Hensley  
Environmental Scientist  
401 Water Quality Certification Unit

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)



Enclosures (1): Order for the Smith Property Project

cc: [Via email only] (w/ enclosure):

Lisa Gibson (SPK-2008-00603)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
Regulatory Division  
SPKRegulatoryMailbox@usace.army.mil

Sam Ziegler  
United States Environmental Protection Agency  
Ziegler.Sam@epa.gov

California Department of Fish and Wildlife, Region 2  
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Stephanie Tadlock  
Unit Supervisor  
Central Valley Regional Water Quality Control Board, Sacramento  
Stephanie.Tadlock@waterboards.ca.gov

Kathleen Ports  
ECORP Consulting, Inc.  
kports@ecorpconsulting.com

cc: (w/ enclosure):  
Bill Jennings  
CA Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, CA 95204



**Central Valley Regional Water Quality Control Board**

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**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER**

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<b>Effective Date:</b> 15 March 2019	<b>Reg. Meas. ID:</b> 412965
<b>Expiration Date:</b> 14 March 2024	<b>Place ID:</b> 812464
<b>Program Type:</b> Fill/Excavation	<b>WDID:</b> 5A34CR00618
	<b>USACOE#:</b> SPK-2008-00603
	Individual Permit

**Project Type:** Residential

**Project:** Kamilos Project (Project)

**Applicant:** Callahan Sun Creek, LLC  
**Applicant Contact:** Gerry N. Kamilos  
11249 Gold Country Boulevard, Suite 190  
Gold River, CA 95670  
Phone: (916) 974-3383

**Applicant's Agent:** Kathleen Ports  
ECORP Consulting, Inc  
2525 Warren Avenue  
Rocklin, CA 95677  
Phone: (916) 782-9100  
Email: kports@ecorpconsulting.com

**Water Board Staff:** Jordan Hensley  
Environmental Scientist  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
Phone: (916) 464-4812  
Email: Jordan.Hensley@waterboards.ca.gov

**Water Board Contact Person:**

If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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- Attachment A** Project Maps
- Attachment B** Receiving Waters, Impact, and Mitigation Information
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- Attachment F** Certification Deviation Procedures

**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Callahan Sun Creek, LLC (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 16 January 2015. The application was deemed complete on 25 May 2017. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates (Table 1).

<b>Table 1: Record of Notice of Incomplete Application</b>	
Date of Notice of Incomplete Application	Date all requested information was received.
12 March 2015	25 April 2017

Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 2).

<b>Table 2: Record of Supplemental Application Information</b>	
Date of Request for Supplemental Information	Date all requested information was received.
27 July 2018	26 September 2018
18 October 2018	21 December 2018
17 January 2019	25 January 2019

Additionally, Central Valley Water Board Staff issued a Denial without Prejudice on 26 April 2016.

**II. Public Notice**

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 23 January 2015 to 13 February 2015. The Central Valley Water Board did not receive any comments during the comment period.

**III. Project Purpose**

The purpose of the Project is to construct a residential community with a park, on-site wetland preserve, and school.

**IV. Project Description**

The 160-acre Project consists of filling wetland and vernal pool habitat in order to grade and develop community and wetland preservation areas.

**V. Project Location**

Address: East of Rancho Cordova Parkway, west of Grant Line Road, and north of Kiefer Boulevard  
County: Sacramento

Nearest City: Rancho Cordova  
 Section 21, Township 08 North, Range 7 East, MDB&M.  
 Latitude: 38°32'11"N and Longitude: 121°13'10" W  
 Maps showing the Project location is found in Attachment A of this Order.

## VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, revised May 2018 (Basin Plan) The Basin Plan for the region and other plans and policies may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

## VII. Description of Direct Impacts to Waters of the State

The Project will permanently impact 1.257 acres of vernal pool and 0.373 acre of wetland habitat. Permanent impacts result from the placement of approximately 2,674 cubic yards of clean soil in order to grade and develop the community park and school. Wetland and vernal pool impacts within the Project area are shown in Figure 2 in Attachment A of this Order.

Dewatering will occur within the Project area. No wet concrete will be placed into wetland and vernal pool habitat.

Total Project fill/excavation quantities for all impacts are summarized in Table 3. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Aquatic Resource Type	Temporary Impact <sup>1</sup>			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Acres	CY	LF	Acres	CY	LF
Vernal Pool	-	-	-	1.233	-	-	0.024	-	-
Wetland	-	-	-	0.373	-	-	-	-	-
<b>Total</b>	-	-	-	1.606	-	-	0.024	-	-

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

<sup>2</sup> Cubic Yards (CY); Linear Feet (LF)

### VIII. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee will implement all measures required as described in the Order. The following measures identified in the Final Environmental Impact Report/Final Environmental Impact Statement will also limit the potential for water quality and water quantity impacts during construction activities:

The Project will be required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), to prepare an erosion and sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan will be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the Permittee, for any discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project), will obtain coverage under the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) storm water permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed. The Permittee will also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova (City) Public Works Department. The SWPPP and other appropriate plans will identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that will reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but will not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-storm water management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in storm water drainage and non-storm water discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP will be in place throughout all site work and construction/demolition activities and will be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP will be maintained and available at all times on the construction site.

The Project will result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The Permittee will establish a baseline of conditions for drainage on site. The baseline flow conditions will be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions will be used to develop monitoring standards for the storm water system in the specific plan area. The baseline conditions, monitoring standards, and a monitoring program will be submitted to the City for their approval. The detention basins will be designed and constructed so that performance standards for hydrology and water quality are met. The discharge site into Kite Creek and associated tributaries will be monitored so that pre-project conditions are being met. Corrective measures will be implemented as necessary. The mitigation measures will be considered satisfied when the monitoring standards are met for five consecutive years without undertaking corrective measures.

The Permittee will submit an updated Regional Master Drainage Study for the specific plan area to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:

- the proposed storm water detention basins are appropriately sized in compliance with the Storm Water Quality Plan (SSQP) NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley Water Board) so that hydromodification will not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements will be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;
- the storm water detention basins will drain by gravity;
- the storm water detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
- the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.

The Permittee will develop and implement a BMP and Water Quality Maintenance Plan. Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan will be prepared by a qualified engineer retained by the

Permittee for any particular discretionary development application. Drafts of the plan will be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan will finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan will include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Pre- and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the “Stormwater Quality Design Manual for Sacramento and South Placer Regions” and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the Suncreek Specific Plan area, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that will include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures will be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept storm water.
- New storm water facilities will be placed along the natural drainage courses within the Suncreek Specific Plan area to the extent practicable so as to mimic the natural drainage patterns.
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The reduction in runoff as a result of the LID configurations will be quantified based on the runoff reduction credit system methodology described in “Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4” (SSQP 2007) and proposed detention basins and other water quality BMPs will be sized to handle these runoff volumes.

#### **IX. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for direct and indirect impacts described in section VII for permanent impacts.

#### **X. California Environmental Quality Act (CEQA)**

On 18 November 2013, the City of Rancho Cordova, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 19 November 2013. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

## XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Resources Control Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

## XII. Fees Received

An application fee deposit of \$600.00 was received on 20 January 2015. The remaining application fee balance of \$9,299.00 based on total Project impacts was received on 26 April 2017.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

## XIII. Conditions

The Central Valley Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

### A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 3.

### B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

#### 1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 30th day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

If no sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every month thereafter.

- b. Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of April starting one year after the effective date of the Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

## 2. Project Status Notifications

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities which includes the corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,<sup>3</sup> and no further Project activities will occur. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

## 3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

### a. Accidental Discharges of Hazardous Materials<sup>4</sup>

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

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<sup>3</sup> Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

<sup>4</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- first call – 911 (to notify local response agency)
  - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
  - Lastly follow the required OES procedures as set forth in:  
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions**
- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.
- d. Modifications to Project**
- Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.
- e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:
- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must

sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership.

- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
- f. **Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### C. Water Quality Monitoring

1. **General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling<sup>5</sup>:
  - a. when performing any in-water work;
  - b. during the entire duration of temporary surface water diversions;
  - c. in the event that the Project activities result in any materials reaching surface waters; or
  - d. when any activities result in the creation of a visible plume in surface waters.
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
3. **In-Water Work or Diversions:**

During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

  - a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
  - b. Activities shall not cause turbidity increases in surface water to exceed:
    - I. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;

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<sup>5</sup> Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

- II. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
- III. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- IV. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- V. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 4 sampling parameters.<sup>6</sup> The sampling in Table 4 shall be conducted within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the ambient waters.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversions Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and with every monthly report thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.d.

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Turbidity	NTU	Grab	Every 4 hours

- 4. Post-Construction:** Visually inspect the Project site during the rainy season for one year to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the

<sup>6</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

#### **D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

#### **E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional

monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) Wetland Mitigation and Monitoring Plan: Town Center Property which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement.** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

#### F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.



**4. Fugitive Dust – Not Applicable****5. Good Site Management “Housekeeping”**

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.
- d. A method of containment shall be used below the bridges and temporary crossings to prevent debris from falling into the waterbody through the entire duration of the Project.

**6. Hazardous Materials**

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.
- b. Creosote-treated wood products or any other treated wood products that are highly flammable or toxic to aquatic life shall not be installed in waters of the state.

**7. Invasive Species and Soil Borne Pathogens**

Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

**8. In-Water Work**

- a. Work in wetland and vernal pool habitat shall occur during periods of no precipitation and when the work area is naturally dry.

## 9. Post-Construction Storm Water Management

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
  - i. Minimize the amount of impervious surface;
  - ii. Reduce peak runoff flows;
  - iii. Provide treatment BMPs to reduce pollutants in runoff;
  - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
  - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
  - i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

## 10. Roads – Not Applicable

**11. Sediment Control**

- a. Except for activities permitted by the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.
- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

**12. Special Status Species – Not Applicable****13. Stabilization/Erosion Control**

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding shall be performed with California native seed mix.

**14. Storm Water**

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - i. The Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparation and implementation of a Storm Water Pollution Prevention Plan; and
  - ii. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

**H. Site Specific – Not Applicable****I. Total Maximum Daily Load (TMDL) – Not Applicable****J. Mitigation for Temporary Impacts – Not Applicable****K. Compensatory Mitigation for Permanent Impacts<sup>7</sup>**

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts.

**1. Compensatory Mitigation Plan**

- a. The Permittee has submitted an approved draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory

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<sup>7</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

mitigation plan for written acceptance by Central Valley Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Central Valley Water Board staff. Upon acceptance by Central Valley Water Board staff, the Permittee shall implement the approved plan.

- b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR section 230.94(c).
- c. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR section 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

**2. Irrevocable Letter of Credit – Not Applicable**

**3. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable**

**4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

- a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the start of construction.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

**5. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to wetland and vernal pool habitat by:
  - i. Purchasing a minimum of 1.233 acres of vernal pool and 0.373 acre of wetland habitat creation mitigation credits from a USACE approved mitigation bank, in lieu fee program, or as required by the USACE and USFWS; or,
  - ii. Purchasing applicable mitigation fees to the South Sacramento Conservation Agency (SSCA), a joint exercise of power authority formed by Sacramento County and the Cities of Galt and Rancho Cordova, to implement the proposed South Sacramento Habitat Conservation Plan (SSHCP). The total mitigation fee of \$287,437.00, or as required by the adopted SSHCP Fee Calculator, is based on the 31 March 2018 draft SSHCP Fee Calculator for permanent and temporary impacts for urban development and Project impacts. The Permittee shall use the adopted SSHCP Fee Calculator for Project impacts to calculate the accurate total mitigation fee prior to the start of construction

The Permittee shall provide evidence of the SSCA mitigation fees purchased in association with the mitigation requirements of the Project to the Central Valley Water Board prior to proceeding with the activity authorized by this Order. Evidence of mitigation fees purchased with the mitigation requirements of this Project shall be demonstrated by a copy of a purchase receipt from the SSCA. The receipt should include the Project name, Project phase, amount of the mitigation fee, date of purchase, USACE's file number, and detail the mitigation purchased, including, but not limited to the mitigation ratios and other pertinent information.

- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5.

Table 5: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area								
Aquatic Resource Type	Comp Mit. Type <sup>8</sup>	Units	Method <sup>9</sup>					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Vernal Pool	MB or SSHCP	Acres	-	-	-	-	-	1.233
Wetland	MB or SSHCP	Acres	-	-	-	-	-	0.373

**L. Certification Deviation**

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

<sup>8</sup> Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

<sup>9</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

**XIV. Water Quality Certification**

I hereby issue the Order for the Kamilos Project, (WDID#5A34CR00618) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

*Original Signed By Adam Laputz for:*

*3.27.19*

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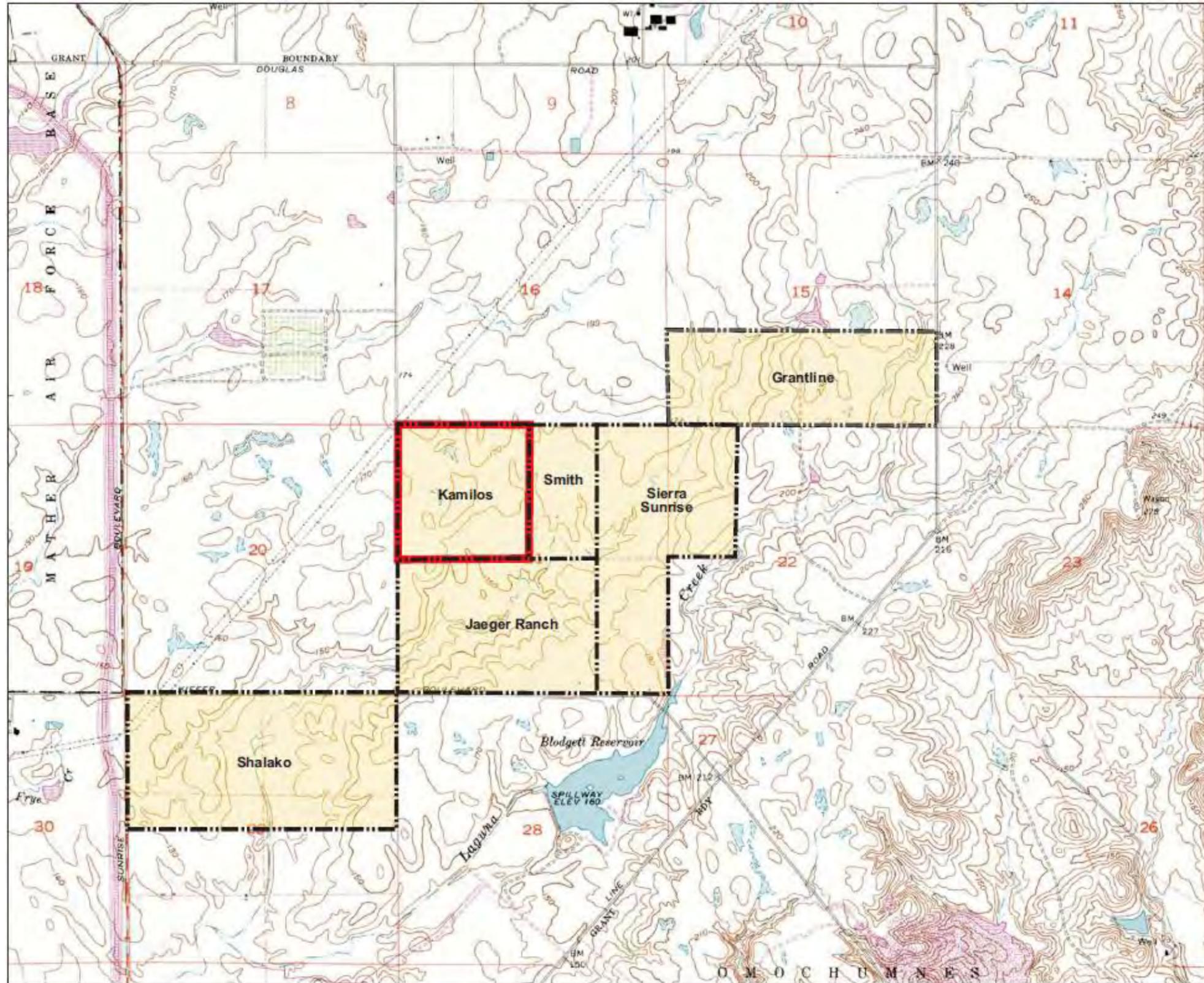
Patrick Pulupa  
Executive Officer  
Central Valley Regional Water Quality Control Board

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Date

- Attachment A**    Project Maps
- Attachment B**    Receiving Waters, Impact, and Mitigation Information
- Attachment C**    CEQA Findings of Facts
- Attachment D**    Report and Notification Requirements
- Attachment E**    Signatory Requirements
- Attachment F**    Certification Deviation Procedures





**Figure 1. Kamilos: Project Location and Vicinity**

§21, T.8N., R.7E., MDBM  
Latitude 38° 32' 11" N  
Longitude 121° 13' 10" W  
Lower Sacramento Watershed (18020109)

-  Kamilos Property
-  Participating Properties



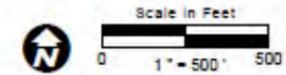
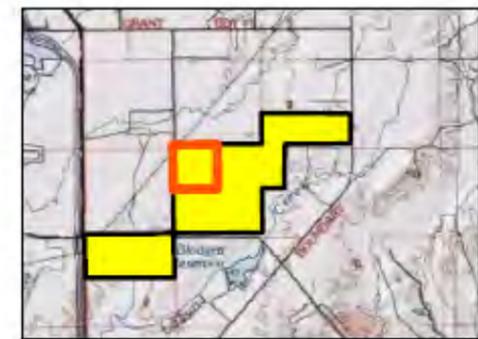
Buffalo Creek, California, 7.5 minute topographic quadrangle, US Geological Survey, 1980.



**Figure 2.**  
**Existing and Preserved Wetlands**  
**and Direct and Indirect Impacts**



Table 3: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact <sup>1</sup>			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Acres	CY	LF	Acres	CY	LF
Vernal Pool	-	-	-	1.233	-	-	0.024	-	-
Wetland	-	-	-	0.373	-	-	-	-	-
<b>Total</b>	-	-	-	1.606	-	-	0.024	-	-





### Receiving Waters

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation site.

Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID <sup>10</sup>
<i>Vernal Pool</i>	<i>Unnamed tributary to Laguna Creek</i>	<i>Vernal Pool</i>	519.12	<i>Laguna Creek</i>	n/a	n/a	n/a
<i>Wetland</i>		<i>Wetland</i>					
<i>Town Center Property</i>	<i>Unnamed tributaries to Laguna Creek and Dear Creek</i>	<i>Vernal Pool</i>	519.12	<i>Laguna Creek and Deer Creek</i>	n/a	n/a	n/a

### Individual Direct Impact Locations

The following table shows individual impact locations.

<b>Table 2: Individual Direct Impact Information</b>											
Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
1.Vernal Pool	38°32'00" N	121°12'45" W	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	1.257	-	-
2.Wetland			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	0.373	-	-

<sup>10</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

**Compensatory Mitigation Information** The following tables show options for individual compensatory mitigation information and locations.

**Mitigation Bank Compensatory Mitigation Site Information**

Table 3: Mitigation Bank			
Mitigation Bank	Name:	TBD	
	Website:	-	
Contact Information	Name:	TBD	
	Phone:	-	
	Email:	-	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	1.245	-	TBD
Wetland	0.373	-	TBD

**In-Lieu Fee Compensatory Mitigation Information**

<b>Table 4: South Sacramento Habitat Conservation Plan</b>			
In-Lieu Fee Program	Name:	South Sacramento Habitat Conservation Plan	
	Website:	<a href="https://www.southsachcp.com/">https://www.southsachcp.com/</a>	
Contact Information	Name:	Kim Hudson	
	Phone:	916-874-5849	
	Email:	hudsonk@saccounty.net	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	1.245	-	TBD
Wetland	0.373	-	TBD



## A. Environmental Review

On 18 November 2013, the City of Rancho Cordova, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 19 November 2013. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the City of Rancho Cordova's certified environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Rancho Cordova addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Rancho Cordova for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

## B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: Rancho Cordova City Hall, 2729 Prospect Park Drive, Rancho Cordova, CA 95670.

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

## C. Findings

The FEIR describes the potential significant environmental effects to water quality. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

- (1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

*Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.*

### a.i. Potential Significant Impact:

The Project may cause significant impacts in the following areas: loss and degradation of jurisdictional wetlands and other waters of the United States; loss and degradation of habitat for special-status wildlife; potential for substantial interference with the

movement of any native resident or migrator wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; substantial reduction in the habitat of a wildlife species; potential temporary, short-term construction-related drainage and water quality effects; potential increased risk of flooding and hydromodification from increased storm water runoff; long-term water quality and hydrology effects from urban runoff; potential exposure of people or structures to a significant risk of flooding as a result of the failure of a levee or dam; and potential impacts from new impervious surfaces and the use of groundwater resources on groundwater recharge and aquifer volume.

a.ii. Facts in Support of Finding:

**Mitigation Measure 3.3-1a: Include in Drainage Plans All Wetlands that Remain On-site, Submit Plans to the City of Rancho Cordova (City) and United States Army Corps of Engineers (USACE) for Review and Approval, and Implement all Measures in Drainage Plans.** To minimize indirect impacts on water quality and wetland hydrology, the project applicants for any particular discretionary development application will include drainage plans in their improvement plans and will submit the drainage plans to the City Public Works Department for review and approval. Before approval of these improvement plans, the project applicants for all project phases will commit to implement all measures in their drainage plans, to avoid and minimize erosion and runoff into Laguna Creek, its tributaries, and all wetlands to remain on-site. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps will be implemented to control siltation and the potential discharge of pollutants. See Section 3.9, "Hydrology and Water Quality," for further discussion of the project's National Pollutant Discharge Elimination System (NPDES) permit and associated Stormwater Pollution Prevention Plan (SWPPP), which will also reduce erosion and siltation.

The project will result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The applicant will establish a baseline of conditions for drainage on site. The baseline flow conditions will be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions will be used to develop monitoring standards for the storm water system in the SPA. The baseline conditions, monitoring standards, and a monitoring program will be submitted to the City for their approval. The detention basins will be designed and constructed so that performance standards described in Section 3.9, "Hydrology and Water Quality" are met. The discharge site into Kite Creek and associated tributaries will be monitored so that pre-project conditions are being met. Corrective measures will be implemented as necessary. The mitigation measures will be considered satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures.

**Mitigation Measure 3.3-1b: Secure CWA Section 404 Permit and Implement All Permit Conditions and Ensure No Net Loss of Wetlands and other Waters of the United States and Associated Functions.** Before the approval of grading and improvement plans and before any ground-disturbing activity associated with each distinct discretionary development entitlement, the project applicants for any particular discretionary development application requiring fill of wetlands or other waters of the United States or waters of the state will obtain all necessary permits under Sections 401 and 404 of the Clean Water Act (CWA) or the state's Porter-Cologne Act for the

respective phase. For each respective discretionary development entitlement, all permits, regulatory approvals, and permit conditions for effects on wetland habitats will be secured before implementation of any grading activities within 250 feet (or lesser distance deemed sufficiently protective by a qualified biologist approved by United States Fish and Wildlife Service (USFWS) and USACE) of waters of the United States or wetland habitats, including waters of the state, that potentially support Federally listed species, or within 100 feet of any other waters of the United States or wetland habitats, including waters of the state. The project applicants will commit to replace or restore on a "no net loss" of function basis (in accordance with USACE and the Central Valley Regional Water Quality Control Board (Central Valley RWQCB)) the acreage of all wetlands and other waters of the U.S. that will be removed, lost, and/or degraded as a result of implementing project plans for that phase.

Wetland habitat will be restored or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes, sufficient to achieve the "no net loss" standard.

As part of the Section 404 permitting process, a draft wetland mitigation and monitoring plan (MMP) will be developed for the project and submitted to USACE, the Central Valley RWQCB, and the City for review and approval of those portions of the plan over which they have jurisdiction. The MMP will have to be finalized and approved prior to issuance of a grading permit for any project phase that will adversely affect wetlands or other waters of the U.S. or waters of the state. The MMP will be implemented before beginning ground-disturbing activities in any project phase that will adversely affect wetlands or other waters of the U.S. or waters of the state. Once the final MMP is approved and implemented, mitigation monitoring will continue for a minimum of 5 years from completion of mitigation, or approved human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer.

As part of the MMP, the project applicants will prepare and submit plans for the creation of aquatic habitat to adequately offset and replace the aquatic functions and services that will be lost at the Specific Plan Area (SPA), account for the temporal loss of habitat, and contain an adequate margin of safety to reflect anticipated success. Restoration of previously altered and degraded wetlands will be a priority of the MMP for offsetting losses of aquatic functions in the SPA because it is typically easier to achieve functional success in restored wetlands than in those created from uplands. The MMP must demonstrate how the aquatic functions that will be lost through project implementation will be replaced.

The habitat MMP for jurisdictional wetland features will be consistent with USACE's and Environmental Protection Agency's (EPA) April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (73 CFR 19594) and USACE's October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* (USACE 2010). According to the Final Rule, mitigation banks should be given preference over other types of mitigation because much of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before the USACE will approve the sale of credits. The use of mitigation bank credits also alleviates temporal losses of wetland function while compensatory wetlands are being

established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study and planning and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA 2008). Permittee-responsible on-site mitigation areas can be exposed to long-term negative effects of surrounding development since they tend to be smaller and less buffered than mitigation banks. The Final Rule also establishes a preference for a “watershed approach” in selecting locations for compensatory mitigation project locations, that mitigation selection must be “appropriate and practicable” and that mitigation banks must address watershed needs based on criteria set forth in the *Final Rule*. The watershed approach accomplishes this objective by expanding the informational and analytic basis of mitigation project site selection decisions and ensuring that both authorized impacts and mitigation are considered on a watershed scale rather than only project by project. This requires a degree of flexibility so that district engineers can authorize mitigation projects that most effectively address the case-specific circumstances and needs of the watershed, while remaining practicable for the permittee.

The majority of the SPA is within the Laguna Creek Watershed, but the northwest portion of the Kamilos property is within the Morrison Creek Watershed. Both of these watersheds are part of the Lower Sacramento River Watershed. As shown in Table 3.3-5, as of the writing of this document, mitigation credits are available within the Laguna Creek Watershed at the Bryte Ranch, Laguna Terrace East, and the Sunrise Douglas Conservation Banks; however, there are no available mitigation credits within the Morrison Creek Watershed. If USACE determines that the use of mitigation bank credits is not sufficient mitigation to offset impacts within the SPA, the October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* requires USACE to specifically demonstrate why the use of bank credits is not acceptable to USACE in accordance with Section 33 CFR 332.3(a)(1).

Mitigation for SunCreek impacts must be consistent with the USACE’s *Record of Decision for the Sunridge Properties*, as stated below:

The Corps recognizes the significant cumulative loss of vernal pool wetlands within the Mather Core Recovery Area. For future unavoidable impacts to vernal pool wetlands within the Mather Core Recovery Area, including those associated with the Arista del Sol project, compensatory mitigation will be:

1. Based on a method for assessing the functions of all waters of the U.S. on the project site;
2. Accomplished at a ratio of greater than 1:1 (final ratio will be based, in part, on wetland functional condition determined during the functional assessment), after considering direct and indirect impacts, temporal loss and difficulties creating vernal pool wetlands; and
3. Located in the Mather Core Recovery Area, unless determined impracticable or inappropriate by the Corps.

If the South Sacramento Habitat Conservation Plan (SSHCP) is adopted and available before the project is fully implemented, project applicants may participate in the SSHCP mechanisms, such as payment of fees, purchase of mitigation bank credits, acquisition of conservation easement(s), and/or acquisition of mitigation land(s) in fee title to mitigate project effects on wetland habitats. In the event that mitigation is not

available through the SSCHP, the applicants will mitigate by purchasing a combination of appropriate credits from an agency-approved mitigation bank or providing an agency-approved off-site mitigation area. The applicants' biological consultant, ECORP, has identified mitigation banks whose service areas appear to include the SPA. However, some of these banks are not yet approved and the availability of credits at the other banks is subject to change. Therefore, a combination of mitigation bank credits and permittee responsible on and off-site mitigation may be necessary to fully offset project impacts on wetlands and other waters of the United States.

Compensatory mitigation for losses of stream and ephemeral and intermittent drainage channels will be achieved through in-kind preservation, restoration, or enhancement, as specified in the Final Rule guidelines. The wetland MMP will address how to mitigate impacts on vernal pool, seasonal wetland, swale, pond, and intermittent and ephemeral stream habitat, and will describe specific method(s) to be implemented to avoid and/or mitigate any off-site project-related impacts. The wetland compensation section of the habitat MMP will include the following:

- Compensatory mitigation sites and criteria for selecting these mitigation sites. In General, compensatory mitigation sites should meet the following criteria, based on the Final Rule;
- Located within the same watershed as the wetland or other waters that will be lost, as appropriate and practicable;
- Located in the most likely position to successfully replace wetland functions lost on the impact site considering watershed-scale features such as aquatic habitat diversity, habitat connectivity, available water sources and hydrologic relationships, land use trends, ecological benefits, the likelihood of success and sustainability, and compatibility with adjacent land uses,
- A complete assessment of the existing biological resources in both the on-site preservation areas and off-site compensatory mitigation areas, including wetland functional assessment using the California Rapid Assessment Method (CRAM) (Collins et al. 2008), to establish baseline conditions;
- Specific creation and restoration plans for each mitigation site;
- Use of CRAM to compare compensatory wetlands to the baseline CRAM scores from wetlands in the SPA. The compensatory wetland CRAM scores will be compared against the highest quality wetland of each type from the SPA;
- CRAM scores, or other wetland assessment protocol scores, from the compensatory wetlands will be compared against the highest quality wetland scores for each wetland type to document success of compensatory wetlands in replacing the functions of the affected wetlands to be replaced;
- Monitoring protocol, including schedule and annual report requirements, and the following elements:
  - Ecological performance standards, based on the best available science, that can be assessed in a practicable manner (e.g., performance standards proposed by Barbour et al. 2007). Performance standards must be based on attributes that are objective and verifiable;
  - CRAM, or other USACE-approved wetland assessment protocol, conducted annually for 5 years after construction or restoration of

compensatory wetlands to determine whether these areas are acquiring wetland functions and to plot the performance trajectory of compensatory wetlands over time.

For each phase of development, the project applicants will secure the permits and regulatory approvals described below and will implement all permit conditions. All permits, regulatory approvals, and permit conditions for effects on wetland habitats will be secured prior to implementing any grading activities within 250 feet of waters of the United States, or wetland habitats that potentially support Federally listed species.

The setback may be reduced to a distance approved by the City and USFWS if a wetland avoidance plan is developed and implemented by a qualified biologist. The wetland avoidance plan must be approved by USFWS and the City and will demonstrate that all direct and indirect impacts on wetlands will be avoided. Project phases in upland areas with no wetlands or waters of the U.S. within 250 feet, and no overland hydrologic flow patterns, the disturbance of which may affect such waters, may begin construction before these particular permits are obtained. Buffers around wetlands that do not support Federally listed species will be a minimum of 50 feet from the edge of these features in accordance with conditions of the NPDES permit and associated best management practices (BMPs).

Water Quality certification pursuant to Section 401 of the Clean Water Act will be required prior to issuance of a Section 404 permit. Before construction in any areas containing wetland features, the project applicants will obtain water quality certification for the applicable phase of the project.

**Mitigation Measure 3.3-3a: Conduct Preconstruction Surveys for Nesting Swainson's Hawk, White-Tailed Kite, Burrowing Owls, and Other Raptors, and if Found, Establish Appropriate Buffers, and Implement Avoidance or Appropriate Mitigation.** To mitigate impacts on Swainson's hawk and other raptors (including burrowing owl), the project applicants for any particular discretionary development application will retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the SPA and active burrows in the SPA. The surveys will be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) will be followed for surveys for Swainson's hawk. If no nests are found, no further mitigation is required.

If active nests are found, impacts on nesting Swainson's hawks and other raptors will be avoided by establishing appropriate buffers around the nests. No project activity will commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined in coordination with DFG that

reducing the buffer will not result in nest abandonment. DFG guidelines recommend establishing buffers of 0.25- to 0.5-mile, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with DFG, determine that such an adjustment will not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.

If active burrows are found, a mitigation plan will be submitted to the City for review and approval before any ground-disturbing activities. The City will consult with DFG regarding appropriate mitigation before approving the mitigation plan. The mitigation plan may consist of installation of one-way doors on all burrows to allow owls to exit, but not reenter, and construction of artificial burrows within the project vicinity, as needed; however, burrowing owl exclusions may only be used if a qualified biologist verifies that the burrow does not contain eggs or dependent young. If active burrows contain eggs and/or young, no construction will occur within 50 feet of the burrow until young have fledged. Once it is confirmed that there are no owls inside burrows, these burrows may be collapsed.

**Mitigation Measure 3.3-3b: Prepare and Implement a Swainson's Hawk Mitigation Plan.** To mitigate for the loss of Swainson's hawk foraging habitat, the project applicants for any particular discretionary development application will prepare and implement a Swainson's hawk mitigation plan including, but not limited to the requirements described below.

- Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, the project applicants will preserve, to the satisfaction of the City, suitable Swainson's hawk foraging habitat to ensure 1:1 mitigation of habitat value for Swainson's hawk foraging habitat lost as a result of the project, as determined by the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist.
- The 1:1 habitat value will be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within the City's planning area. The mitigation ratio will be consistent with the 1994 CDFW Swainson's Hawk Guidelines included in the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*. Such mitigation will be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land will be located within the known foraging area and within Sacramento County. The City, after consultation with CDFW, will determine the appropriateness of the mitigation land.
- Before approval of such proposed mitigation, the City will consult with CDFW regarding the appropriateness of the mitigation. If mitigation is accomplished through conservation easement, then such an easement will ensure the continued management of the land to maintain Swainson's hawk foraging values, including but not limited to ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The

conservation easement will be recordable and will prohibit any activity that substantially impairs or diminishes the land's capacity as suitable Swainson's hawk habitat.

- The project applicants will transfer said Swainson's hawk mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and DFG named as third-party beneficiaries. The Conservation Operator will be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator will be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and will be selected or approved by the City, after consultation with CDFW. The City, after consultation with CDFW and the conservation Operator, will approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator will each have the power to enforce the terms of the conservation easement. The Conservation Operator will monitor the easement in perpetuity to assure compliance with the terms of the easement.

The project applicants, after consultation with the City, CDFW, and the Conservation Operator, will establish an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement. If an endowment is used, either the endowment funds will be submitted to the City to be distributed to an appropriate third-party nonprofit conservation agency, or they will be submitted directly to the third party nonprofit conservation agency in exchange for an agreement to manage and maintain the lands in perpetuity. The Conservation Operator will not sell, lease, or transfer any interest of any conservation easement or mitigation land it acquires without prior written approval of the City and CDFW.

- If the Conservation Operator ceases to exist, the duty to hold, administer, manage, maintain, and enforce the interest will be transferred to another entity acceptable to the City and CDFW. The City Planning Department will ensure that mitigation habitat is properly established and is functioning as habitat by conducting regular monitoring of the mitigation site(s) for the first 10 years after establishment of the easement.

**Mitigation Measure 3.3-3c: Secure Take Authorization of Federally Listed Vernal Pool Invertebrates and Implement Permit Conditions, Develop and Implement a Habitat Mitigation and Monitoring Plan.** No project construction will proceed in areas supporting potential habitat for Federally listed vernal pool invertebrates or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS) until a biological opinion (BO) and incidental take permit has been issued by USFWS and the project applicant has abided by conditions in the BO, including all conservation and minimization measures. A similar process will be followed for future subsequent improvement plans and conservation and minimization measures for those phases will also be implemented according to the BO. Conservation and minimization measures will include preparation

of supporting documentation describing methods to protect existing vernal pools during and after project construction, a detailed monitoring plan, and reporting requirements. Western spadefoot also requires the protection of vernal pool habitat for survival; therefore, implementation of Mitigation Measure 3.3-3c will also reduce impacts to western spadefoot.

The project applicants will identify mitigation acceptable to the City, USACE, and USFWS for the impacts to vernal pools and other seasonal wetland habitats that support or potentially support Federally listed vernal pool invertebrates in such a manner that there will be no net loss of habitat (acreage and function) for these species following project implementation. As described under Mitigation Measure 3.3-1a, project applicants will complete and implement a habitat MMP describing how loss of vernal pool and other wetland habitats will be offset, including details for creating habitat; accounting for the temporal loss of habitat, performance standards to ensure success, and remedial actions to be implemented if performance standards are not met. Mitigation will include, where feasible and practicable, preservation and or restoration of in-kind wetland habitats within the Mather Core Area at ratios satisfactory to ensure no net loss of habitat acreage, function, and value within the Mather Core Area.

The project applicants will preserve acreage of vernal pool habitat for each wetted acre of any indirectly affected vernal pool habitat at a ratio approved by USFWS at the conclusion of the Section 7 consultation.

This mitigation will occur before the approval of any grading or improvement plans for any project phase that will allow work within 250 feet of such habitat, and before any ground-disturbing activity within 250 feet of the habitat. Unless otherwise agreed to by USFWS, vernal pool habitat within 250 feet of development will be considered indirectly affected. The project applicants will not be required to complete this mitigation measure for direct or indirect impacts that have already been mitigated to the satisfaction of USFWS through another BO or mitigation plan.

A standard set of BMPs will be applied when working in areas within 250 feet of off-site vernal pool habitat or within any lesser distance deemed by a qualified biologist to constitute a sufficient buffer from such habitat with approval from USFWS. Refer to Section 3.9 "Hydrology and Water Quality" for the details of BMPs to be implemented.

**Mitigation Measure 3.3-3d: Obtain Incidental Take Permit for Impacts to Valley Elderberry Longhorn Beetle (VELB) and Implement All Permit Conditions.** No project construction will proceed in areas containing VELB habitat (i.e., elderberry shrubs) until a BO and an Incidental Take Permit have been issued by USFWS and the project applicant has abided by all pertinent conditions in the BO relating to the proposed construction, including all conservation and minimization measures. Conservation and minimization measures are likely to include preparation of supporting documentation describing methods for relocating the existing shrub.

Relocation of existing elderberry shrubs and planting of new elderberry seedlings will be implemented on a no-net-loss basis. Detailed information on monitoring success of relocated and planted shrubs, and measures to compensate should success criteria not be met, will also likely be required in the BO. Ratios for mitigation of VELB habitat will ultimately be determined through the Federal Endangered Species Act (ESA) Section 7 consultation process with USFWS, but will be a minimum of “no net loss.”

**Mitigation Measure 3.3-3e: Conduct Preconstruction Surveys to Avoid Western Pond Turtle.** A preconstruction survey for western pond turtle will be conducted by a qualified biologist prior to work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary.

If pond turtles are found, they will be relocated by a qualified biologist to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities.

**Mitigation Measure 3.9-1: Acquire Appropriate Regulatory Permits and Prepare and Implement an Erosion and Sediment Control Plan, SWPPP, and BMPs.** As required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), projects disturbing 350 cubic yards or more of soil or one or more acres of land will prepare an erosion and sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan will be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the project applicants for any particular discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project) will obtain coverage under the SWRCB’s NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed.

The project applicants will also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova Public Works Department. The SWPPP and other appropriate plans will identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that will reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but will not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;

- the implementation of approved local plans, non-stormwater management controls, permanent postconstruction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in stormwater drainage and non-stormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP will be in place throughout all site work and construction/demolition activities and will be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP will be maintained and available at all times on the construction site.

**Mitigation Measure 3.9-2: Prepare and Submit Updated Regional Master Drainage Studies and Final Drainage Plans and Implement Requirements Contained in Those Plans.** Before approval of the first large lot tentative subdivision map in the SPA, the project applicants will:

1. Submit an updated Regional Master Drainage Study for the SPA to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:
  - a. the proposed stormwater detention basins are appropriately sized in compliance with the SSQP's NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley RWQCB) so that hydromodification will not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements will be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;
  - b. the stormwater detention basins will drain by gravity;
  - c. the stormwater detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
  - d. the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.
  
2. Prepare and submit a Conditional Letters of Map Revision (CLOMR) to FEMA showing the existing 100-year (0.01 AEP) floodplain for the existing site (existing conditions).

Furthermore, before the approval of grading plans, site improvements, and/or building permits, the project applicants for any particular discretionary development application will obtain an approved CLOMR from FEMA and submit a final construction level drainage study and plans to the City demonstrating that project-related on-site runoff will be appropriately contained in detention basins or managed with other improvements (e.g., source controls using LID techniques) to maintain peak storm flows at no greater than the level existing before development and to accommodate flows based on a 100-year storm event, as required by the Sacramento County Flood Control Ordinance.

The drainage study and plans will include all the items required for tentative map level study. In addition, the drainage study and plans will include, but not be limited to, the following items:

- an accurate calculation of pre-project and post-project runoff for the final design scenario, obtained using appropriate engineering methods, that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) will be performed and the trunk drainage pipeline sizes confirmed based on alignments and finalized detention facility locations;
- a description of the proposed maintenance program for the on-site drainage system; and
- City flood control design requirements and measures designed to comply with them.

Implementation of stormwater management BMPs that avoid increases in the erosive force of flows beyond a specific range of conditions will limit hydromodification and maintain current stream geomorphology. BMPs may include, but are not limited to, the use of LID techniques to limit increases in stormwater runoff at the point of origination (these may include but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater). These BMPs may be designed and constructed in accordance with the forthcoming SSQP Hydromodification Management Plan (to be adopted by the Central Valley RWQCB), as appropriate.

The final drainage plan will demonstrate to the satisfaction of the City of Rancho Cordova Community Development and Public Works Departments that 100-year (0.01 AEP) flood flows will be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the SPA will not occur, and that hydromodification will not be increased from predevelopment levels such that existing stream geomorphology would be changed. The range of conditions should be calculated for each receiving water (if feasible), as approved by the SSQP and/or City of Rancho Cordova Public Works Department).

**Mitigation Measure 3.9-3: Develop and Implement a BMP and Water Quality**

**Maintenance Plan.** Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan will be prepared by a qualified engineer retained by the project applicants for any particular discretionary development application. Drafts of the plan will be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan will finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan will include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Predevelopment and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the "Stormwater Quality Design Manual for Sacramento and South Placer Regions" and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that will include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.

- LID control measures will be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept stormwater.
- New stormwater facilities will be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns. The reduction in runoff as a result of the LID configurations will be quantified based on the runoff reduction credit system methodology described in “Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4” (SSQP 2007) and proposed detention basins and other water quality BMPs will be sized to handle these runoff volumes.

#### **D. Statement of Overriding Considerations**

The City of Rancho Cordova FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Pub. Resources Code, § 21081, subd (b); Cal. Code Regs., tit. 14, § 15093.)

The significant and unavoidable impacts and the benefits related to implementing the [Project] are disclosed in the City of Rancho Cordova FEIR, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts to water quality are discussed in subsection C above.

The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic, legal, social, and technological benefits of implementing the Project outweigh the significant and unavoidable impacts to water quality.

#### **E. Determination**

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the City of Rancho Cordova, and has reached its own conclusion to approve this Project. The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, § 15096.)



### Copies of this Form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report: please retain for your records. If you need to obtain a copy of the Cover Sheet you may download a copy of this Order as follows:

1. Go to: [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/certifications.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml)
2. Find your Order in the table based on Applicant, Date, and Subject headers.

### Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
  - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Jordan Hensley; Reg. Measure ID: 412965\_Report

### Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual

active discharge fee to the annual post-discharge monitoring fee.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

**Effective Date:** 15 March 2019

### Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

#### 1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	Kamilos Project		
<b>Permittee:</b>	Callahan Sun Creek, LLC		
<b>Reg. Meas. ID:</b>	412965	<b>Place ID:</b>	812464
<b>WDID:</b>	5A34CR00618	<b>Construction Storm Water General Permit WDID#:</b>	_____
<b>Order Effective Date:</b>	15 March 2019		
<b>Order Expiration Date:</b>	14 March 2024		

**Report Type Submitted**

**Part A – Project Reporting**

<b>Report Type 1</b>	<input type="checkbox"/> <b>Monthly Report #</b> _____
<b>Report Type 2</b>	<input type="checkbox"/> <b>Annual Report #</b> _____

**Part B - Project Status Notifications**

<b>Report Type 3</b>	<input type="checkbox"/> <b>Commencement of Construction</b>
<b>Report Type 4</b>	<input type="checkbox"/> <b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Type 5</b>	<input type="checkbox"/> <b>Request for Notice of Project Complete Letter</b>

**Part C - Conditional Notifications and Reports**

<b>Report Type 6</b>	<input type="checkbox"/> <b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Type 7</b>	<input type="checkbox"/> <b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Type 8</b>	<input type="checkbox"/> <b>In-Water Work/Diversions Water Quality Monitoring Report</b>
<b>Report Type 9</b>	<input type="checkbox"/> <b>Modifications to Project Report</b>
<b>Report Type 10</b>	<input type="checkbox"/> <b>Transfer of Property Ownership Report</b>
<b>Report Type 11</b>	<input type="checkbox"/> <b>Transfer of Long-Term BMP Maintenance Report</b>

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name <sup>1</sup>

Affiliation and Job Title

Signature

Date

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

I hereby authorize \_\_\_\_\_ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Date

**\*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

**Part A – Project Reporting**

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b> Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs<sup>11</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b> Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b> Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</b> List associated monitoring reports for the reporting period. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> </ol> </li> </ol>

<sup>11</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	<p><b>d)</b> Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</p>
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<b>Report Type 2</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year on the 1st day of April starting one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>
<b>Annual Report Topics (1-3)</b>	
<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.</li> <li>2. Map showing general Project progress.</li> <li>3. If applicable: <ol style="list-style-type: none"> <li>a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below).</li> <li>b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.</li> </ol> </li> </ol>
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status – Not Applicable</b>
<b>When to Submit</b>	Not Required

<b>Report Contents</b>	-
<b>Annual Report Topic 3</b>	<b>Compensatory Mitigation for Permanent Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<b>Part A. Mitigation Bank or In-Lieu Fee</b> <ol style="list-style-type: none"> <li>1. Status or proof of purchase of credit types and quantities.</li> <li>2. Include the name of bank/ILF Program and contact information.</li> <li>3. If ILF, location of project and type if known.</li> </ol>

<b>Part B – Project Status Notifications</b>
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<b>Report Type 3</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the state will occur.</li> <li>3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.</li> <li>4. Construction Storm Water General Permit WDID No.</li> <li>5. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.</li> </ol>

<b>Report Type 4</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.</li> <li>5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.</li> </ol>

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.</li> <li>2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.</li> </ol> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <ol style="list-style-type: none"> <li>3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li> <li>4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li> <li>5. Pre- and post-photo documentation of all compensatory mitigation sites.</li> <li>6. Final maps of all compensatory mitigation areas (including buffers).</li> </ol> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ol style="list-style-type: none"> <li>7. Date of storm water Notice of Termination(s), if applicable.</li> <li>8. Report status and functionality of all post-construction BMPs.</li> </ol>

<b>Part C – Conditional Notifications and Reports</b>
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<b>Report Type 6</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.</li> <li>2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment,</li> </ol>

	<p>locations of sampling sites.</p> <p>3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.</p>
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<b>Report Type 7</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
<b>Report Contents</b>	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

<b>Report Type 8</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
<b>When to Submit</b>	Forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
<b>Report Contents</b>	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

<b>Report Type 9</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>When to Submit</b>	If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>Report Contents</b>	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

<b>Report Type 10</b>	<b>Transfer of Property Ownership Report</b>
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<b>Report Purpose</b>	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least 10 working days prior to the transfer of ownership.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> <li>a. the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and</li> <li>b. responsibility for compliance with any long-term BMP<sup>12</sup> maintenance plan requirements in this Order.</li> </ol> </li> <li>2. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.</li> </ol>

<b>Report Type 11</b>	<b>Transfer of Long-Term BMP Maintenance Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
<b>When to Submit</b>	At least 10 working days prior to the transfer of BMP maintenance responsibility.
<b>Report Contents</b>	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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<sup>12</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.



## SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."



## Certification Deviation Procedures

### Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section L of the Order, may be requested by the Permittee as set forth below:

### Process Steps

Who may apply: The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

How to apply: By letter or email to the 401 staff designated as the contact for this Order.

Certification Deviation Request: The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Order. The request should:

1. Describe the Project change or modification:
  - a. Proposed activity description and purpose;
  - b. Why the proposed activity is considered minor in terms of impacts waters of the state;
  - c. How the Project activity is currently addressed in the Order; and,
  - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (Cal. Code Regs., tit. 14, §§ 15061, 15162-15164.)

Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
  - a. Activity description and purpose;
  - b. Activity location, start date, and completion date;
  - c. Erosion control and pollution prevention measures applied;
  - d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - e. Mitigation plan, if applicable; and,
  - f. Map of activity location and boundaries; post-construction photos.

Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all Certification Deviation activities through the reporting period with the following information:
  - a. Site name(s).
  - b. Date(s) of Certification Deviation approval.
  - c. Location(s) of authorized activities.
  - d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order.
  - e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies).
  - f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - g. Mitigation to be provided (approved mitigation ratio and amount).

# Shalako

## Central Valley Regional Water Quality Control Board

4 January 2019

William M. Campbell, III  
Shalako Investors  
11344 Coloma Road, Suite 350  
Gold River, CA 95670

**CERTIFIED MAIL**  
91 7199 9991 7039 6992 3747

***CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; SHALAKO INVESTORS, SHALAKO PROJECT (WDID#5A34CR00619), SACRAMENTO COUNTY***

This Order responds to the 14 April 2017 application submitted by Shalako Investors (Applicant) for the Water Quality Certification of the Shalako Project (Project), permanently impacting 2.374 acres/1,803 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK-2005-00605) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

### **WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

- 1. This Water Quality Certification (Certification) is not valid until coverage under Section 404 of the Clean Water Act is obtained. If the Project, including the area of impact (as described) is modified through this process, this Certification will not be valid until amended by the Central Valley Regional Water Quality Control Board (Central Valley Water Board).**
2. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.
3. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to Section 3855(b) of the California Code of

Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

4. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.
5. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.
6. All reports, notices, or other documents required by this Certification or requested by the Central Valley Water Board shall be signed by a person described below or by a duly authorized representative of that person.
  - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
  - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

7. Any person signing a document under Standard Condition number 6 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**TECHNICAL CERTIFICATION CONDITIONS:**

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.
2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling<sup>1</sup>:
  - a) when performing any in-water work;
  - b) in the event that Project activities result in any materials reaching surface waters; or
  - c) when any activities result in the creation of a visible plume in surface waters.

The sampling requirements in Table 1 shall be conducted within ambient waters of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

**Table 1:**

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
Visible construction related pollutants <sup>(3)</sup>	Observations	Visual Inspections	Continuous throughout the construction period	—

<sup>(1)</sup> Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

<sup>(2)</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.

<sup>(3)</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

<sup>(4)</sup> A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

<sup>1</sup> Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:
  - a) Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
  - b) Activities shall not cause turbidity increases in surface water to exceed:
    - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
    - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
    - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
    - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
    - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity or other water quality objectives are exceeded.
7. Work shall occur during periods of no precipitation when the work area is naturally dry.
8. Activities shall not cause visible oil, grease, or foam in the receiving water.
9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.
11. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
12. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
13. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the Project.
14. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.
15. All areas disturbed by Project activities shall be protected from washout and erosion.
16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
17. Hydroseeding shall be performed with California native seed mix.
18. All materials resulting from the Project shall be removed from the site and disposed of properly.
19. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
20. If water is present, the area must be dewatered prior to the start of work.
21. When work in a flowing stream is unavoidable and any temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.
22. If any temporary dam or other artificial obstruction is constructed, the temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel

bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

23. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Individual Permit, the United States Fish and Wildlife Service decision document(s), or the California Department of Fish and Wildlife Streambed Alteration Agreement.
24. The Applicant shall consult with the California Department of Fish and Wildlife to determine whether a Lake or Streambed Alteration Agreement is required and submit the determination from the California Department of Fish and Wildlife to the Central Valley Water Board Contact within 14 days of issuance.

If a Lake or Streambed Alteration Agreement is required, the Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife.

The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the Lake or Streambed Alteration Agreement.

25. The Applicant shall submit a copy of the Biological Opinion to the Central Valley Water Board Contact within 14 days of issuance by the United States Fish and Wildlife Service.

The Applicant shall comply with all United States Fish and Wildlife Service requirements, including those requirements described in the Biological Opinion.

26. If the Project will involve land disturbance activities of one or more acres, or where the Project disturbs less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.
27. If dewatering activities result in ground water discharges into surface water, the Applicant shall work with the Central Valley Water Board to obtain coverage under an NPDES permit.
28. If dewatering activities result in discharges to land, the Applicant shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs).

29. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
30. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.
31. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
  - (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
  - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.
32. To mitigate for the loss of 0.196 acre/1,803 linear feet of stream channel, 1.665 acres of vernal pool, and 0.411 acre of wetland habitat, the Applicant shall purchase a minimum of 1.665 vernal pool habitat creation and 0.607 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. Additionally, to mitigate for the degradation of ecological conditions of 0.043 acre of vernal pool and 0.059 acre of wetland habitat, the Applicant shall purchase a minimum of 0.022 vernal pool habitat creation and 0.029 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site

compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state, at the time of Certification.

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved compensatory mitigation bank. The letter must: a) be on the compensatory mitigation bank's letterhead; b) be signed by an authorized representative of the compensatory mitigation bank; c) indicate the United States Army Corps of Engineers' SPK number; d) describe the Project name and location; and e) detail the type of compensatory mitigation credits purchased for the Project's impacts.

### **NOTIFICATIONS AND REPORTS:**

33. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
34. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

### **STORM WATER QUALITY CONDITIONS:**

The Applicant shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - (a) the Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; and
  - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. The Applicant must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:

- (a) minimize the amount of impervious surface;
  - (b) reduce peak runoff flows;
  - (c) provide treatment BMPs to reduce pollutants in runoff;
  - (d) ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - (e) preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - (g) use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/sediment loss; and
  - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. The Applicant shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
- (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - (c) written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - (d) any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

**CENTRAL VALLEY WATER BOARD CONTACT:**

Jordan Hensley  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-8114  
Jordan.Hensley@waterboards.ca.gov  
(916) 464-4812

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The City of Rancho Cordova is the Lead Agency responsible for compliance with the California Environmental Quality Act for the SunCreek Specific Plan Project pursuant to Section 21000 et seq. of the Public Resources Code. The City of Rancho Cordova approved the Environmental

Impact Report and Statement of Overriding Considerations for the SunCreek Specific Plan Project on 18 November 2013. Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to biology, hydrology, and water quality. The City of Rancho Cordova filed a Notice of Determination with the State Clearinghouse on 19 November 2013 (SCH No. 2006072067).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Environmental Impact Report, and Statement of Overriding Considerations is in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report, and Statement of Overriding Considerations. The proposed mitigation measures discussed in the Environmental Impact Report and Statement of Overriding Considerations for the SunCreek Specific Plan Project were adopted to avoid and minimize project impacts to State waters and are required by this Certification.

With regard to the remaining impacts identified in the Environmental Impact Report, and the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

## **WATER QUALITY CERTIFICATION:**

I hereby issue an Order certifying that any discharge from the Shalako Investors, Shalako Project (WDID#5A34CR00619) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, Shalako Investors' application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

*Original Signed by Adam Laputz for:*

Patrick Pulupa  
Executive Officer

Enclosure: Project Information Sheet

Attachments: Figure 1 – Project Location Map  
Figure 2 – Site Map

cc: Distribution List, page 16

## PROJECT INFORMATION SHEET

**Application Date:** 14 April 2017

**Applicant:** William M. Campbell, III  
Shalako Investors  
11344 Coloma Road, Suite 350  
Gold River, CA 95670

**Applicant Representative:** Kathleen Ports  
ECORP Consulting, Inc.  
2525 Warren Avenue  
Rocklin, CA 95677

**Project Name:** Shalako Project

**Application Number:** WDID#5A34CR00619

**Date on Public Notice:** 23 January 2015

**Date Application Deemed Complete:** 24 May 2017

**Date All Information Received:** 10 December 2018

**Type of Project:** Development - Residential

**Approved Months of Project Implementation:** The Project will be constructed 1 April through 31 October, or as otherwise required by the United States Fish and Wildlife Service and California Department of Fish and Wildlife.

**Project Location:** Section 29, Township 08 North, Range 7 East, MDB&M.  
Latitude: 38°31'20"N and Longitude: 121°14'00" W

**County:** Sacramento County

**Receiving Water(s) (hydrologic unit):** Unnamed tributary of the Laguna Creek, Sacramento, Valley-American Hydrologic Unit #519.12, Florin HSA

**Water Body Type:** Wetland, Vernal Pool, Stream Channel

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD);

Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

**303(d) List of Water Quality Limited Segments:** The unnamed tributary to Laguna Creek is the receiving water for the Shalako Project. The unnamed tributary to Laguna Creek not listed on the 303(d) list. The most recent list of approved water quality limited segments is found at: [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2012.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml)

**Project Description:** The 321-acre Shalako Project (Project) is located at the south-east corner of the intersection of Sunrise Boulevard and Kiefer Boulevard in the city of Rancho Cordova in Sacramento County. The Project consists of filling wetland, stream channel, and vernal pool habitat with clean soil during dry conditions to prepare for constructing a residential community with parks, on-site wetland preserve, commercial development, school, and fire station components. Project areas effected by cut or fill slopes will be hydroseeded with a native seed mix.

The Central Valley Water Board issued a Clean Water Act Section 401 Water Quality Certification and Order for the Sun creek Specific Plan Area, Backbone Infrastructure Project for the construction of major roadways impacting waters of the United States for this project on 2 November 2018.

Dewatering will occur within the Project area. No wet concrete will be placed into the wetland habitat. The Project will permanently impact 2.374 acres/1,803 linear feet of waters of the United States.

**Preliminary Water Quality Concerns:** Construction activities may impact surface waters with increased turbidity.

**Proposed Mitigation to Address Concerns:** The Applicant will implement Best Management Practices to control sedimentation and erosion. The Applicant will conduct turbidity matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

**Excavation/Fill Area:** Approximately 2,280 cubic yards of clean soil be placed into 2.374 acres of waters of the United States.

**Dredge Volume:** None

**California Integrated Water Quality System Impact Data:** The Project will permanently impact 0.196 acre/1,803 linear feet of stream channel habitat, 1.708 acres of vernal pool habitat, and 0.470 acre of wetland habitat from fill activities.

**Table 2: Impacts from Fill Activities**

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Stream Channel	-	-	-	0.196	-	1,803	-	-	-
Vernal Pool	-	-	-	1.665	-	-	0.043	-	-
Wetland	-	-	-	0.411	-	-	0.059	-	-
<b>TOTAL</b>	-	-	-	<b>2.272</b>	-	<b>1,803</b>	<b>0.102</b>	-	-

**United States Army Corps of Engineers File Number:** SPK-2005-00605

**United States Army Corps of Engineers Permit Type:** Individual Permit

**California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:** The Applicant shall consult with the California Department of Fish and Wildlife to determine whether a Lake or Streambed Alteration Agreement is required and submit the determination from the California Department of Fish and Wildlife to the Central Valley Water Board Contact within 14 days of issuance.

If a Lake or Streambed Alteration Agreement is required, the Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife.

The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the Lake or Streambed Alteration Agreement.

**Possible Listed Species:** Vernal pool fairy shrimp, Valley elderberry longhorn beetle, Vernal pool tadpole shrimp, Western pond turtle, Western spadefoot, Western burrowing owl, Northern harrier, American badger.

**Status of CEQA Compliance:** The City of Rancho Cordova has approved an Environmental Impact Report on 18 November 2013. The City of Rancho Cordova filed a Notice of Determination with the State Clearinghouse on 19 November 2013 (SCH No. 2006072067).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

**Compensatory Mitigation:** To mitigate for the loss of 0.196 acre/1,803 linear feet of stream channel, 1.665 acres of vernal pool, and 0.411 acre of wetland habitat, the Applicant shall purchase a minimum of 1.665 vernal pool habitat creation and 0.607 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as

required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. Additionally, to mitigate for the degradation of ecological conditions of 0.043 acre of vernal pool and 0.059 acre of wetland habitat, the Applicant shall purchase a minimum of 0.022 vernal pool habitat creation and 0.029 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of this purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

**Table 3: Compensatory Mitigation for Permanent Physical Loss of Area**

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Vernal Pool	-	X	-	1.665	-	X	-	-	-	-	-
Wetland	-	X	-	0.607	-	-	X	-	-	-	-
<b>TOTAL</b>	-	-	-	<b>2.272</b>	-	-	-	-	-	-	-

**Table 4: Compensatory Mitigation for Permanent Degradation of Ecological Condition**

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Vernal Pool	-	X	-	0.022	-	X	-	-	-	-	-
Wetland	-	X	-	0.029	-	-	X	-	-	-	-
<b>TOTAL</b>	-	-	-	<b>0.051</b>	-	-	-	-	-	-	-

**Application Fee Provided:** \$1,201.00 was received on 20 January 2015 and \$23,740.00 was received on 14 April 2017.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

## DISTRIBUTION LIST

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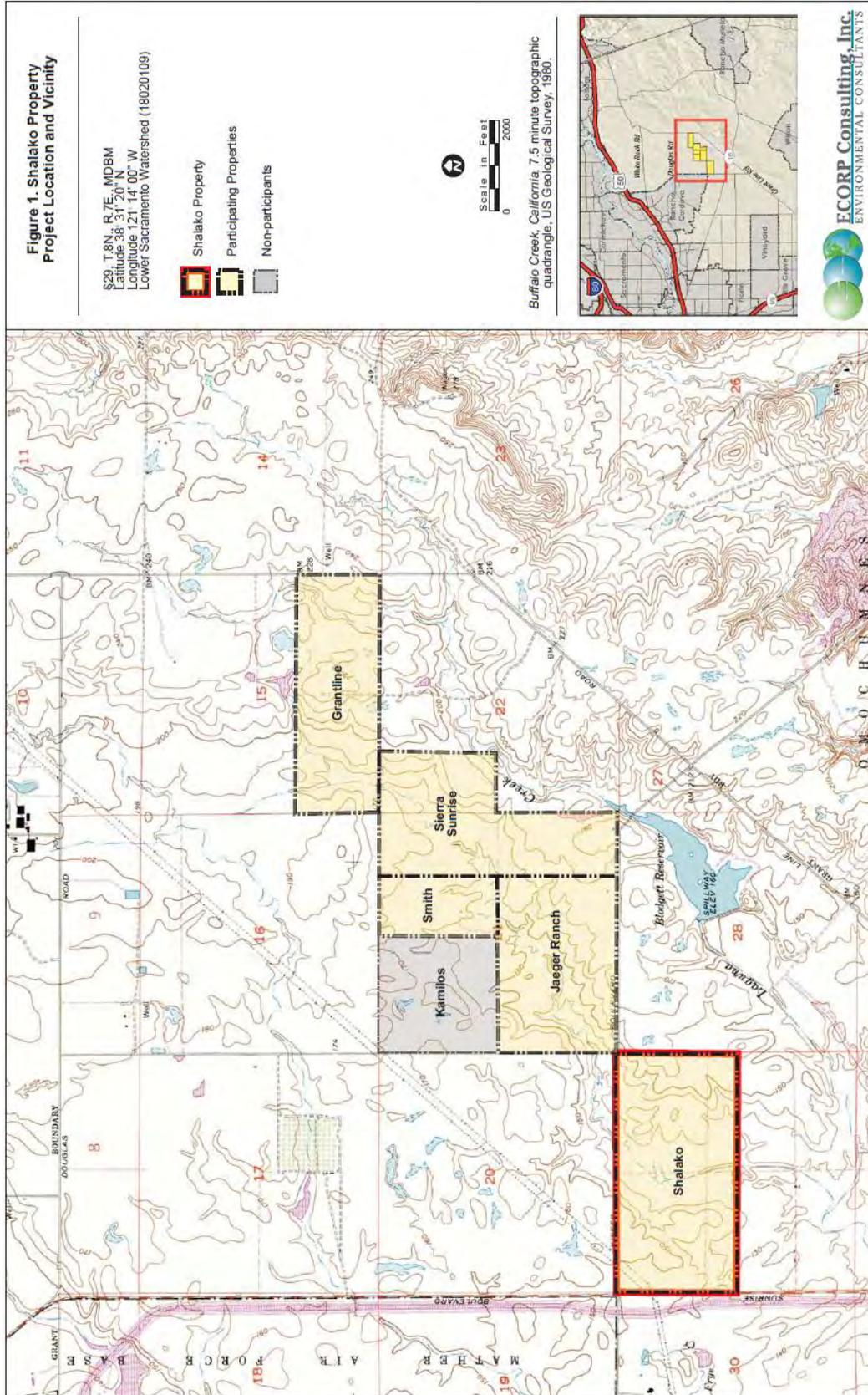


Figure 1 – Project Location Map

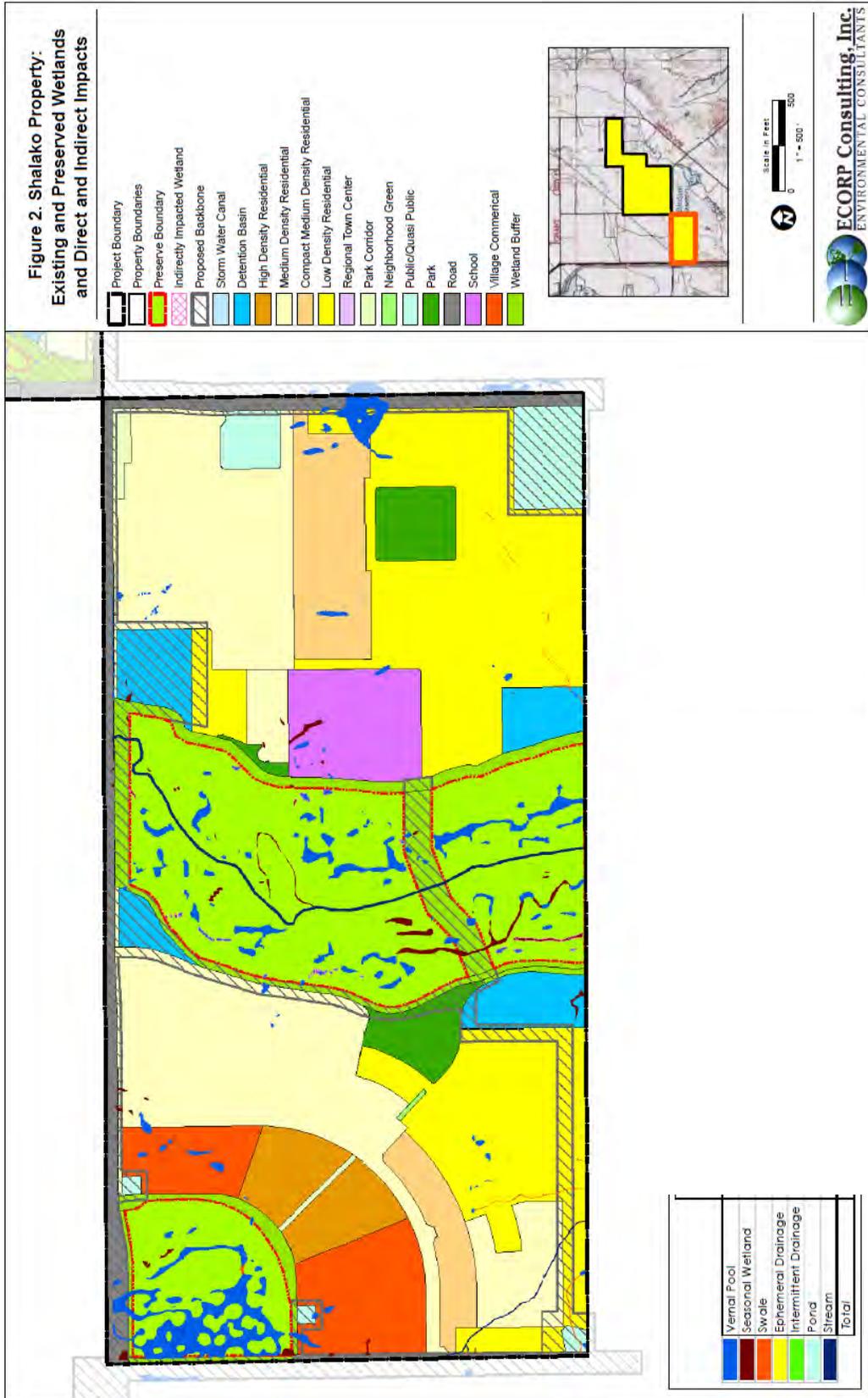


Figure 2 – Site Map

# **Sierra Sunrise**



## Central Valley Regional Water Quality Control Board

15 January 2019

Bob Shattuck  
Lennar Communities  
1420 Rocky Ridge Drive, Suite 320  
Roseville, CA 95678

**CERTIFIED MAIL**  
91 7199 9991 7039 6992 3730

***CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; LENNAR COMMUNITIES, SIERRA SUNRISE PROJECT (WDID#5A34CR00620), SACRAMENTO COUNTY***

This Order responds to the 16 January 2015 application submitted by Lennar Communities (Applicant) for the Water Quality Certification of the Sierra Sunrise Project (Project), permanently impacting 4.915 acres/84 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK-2000-00414) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

### **WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

- 1. This Water Quality Certification (Certification) is not valid until coverage under Section 404 of the Clean Water Act is obtained. If the Project, including the area of impact (as described) is modified through this process, this Certification will not be valid until amended by the Central Valley Regional Water Quality Control Board (Central Valley Water Board).**
2. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.
3. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to Section 3855(b) of the California Code of

Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

4. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.
5. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.
6. All reports, notices, or other documents required by this Certification or requested by the Central Valley Water Board shall be signed by a person described below or by a duly authorized representative of that person.
  - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
  - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

7. Any person signing a document under Standard Condition number 6 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**TECHNICAL CERTIFICATION CONDITIONS:**

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.
2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling<sup>1</sup>:
  - a) when performing any in-water work;
  - b) in the event that Project activities result in any materials reaching surface waters; or
  - c) when any activities result in the creation of a visible plume in surface waters.

The sampling requirements in Table 1 shall be conducted within ambient waters of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

**Table 1:**

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
Visible construction related pollutants <sup>(3)</sup>	Observations	Visual Inspections	Continuous throughout the construction period	—

<sup>(1)</sup> Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

<sup>(2)</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.

<sup>(3)</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

<sup>(4)</sup> A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

<sup>1</sup> Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:
  - a) Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
  - b) Activities shall not cause turbidity increases in surface water to exceed:
    - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
    - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
    - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
    - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
    - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity or other water quality objectives are exceeded.
7. Work shall occur during periods of no precipitation when the work area is naturally dry.
8. Activities shall not cause visible oil, grease, or foam in the receiving water.
9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.
11. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
12. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
13. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the Project.
14. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.
15. All areas disturbed by Project activities shall be protected from washout and erosion.
16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
17. Hydroseeding shall be performed with California native seed mix.
18. All materials resulting from the Project shall be removed from the site and disposed of properly.
19. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
20. If water is present, the area must be dewatered prior to the start of work.
21. When work in a flowing stream is unavoidable and any temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.
22. If any temporary dam or other artificial obstruction is constructed, the temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel

bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

23. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Individual Permit, the United States Fish and Wildlife Service decision document(s), or the California Department of Fish and Wildlife Streambed Alteration Agreement.
24. The Applicant shall consult with the California Department of Fish and Wildlife prior to construction to determine whether a Lake or Streambed Alteration Agreement is required and shall submit the determination from the California Department of Fish and Wildlife to the Central Valley Water Board Contact within 14 days of issuance.

If a Lake or Streambed Alteration Agreement is required, the Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife.

The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the Lake or Streambed Alteration Agreement.

25. The Applicant shall submit a copy of the Biological Opinion to the Central Valley Water Board Contact within 14 days of issuance by the United States Fish and Wildlife Service.

The Applicant shall comply with all United States Fish and Wildlife Service requirements, including those requirements described in the Biological Opinion.

26. If the Project will involve land disturbance activities of one or more acres, or where the Project disturbs less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.
27. If dewatering activities result in ground water discharges to surface water, the Applicant shall work with the Central Valley Water Board to obtain coverage under an NPDES permit.
28. If dewatering activities result in discharges to land, the Applicant shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs).

29. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
30. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.
31. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
  - (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
  - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.
32. To mitigate for the loss of 0.008 acre/84 linear feet of stream channel habitat, 1.770 acres of vernal pool habitat, and 2.903 acres of wetland habitat, the Applicant shall purchase a minimum of 1.770 vernal pool habitat creation and 2.911 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. Additionally, to mitigate for the degradation of ecological conditions of 0.134 acre of vernal pool and 0.100 acre of wetland habitat, the Applicant shall purchase a minimum of 0.067 vernal pool habitat creation and 0.050 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. The Applicant shall provide

evidence of all off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state, at the time of Certification.

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved compensatory mitigation bank. The letter must: a) be on the compensatory mitigation bank's letterhead; b) be signed by an authorized representative of the compensatory mitigation bank; c) indicate the United States Army Corps of Engineers' SPK number; d) describe the Project name and location; and e) detail the type of compensatory mitigation credits purchased for the Project's impacts.

### **NOTIFICATIONS AND REPORTS:**

33. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
34. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

### **STORM WATER QUALITY CONDITIONS:**

The Applicant shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - (a) the Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; and
  - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. The Applicant must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:

- (a) minimize the amount of impervious surface;
  - (b) reduce peak runoff flows;
  - (c) provide treatment BMPs to reduce pollutants in runoff;
  - (d) ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - (e) preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - (g) use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/sediment loss; and
  - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. The Applicant shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
- (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - (c) written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - (d) any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

**CENTRAL VALLEY WATER BOARD CONTACT:**

Jordan Hensley  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-8114  
Jordan.Hensley@waterboards.ca.gov  
(916) 464-4812

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The City of Rancho Cordova is the Lead Agency responsible for compliance with the California Environmental Quality Act for the SunCreek Specific Plan Project pursuant to Section 21000 et seq. of the Public Resources Code. The City of Rancho Cordova approved the Environmental

Impact Report and Statement of Overriding Considerations for the SunCreek Specific Plan Project on 18 November 2013. Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to biology, hydrology, and water quality. The City of Rancho Cordova filed a Notice of Determination with the State Clearinghouse on 19 November 2013 (SCH No. 2006072067).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Environmental Impact Report, and Statement of Overriding Considerations is in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report, and Statement of Overriding Considerations. The proposed mitigation measures discussed in the Environmental Impact Report and Statement of Overriding Considerations for the SunCreek Specific Plan Project were adopted to avoid and minimize project impacts to State waters and are required by this Certification.

With regard to the remaining impacts identified in the Environmental Impact Report, and the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

## **WATER QUALITY CERTIFICATION:**

I hereby issue an Order certifying that any discharge from the Lennar Communities, Sierra Sunrise Project (WDID#5A34CR00620) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, Lennar Communities' application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

*Original Signed By Adam Laputz for:*

Patrick Pulupa  
Executive Officer

Enclosure: Project Information Sheet

Attachments: Figure 1 – Project Location Map  
Figure 2 – Site Map

cc: Distribution List, page 16

## PROJECT INFORMATION SHEET

**Application Date:** 16 January 2015

**Applicant:** Bob Shattuck  
Lennar Communities  
1420 Rocky Ridge Drive, Suite 320  
Roseville, CA 95678

**Applicant Representative:** Kathleen Ports  
ECORP Consulting, Inc.  
2525 Warren Avenue  
Rocklin, CA 95677

**Project Name:** Sierra Sunrise Project

**Application Number:** WDID#5A34CR00620

**Date on Public Notice:** 23 January 2015

**Date Application Deemed Complete:** 25 May 2017

**Date All Information Received:** 24 December 2018

**Type of Project:** Development - Residential

**Approved Months of Project Implementation:** The Project will be constructed 1 April through 31 October, or as otherwise required by the United States Fish and Wildlife Service.

**Project Location:** Sections 21 and 22, Township 08 North, Range 7 East, MDB&M.  
Latitude: 38°32'00" N and Longitude: 121°12'25" W

**County:** Sacramento County

**Receiving Water(s) (hydrologic unit):** Unnamed tributary of the Laguna Creek, Sacramento, Valley-American Hydrologic Unit #519.12, Florin HSA

**Water Body Type:** Wetland, Vernal Pool, Stream Channel

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD);

Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

**303(d) List of Water Quality Limited Segments:** The unnamed tributary to Laguna Creek is the receiving water for the Sierra Sunrise Project. The unnamed tributary to Laguna Creek not listed on the 303(d) list. The most recent list of approved water quality limited segments is found at: [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2012.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml)

**Project Description:** The 242-acre Sierra Sunrise Project (Project) is located approximately 1.23 miles east of Rancho Cordova Parkway, 0.76 mile west of Grant Line Road, and 1.37 miles north of Kiefer Boulevard. The Project consists of filling wetland, stream channel, and vernal pool habitat with clean soil during dry conditions to prepare for future construction of a residential community with parks and an on-site wetland preserve. Project areas effected by cut or fill slopes will be hydroseeded with a native seed mix.

The Central Valley Water Board issued a Clean Water Act Section 401 Water Quality Certification and Order for the SunCreek Specific Plan Area, Backbone Infrastructure Project for the construction of major roadways and storm water infrastructure impacting waters of the United States for this project on 2 November 2018.

Dewatering will occur within the Project area. No wet concrete will be placed into the wetland habitat. The Project will permanently impact 4.915 acres/84 linear feet of waters of the United States.

**Preliminary Water Quality Concerns:** Construction activities may impact surface waters with increased turbidity.

**Proposed Mitigation to Address Concerns:** The Applicant will implement Best Management Practices to control sedimentation and erosion. The Applicant will conduct turbidity matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

**Excavation/Fill Area:** Approximately 3,777 cubic yards of clean soil will be placed into 4.915 acres of waters of the United States.

**Dredge Volume:** None

**California Integrated Water Quality System Impact Data:** The Project will permanently impact 0.008 acre/84 linear feet of stream channel, 1.904 acres of vernal pool, and 3.003 acres of wetland habitat from fill activities.

**Table 2: Impacts from Fill Activities**

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Stream Channel	-	-	-	0.008	-	84	-	-	-
Vernal Pool	-	-	-	1.770	-	-	0.134	-	-
Wetland	-	-	-	2.903	-	-	0.100	-	-
<b>TOTAL</b>	-	-	-	<b>4.681</b>	-	<b>84</b>	<b>0.234</b>	-	-

**United States Army Corps of Engineers File Number:** SPK-2000-00414

**United States Army Corps of Engineers Permit Type:** Individual Permit

**California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:** The Applicant shall consult with the California Department of Fish and Wildlife prior to construction to determine whether a Lake or Streambed Alteration Agreement is required and shall submit the determination from the California Department of Fish and Wildlife to the Central Valley Water Board Contact within 14 days of issuance.

If a Lake or Streambed Alteration Agreement is required, the Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife.

The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the Lake or Streambed Alteration Agreement.

**Possible Listed Species:** Vernal pool fairy shrimp, Valley elderberry longhorn beetle, Vernal pool tadpole shrimp, Western pond turtle, Western spadefoot, Western burrowing owl, Northern harrier, American badger.

**Status of CEQA Compliance:** The City of Rancho Cordova has approved an Environmental Impact Report on 18 November 2013. The City of Rancho Cordova filed a Notice of Determination with the State Clearinghouse on 19 November 2013 (SCH No. 2006072067).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

**Compensatory Mitigation:** To mitigate for the loss of 0.008 acre/84 linear feet of stream channel habitat, 1.770 acres of vernal pool habitat, and 2.903 acres of wetland habitat, the Applicant shall purchase a minimum of 1.770 vernal pool habitat creation and 2.911 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved

mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. Additionally, to mitigate for the degradation of ecological conditions of 0.134 acre of vernal pool and 0.100 acre of wetland habitat, the Applicant shall purchase a minimum of 0.067 vernal pool habitat creation and 0.050 wetland habitat restoration mitigation credits from a United States Army Corps of Engineers approved mitigation bank or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of this purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

**Table 3: Compensatory Mitigation for Permanent Physical Loss of Area**

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Vernal Pool	-	X	-	1.77	-	X	-	-	-	-	-
Wetland	-	X	-	2.911	-	-	X	-	-	-	-
<b>TOTAL</b>	-	-	-	4.681	-	-	-	-	-	-	-

**Table 4: Compensatory Mitigation for Permanent Degradation of Ecological Condition**

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Vernal Pool	-	X	-	0.067	-	X	-	-	-	-	-
Wetland	-	X	-	0.050	-	-	X	-	-	-	-
<b>TOTAL</b>	-	-	-	0.117	-	-	-	-	-	-	-

**Application Fee Provided:** \$1,201.00 was received on 20 January 2015, \$25,940.00 was received on 14 April 2017, and \$957.00 was received on 24 December 2018.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

**DISTRIBUTION LIST**

Lisa Gibson (SPK-2000-00414)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
Regulatory Division  
SPKRegulatoryMailbox@usace.army.mil

Department of Fish and Wildlife, Region 2 (Electronic Copy Only)  
R2LSA@wildlife.ca.gov

Stephanie Tadlock  
Unit Supervisor  
Central Valley Regional Water Quality Control Board, Sacramento Office  
Stephanie.Tadlock@waterboards.ca.gov

Bill Jennings  
CA Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, CA 95204

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Sam Ziegler (Electronic Copy Only)  
United States Environmental Protection Agency  
Ziegler.Sam@epa.gov

Kathleen Ports (Electronic Copy Only)  
ECORP Consulting, Inc.  
kports@ecorpconsulting.com

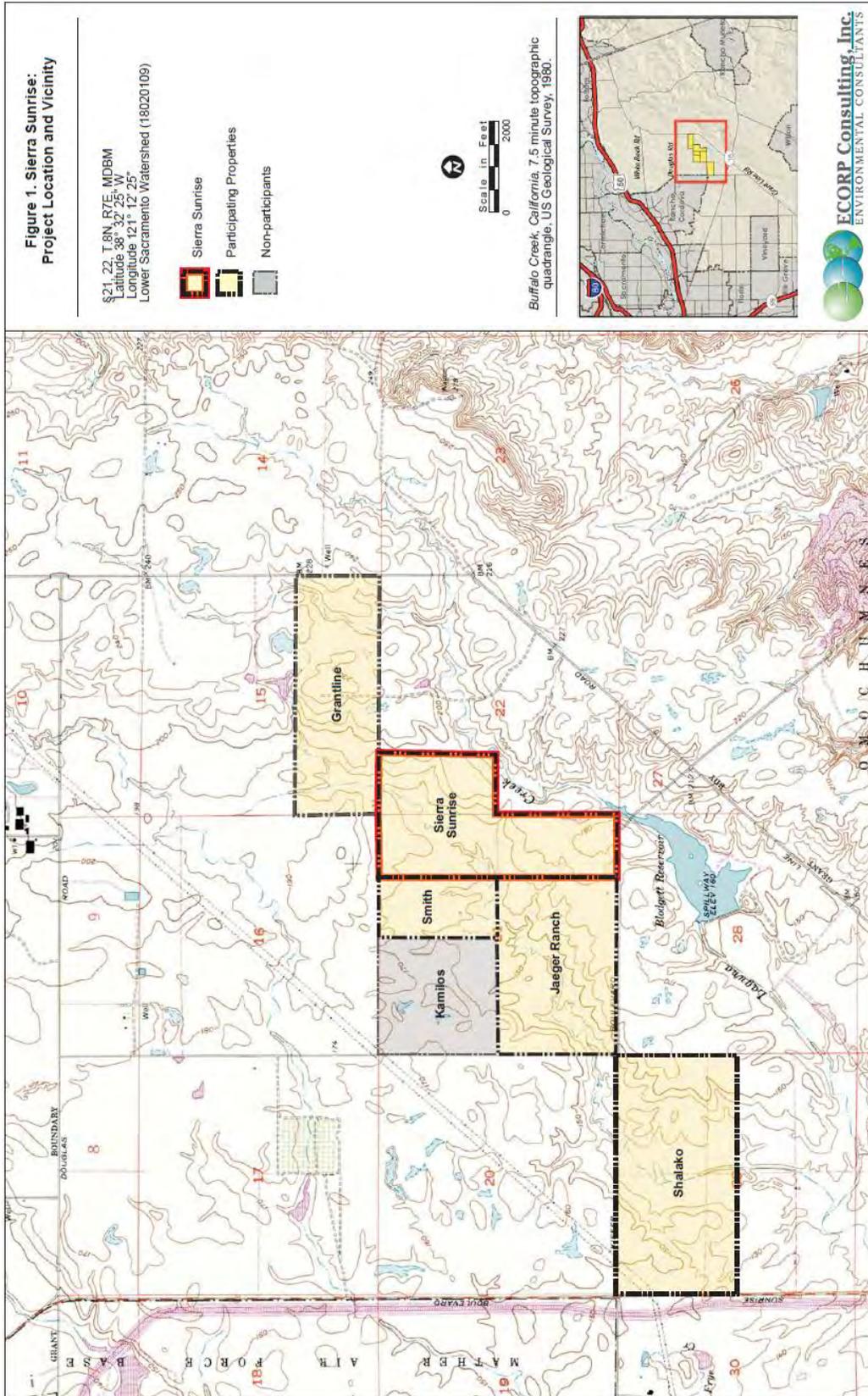


Figure 1 – Project Location Map

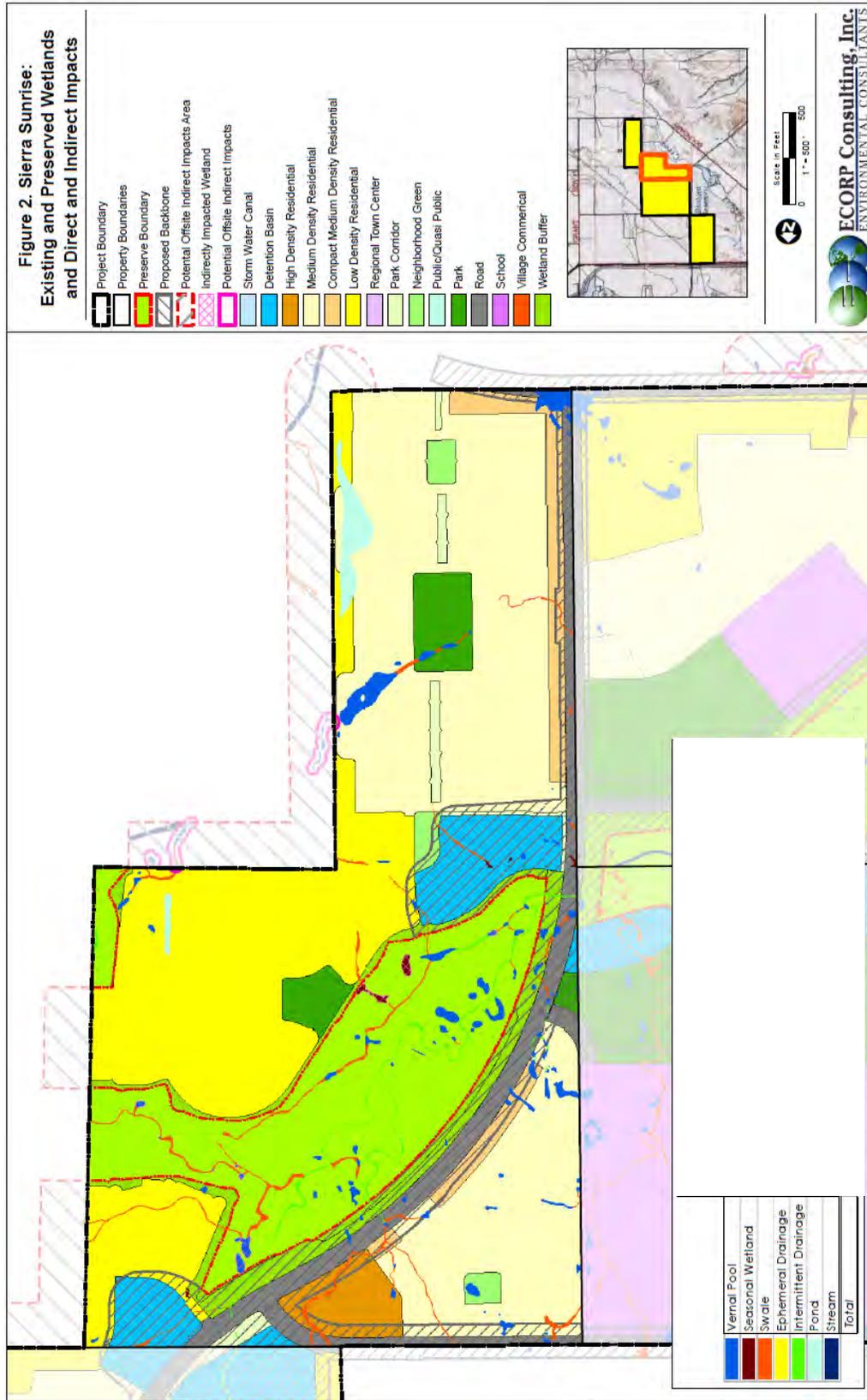


Figure 2 – Site Map



## Central Valley Regional Water Quality Control Board

8 March 2019

Larry Gualco  
Lennar Communities  
1420 Rocky Ridge Drive, Suite 320  
Roseville, CA 95678

**CERTIFIED MAIL**  
91 7199 9991 7035 8421 0284

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; LENNAR COMMUNITIES, SIERRA SUNRISE PROJECT (WDID#5A34CR00620A1), SACRAMENTO COUNTY**

This Order responds to the 22 February 2019 request for an amendment of the Sierra Sunrise Project (Project) Section 401 Water Quality Certification (WDID#5A34CR00620). The original Water Quality Certification (Certification) was issued on 15 January 2019. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

#### **AMENDMENT:**

Lennar Communities is requesting a name change of the Applicant contact person.

The Certification is amended as shown below in underline/strikeout format:

~~Bob Shattuck~~Larry Gualco  
Lennar Communities  
1420 Rocky Ridge Drive, Suite 320  
Roseville, CA 95678

#### **APPLICATION FEE RECEIVED:**

No fee was required for this amendment. \$1,201.00 was received on 20 January 2015, \$25,940.00 was received on 14 April 2017, and \$957.00 was received on 24 December 2018. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:**

Jordan Hensley, Environmental Scientist  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670-8114  
Jordan.Hensley@waterboards.ca.gov  
(916) 464-4812

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Cavagnaro Project (WDID#5A34CR00620A1). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

*Original Signed By Jim Marshall for:*

Patrick Pulupa  
Executive Officer

cc: [Via email only]

cc:

Lisa Gibson (SPK-2000-00414)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
Regulatory Division  
SPKRegulatoryMailbox@usace.army.mil

Bill Jennings  
CA Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, CA 95204

Sam Ziegler  
United States Environmental Protection Agency  
Ziegler.Sam@epa.gov

California Department of Fish and Wildlife, Region 2  
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
StateBoard401@waterboards.ca.gov

Kathleen Ports  
ECORP Consulting, Inc.  
kports@ecorpconsulting.com

**Smith**



## Central Valley Regional Water Quality Control Board

15 March 2019

Chris Vrame  
Sierra Holdings, LLC  
601 University Avenue, Suite 125  
Sacramento, CA 95825

**CERTIFIED MAIL**  
91 7199 9991 7039 6992 3723

### **CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE SMITH PROPERTY PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00621)**

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Central Valley Regional Water Quality Control Board Executive Officer, Patrick Pulupa. This Order is issued to Sierra Holdings, LLC for the Smith Property Project (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by Sierra Holdings, LLC for proposed Project discharge to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

Please review your Order carefully to ensure that you understand all aspects of the Order. Note that this Order requires reporting and notification. Requirements for the content of the reporting and notification requirements are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

These reports, notifications, and other submissions must be submitted in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

If you require further assistance, please contact me by phone at (916) 464-4812 or by email at [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov). You may also contact Stephanie Tadlock, Unit Supervisor, by phone at (916) 464-4644 or by email at [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).

*Original Signed By:*

Jordan Hensley  
Environmental Scientist  
401 Water Quality Certification Unit

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

Enclosures (1): Order for the Smith Property Project

cc: [Via email only] (w/ enclosure):

Lisa Gibson (SPK-2008-00795)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
Regulatory Division  
SPKRegulatoryMailbox@usace.army.mil

Sam Ziegler  
United States Environmental Protection Agency  
Ziegler.Sam@epa.gov

California Department of Fish and Wildlife, Region 2  
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Stephanie Tadlock  
Unit Supervisor  
Central Valley Regional Water Quality Control Board, Sacramento  
Stephanie.Tadlock@waterboards.ca.gov

Kathleen Ports  
ECORP Consulting, Inc.  
kports@ecorpconsulting.com

cc: (w/ enclosure):  
Bill Jennings  
CA Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, CA 95204



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

<b>Effective Date:</b> 15 March 2019	<table border="1"><tr><td>Reg. Meas. ID:</td><td>412970</td></tr><tr><td>Place ID:</td><td>812467</td></tr><tr><td>WDID:</td><td>5A34CR00621</td></tr><tr><td>USACE#:</td><td>SPK-2008-00795 Individual Permit</td></tr></table>	Reg. Meas. ID:	412970	Place ID:	812467	WDID:	5A34CR00621	USACE#:	SPK-2008-00795 Individual Permit
Reg. Meas. ID:		412970							
Place ID:		812467							
WDID:	5A34CR00621								
USACE#:	SPK-2008-00795 Individual Permit								
<b>Expiration Date:</b> 14 March 2024									
<b>Program Type:</b> Fill/Excavation									
<b>Project Type:</b> Residential									
<b>Project:</b> Smith Property Project (Project)									
<b>Applicant:</b> Sierra Holdings, LLC									
<b>Applicant Contact:</b> Chris Vrame 601 University Avenue, Suite 125 Sacramento, CA 95825 Phone: (916) 974-3383									
<b>Applicant's Agent:</b> Kathleen Ports ECORP Consulting, Inc 2525 Warren Avenue Rocklin, CA 95677 Phone: (916) 782-9100 Email: kports@ecorpconsulting.com									
<b>Water Board Staff:</b> Jordan Hensley Environmental Scientist 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670 Phone: (916) 464-4812 Email: Jordan.Hensley@waterboards.ca.gov									

**Water Board Contact Person:**

If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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- Attachment B** Receiving Waters, Impact, and Mitigation Information
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- Attachment F** Certification Deviation Procedures

**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Sierra Holdings, LLC (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 16 January 2015. The application was deemed complete on 25 May 2017. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates (Table 1).

<b>Table 1: Record of Notice of Incomplete Application</b>	
Date of Notice of Incomplete Application	Date all requested information was received.
6 March 2015	14 April 2017

Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 2).

<b>Table 2: Record of Supplemental Application Information</b>	
Date of Request for Supplemental Information	Date all requested information was received.
27 July 2018	26 September 2018
18 October 2018	21 December 2018
17 January 2019	25 January 2019

Additionally, Central Valley Water Board staff issued a Denial without Prejudice on 26 April 2016.

**II. Public Notice**

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 23 January 2015 to 13 February 2015. The Central Valley Water Board did not receive any comments during the comment period.

**III. Project Purpose**

The purpose of the Project is to construct a community park, on-site wetland preserve, and school.

**IV. Project Description**

The 84-acre Project consists of filling wetland and vernal pool habitat in order to grade and develop community and wetland preservation areas.

**V. Project Location**

Address: East of Rancho Cordova Parkway, west of Grant Line Road, and north of Kiefer Boulevard  
County: Sacramento

Nearest City: Rancho Cordova  
Section 21, Township 08 North, Range 7 East, MDB&M.  
Latitude: 38°32'00"N and Longitude: 121°12'45" W  
Maps showing the Project location is found in Attachment A of this Order.

**VI. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, revised May 2018 (Basin Plan) The Basin Plan for the region and other plans and policies may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

**VII. Description of Direct Impacts to Waters of the State**

The Project will permanently impact 0.788 acre of vernal pool and 1.169 acres of wetland habitat. Permanent impacts result from the placement of approximately 1,529 cubic yards of clean soil in order to grade and develop the community park and school. Wetland and vernal pool impacts within the Project area are shown in Figure 2 in Attachment A of this Order.

Dewatering will occur within the Project area. No wet concrete will be placed into wetland and vernal pool habitat.

Total Project fill/excavation quantities for all impacts are summarized in Table 3. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

<b>Table 3: Total Project Fill/Excavation Quantity</b>									
<b>Aquatic Resource Type</b>	<b>Temporary Impact<sup>1</sup></b>			<b>Permanent Impact</b>					
				<b>Physical Loss of Area</b>			<b>Degradation of Ecological Condition</b>		
	<b>Acres</b>	<b>CY<sup>2</sup></b>	<b>LF<sup>2</sup></b>	<b>Acres</b>	<b>CY</b>	<b>LF</b>	<b>Acres</b>	<b>CY</b>	<b>LF</b>
Vernal Pool	-	-	-	0.788	-	-	-	-	-
Wetland	-	-	-	1.169	-	-	-	-	-
<b>Total</b>	-	-	-	1.957	-	-	-	-	-

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

<sup>2</sup> Cubic Yards (CY); Linear Feet (LF)

### VIII. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. The following measures identified in the Final Environmental Impact Report/Final Environmental Impact Statement will also limit the potential for water quality and water quantity impacts during construction activities:

The Project will be required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), to prepare an erosion and sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan shall be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the Permittee, for any discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project), will obtain coverage under the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) storm water permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed. The Permittee will also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova (City) Public Works Department. The SWPPP and other appropriate plans shall identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that shall reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but will not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-storm water management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in storm water drainage and non-storm water discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP will be in place throughout all site work and construction/demolition activities and will be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP will be maintained and available at all times on the construction site.

The Project will result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The Permittee will establish a baseline of conditions for drainage on site. The baseline flow conditions will be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions will be used to develop monitoring standards for the storm water system in the specific plan area. The baseline conditions, monitoring standards, and a monitoring program will be submitted to the City for their approval. The detention basins will be designed and constructed so that performance standards for hydrology and water quality are met. The discharge site into Kite Creek and associated tributaries will be monitored so that pre-project conditions are being met. Corrective measures will be implemented as necessary. The mitigation measures will be considered satisfied when the monitoring standards are met for five consecutive years without undertaking corrective measures.

The Permittee will submit an updated Regional Master Drainage Study for the specific plan area to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:

- the proposed storm water detention basins are appropriately sized in compliance with the Storm Water Quality Plan (SSQP) NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley Water Board) so that hydromodification will not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements will be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;
- the storm water detention basins will drain by gravity;
- the storm water detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
- the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.

The Permittee will develop and implement a BMP and Water Quality Maintenance Plan. Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan will be prepared by a qualified engineer retained by the

Permittee for any particular discretionary development application. Drafts of the plan will be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan will finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan will include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Pre- and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the “Stormwater Quality Design Manual for Sacramento and South Placer Regions” and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the SunCreek Specific Plan area, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that will include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures will be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept storm water.
- New storm water facilities will be placed along the natural drainage courses within the SunCreek Specific Plan area to the extent practicable so as to mimic the natural drainage patterns.

The reduction in runoff as a result of the LID configurations will be quantified based on the runoff reduction credit system methodology described in “Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4” (SSQP 2007) and proposed detention basins and other water quality BMPs will be sized to handle these runoff volumes.

#### **IX. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for direct impacts described in section VII for permanent impacts.

#### **X. California Environmental Quality Act (CEQA)**

On 2 December 2013, the City of Rancho Cordova, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 3 December 2013. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

## XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Resources Control Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

## XII. Fees Received

An application fee deposit of \$1,201.00 was received on 20 January 2015. The remaining application fee balance of \$10,178.00 based on total Project impacts was received on 14 April 2017.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

## XIII. Conditions

The Central Valley Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

### A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 3.

### B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

#### 1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 30th day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

If no sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every month thereafter.

- b. Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of April starting one year after the effective date of the Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

## 2. Project Status Notifications

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities which includes the corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,<sup>3</sup> and no further Project activities will occur. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

## 3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

### a. Accidental Discharges of Hazardous Materials<sup>4</sup>

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i.** As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

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<sup>3</sup> Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

<sup>4</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- first call – 911 (to notify local response agency)
  - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
  - Lastly follow the required OES procedures as set forth in:  
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions**
- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.
- d. Modifications to Project**
- Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.
- e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:
- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must

sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership.

- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
- f. **Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### C. Water Quality Monitoring

1. **General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling<sup>5</sup>:
  - a. when performing any in-water work;
  - b. during the entire duration of temporary surface water diversions;
  - c. in the event that the Project activities result in any materials reaching surface waters; or
  - d. when any activities result in the creation of a visible plume in surface waters.
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
3. **In-Water Work or Diversions:**

During planned in-water work or during the entire duration of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

  - a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
  - b. Activities shall not cause turbidity increases in surface water to exceed:
    - I. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;

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<sup>5</sup> Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

- II. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
- III. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- IV. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- V. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 4 sampling parameters.<sup>6</sup> The sampling in Table 4 shall be conducted within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the ambient waters.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversions Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and with every monthly report thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.d.

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Turbidity	NTU	Grab	Every 4 hours

- 4. Post-Construction:** Visually inspect the Project site during the rainy season for one year to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the

<sup>6</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

#### **D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

#### **E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional

monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) Wetland Mitigation and Monitoring Plan: Town Center Property which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement.** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

#### F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.



**4. Fugitive Dust – Not Applicable****5. Good Site Management “Housekeeping”**

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.
- d. A method of containment shall be used below the bridges and temporary crossings to prevent debris from falling into the waterbody through the entire duration of the Project.

**6. Hazardous Materials**

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.
- b. Creosote-treated wood products or any other treated wood products that are highly flammable or toxic to aquatic life shall not be installed in waters of the state.

**7. Invasive Species and Soil Borne Pathogens**

Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

**8. In-Water Work**

- a. Work in wetland and vernal pool habitat shall occur during periods of no precipitation and when the work area is naturally dry.

**9. Post-Construction Storm Water Management**

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
  - i. Minimize the amount of impervious surface;
  - ii. Reduce peak runoff flows;
  - iii. Provide treatment BMPs to reduce pollutants in runoff;
  - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
  - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
  - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
  - i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
  - iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

**10. Roads – Not Applicable**

**11. Sediment Control**

- a. Except for activities permitted by the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.
- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

**12. Special Status Species – Not Applicable****13. Stabilization/Erosion Control**

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding shall be performed with California native seed mix.

**14. Storm Water**

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - i. The Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparation and implementation of a Storm Water Pollution Prevention Plan; and
  - ii. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

**H. Site Specific – Not Applicable****I. Total Maximum Daily Load (TMDL) – Not Applicable****J. Mitigation for Temporary Impacts – Not Applicable****K. Compensatory Mitigation for Permanent Impacts<sup>7</sup>**

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts.

**1. Compensatory Mitigation Plan**

- a. The Permittee has submitted an approved draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory

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<sup>7</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

mitigation plan for written acceptance by Central Valley Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Central Valley Water Board staff. Upon acceptance by Central Valley Water Board staff, the Permittee shall implement the approved plan.

- b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR section 230.94(c).
- c. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR section 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

**2. Irrevocable Letter of Credit – Not Applicable**

**3. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable**

**4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

- a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the start of construction.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

**5. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to wetland and vernal pool habitat by:
  - i. Purchasing a minimum of 0.788 acre of vernal pool and 1.169 acres of wetland habitat creation mitigation credits from a USACE approved mitigation bank, in lieu fee program, or as required by the USACE and USFWS; or,
  - ii. Purchasing applicable mitigation fees to the South Sacramento Conservation Agency (SSCA), a joint exercise of power authority formed by Sacramento County and the Cities of Galt and Rancho Cordova, to implement the proposed South Sacramento Habitat Conservation Plan (SSHCP). The total mitigation fee of \$312,327.00, or as required by the adopted SSHCP Fee Calculator, is based on the 31 March 2018 draft SSHCP Fee Calculator for permanent and temporary impacts for urban development and Project impacts. The Permittee shall use the adopted SSHCP Fee Calculator for Project impacts to calculate the accurate total mitigation fee prior to the start of construction.

The Permittee shall provide evidence of the SSCA fees purchased in association with the mitigation requirements of the Project to the Central Valley Water Board prior to proceeding with the activity authorized by this Order. Evidence of mitigation fees purchased with the mitigation requirements of this Project shall be demonstrated by a copy of a purchase receipt from the SSCA. The receipt should include the Project name, Project phase, amount of the mitigation fee, date of purchase, USACE's file number, and detail the mitigation purchased, including, but not limited to the mitigation ratios and other pertinent information.

- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5.

Table 5: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area								
Aquatic Resource Type	Comp Mit. Type <sup>8</sup>	Units	Method <sup>9</sup>					Unknown
			Est.	Re-est.	Reh.	Enh.	Pres.	
Vernal Pool	MB or SSHCP	Acres	-	-	-	-	-	0.788
Wetland	MB or SSHCP	Acres	-	-	-	-	-	1.169

#### L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

<sup>8</sup> Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

<sup>9</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

**XIV. Water Quality Certification**

I hereby issue the Order for the Smith Property Project, (WDID#5A34CR00621) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

*Original Signed By Adam Laputz for:*

*3.27.19*

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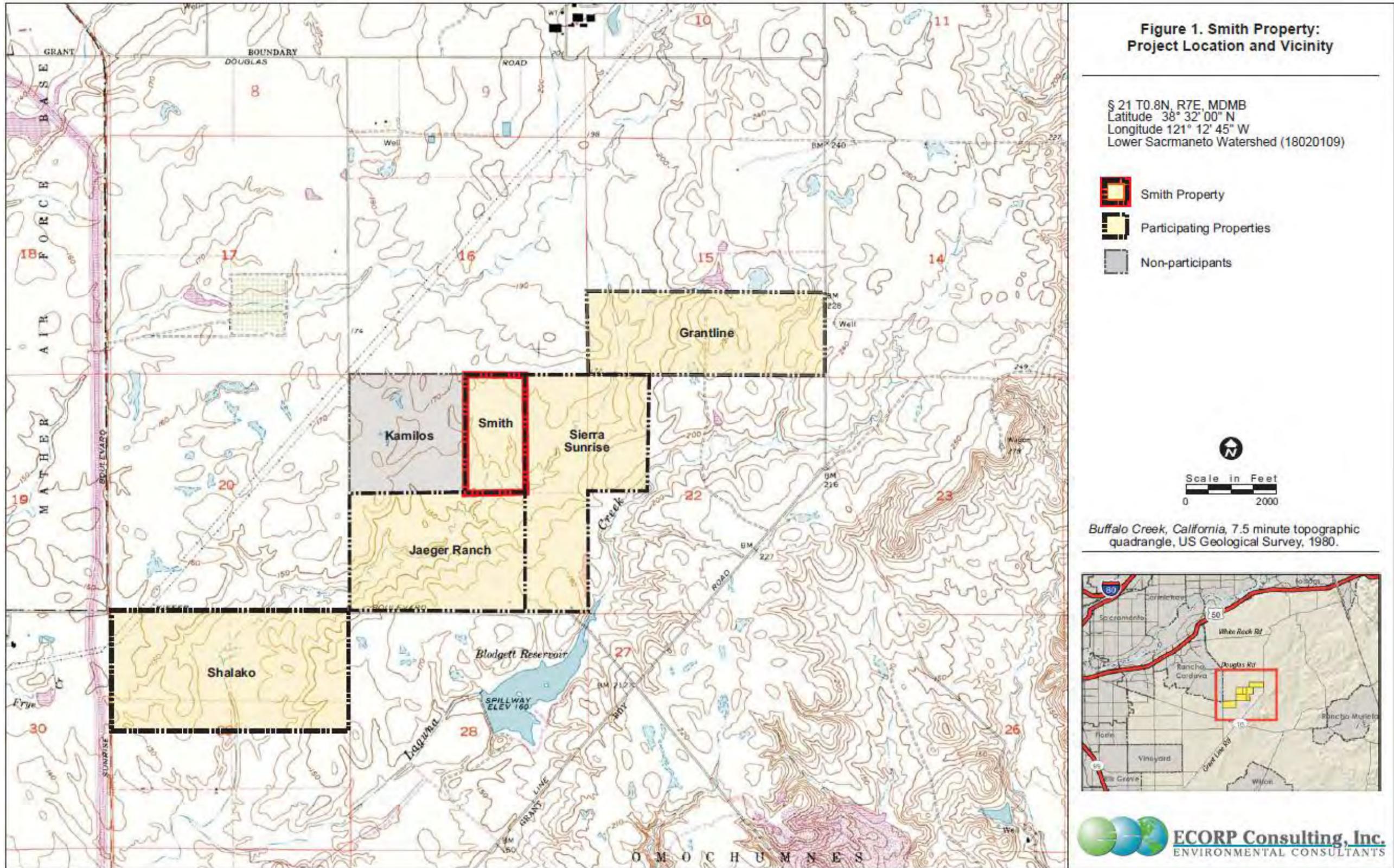
Patrick Pulupa  
Executive Officer  
Central Valley Regional Water Quality Control Board

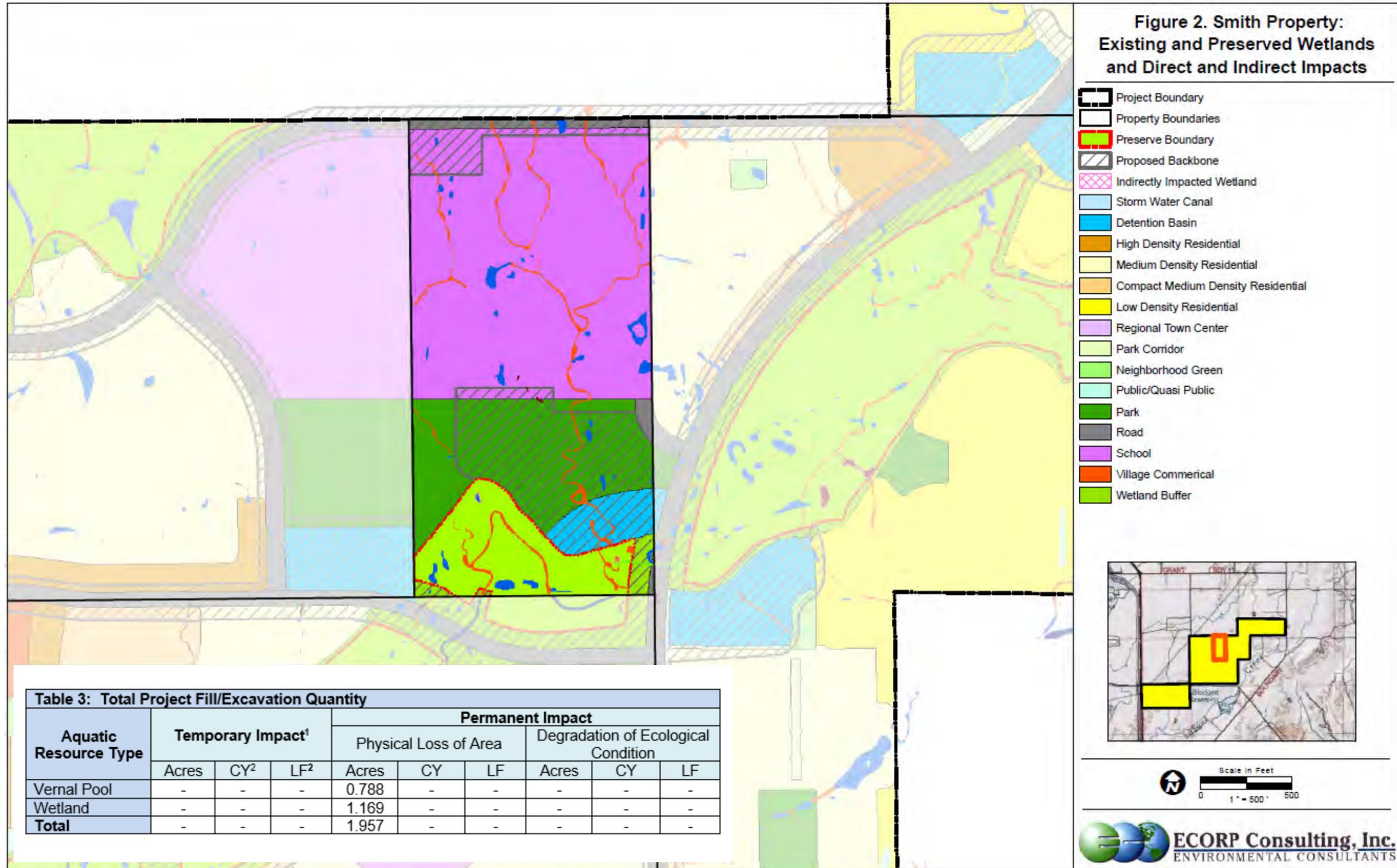
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Date

**Attachment A** Project Maps  
**Attachment B** Receiving Waters, Impact, and Mitigation Information  
**Attachment C** CEQA Findings of Facts  
**Attachment D** Report and Notification Requirements  
**Attachment E** Signatory Requirements  
**Attachment F** Certification Deviation Procedures









**Receiving Waters**

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation site.

<b>Table 1: Receiving Waters Information</b>							
Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID <sup>10</sup>
<i>Vernal Pool</i>	<i>Unnamed tributary to Laguna Creek</i>	<i>Vernal Pool</i>	519.12	<i>Laguna Creek</i>	n/a	n/a	n/a
<i>Wetland</i>		<i>Wetland</i>					
<i>Town Center Property</i>	<i>Unnamed tributaries to Laguna Creek and Deer Creek</i>	<i>Vernal Pool</i>	519.12	<i>Laguna Creek and Deer Creek</i>	n/a	n/a	n/a

**Individual Direct Impact Locations**

The following table shows individual impact locations.

<b>Table 2: Individual Direct Impact Information</b>											
Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
1.Vernal Pool	38°32'00" N	121°12'45" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	0.788	-	-
2.Wetland					Temporary	-	-	-	-	-	-
					Permanent	-	-	-	1.169	-	-

<sup>10</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

**Compensatory Mitigation Information**

The following tables show options for individual compensatory mitigation information and locations.

**Mitigation Bank Compensatory Mitigation Site Information**

Table 3: Mitigation Bank			
Mitigation Bank	Name:	TBD	
	Website:	-	
Contact Information	Name:	TBD	
	Phone:	-	
	Email:	-	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	0.788	-	TBD
Wetland	1.169	-	TBD

**In-Lieu Fee Compensatory Mitigation Information**

<b>Table 4: South Sacramento Habitat Conservation Plan</b>			
In-Lieu Fee Program	Name:	South Sacramento Habitat Conservation Plan	
	Website:	<a href="https://www.southsachcp.com/">https://www.southsachcp.com/</a>	
Contact Information	Name:	Kim Hudson	
	Phone:	916-874-5849	
	Email:	hudsonk@saccounty.net	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	0.788	-	TBD
Wetland	1.169	-	TBD



## A. Environmental Review

On 18 November 2013, the City of Rancho Cordova, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 19 November 2013. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the City of Rancho Cordova's certified environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Rancho Cordova addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Rancho Cordova for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

## B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: Rancho Cordova City Hall, 2729 Prospect Park Drive, Rancho Cordova, CA 95670.

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

## C. Findings

The FEIR describes the potential significant environmental effects to water quality. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

- (1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

*Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.*

### a.i. Potential Significant Impact:

The Project may cause significant impacts in the following areas: loss and degradation of jurisdictional wetlands and other waters of the United States; potential temporary, short-term construction-related drainage and water quality effects; potential increased risk of flooding and hydromodification from increased storm water runoff; long-term water quality and hydrology effects from urban runoff; potential exposure of people or

structures to a significant risk of flooding as a result of the failure of a levee or dam; and potential impacts from new impervious surfaces and the use of groundwater resources on groundwater recharge and aquifer volume.

a.ii. Facts in Support of Finding:

**Mitigation Measure 3.3-1a: Include in Drainage Plans All Wetlands that Remain On-site, Submit Plans to the City of Rancho Cordova (City) and United States Army Corps of Engineers (USACE) for Review and Approval, and Implement all Measures in Drainage Plans.** To minimize indirect impacts on water quality and wetland hydrology, the project applicants for any particular discretionary development application will include drainage plans in their improvement plans and will submit the drainage plans to the City Public Works Department for review and approval. Before approval of these improvement plans, the project applicants for all project phases will commit to implement all measures in their drainage plans, to avoid and minimize erosion and runoff into Laguna Creek, its tributaries, and all wetlands to remain on-site. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps will be implemented to control siltation and the potential discharge of pollutants. See Section 3.9, "Hydrology and Water Quality," for further discussion of the project's National Pollutant Discharge Elimination System (NPDES) permit and associated Stormwater Pollution Prevention Plan (SWPPP), which would also reduce erosion and siltation.

The project will result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The applicant will establish a baseline of conditions for drainage on site. The baseline flow conditions will be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions will be used to develop monitoring standards for the storm water system in the SPA. The baseline conditions, monitoring standards, and a monitoring program will be submitted to the City for their approval. The detention basins will be designed and constructed so that performance standards described in Section 3.9, "Hydrology and Water Quality" are met. The discharge site into Kite Creek and associated tributaries will be monitored so that pre-project conditions are being met. Corrective measures will be implemented as necessary. The mitigation measures will be considered satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures.

**Mitigation Measure 3.3-1b: Secure CWA Section 404 Permit and Implement All Permit Conditions and Ensure No Net Loss of Wetlands and other Waters of the United States and Associated Functions.** Before the approval of grading and improvement plans and before any ground-disturbing activity associated with each distinct discretionary development entitlement, the project applicants for any particular discretionary development application requiring fill of wetlands or other waters of the United States or waters of the state will obtain all necessary permits under Sections 401 and 404 of the Clean Water Act (CWA) or the state's Porter-Cologne Act for the respective phase. For each respective discretionary development entitlement, all permits, regulatory approvals, and permit conditions for effects on wetland habitats will be secured before implementation of any grading activities within 250 feet (or lesser distance deemed sufficiently protective by a qualified biologist approved by United States Fish and Wildlife Service (USFWS) and USACE) of waters of the United States or wetland habitats, including waters of the state, that potentially support Federally listed species, or within 100 feet of any other waters of the United States or wetland habitats, including waters of the state. The project applicants will commit to replace or

restore on a “no net loss” of function basis (in accordance with USACE and the Central Valley Regional Water Quality Control Board (Central Valley RWQCB)) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded as a result of implementing project plans for that phase.

Wetland habitat will be restored or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes, sufficient to achieve the “no net loss” standard.

As part of the Section 404 permitting process, a draft wetland mitigation and monitoring plan (MMP) will be developed for the project and submitted to USACE, the Central Valley RWQCB, and the City for review and approval of those portions of the plan over which they have jurisdiction. The MMP would have to be finalized and approved prior to issuance of a grading permit for any project phase that would adversely affect wetlands or other waters of the U.S. or waters of the state. The MMP will be implemented before beginning ground-disturbing activities in any project phase that would adversely affect wetlands or other waters of the U.S. or waters of the state. Once the final MMP is approved and implemented, mitigation monitoring will continue for a minimum of 5 years from completion of mitigation, or approved human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer.

As part of the MMP, the project applicants will prepare and submit plans for the creation of aquatic habitat to adequately offset and replace the aquatic functions and services that would be lost at the Specific Plan Area (SPA), account for the temporal loss of habitat, and contain an adequate margin of safety to reflect anticipated success. Restoration of previously altered and degraded wetlands will be a priority of the MMP for offsetting losses of aquatic functions in the SPA because it is typically easier to achieve functional success in restored wetlands than in those created from uplands. The MMP must demonstrate how the aquatic functions that would be lost through project implementation will be replaced.

The habitat MMP for jurisdictional wetland features will be consistent with USACE’s and Environmental Protection Agency’s (EPA) April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (73 CFR 19594) and USACE’s October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* (USACE 2010). According to the Final Rule, mitigation banks should be given preference over other types of mitigation because much of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before the USACE will approve the sale of credits. The use of mitigation bank credits also alleviates temporal losses of wetland function while compensatory wetlands are being established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study and planning and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA 2008). Permittee-responsible on-site mitigation areas can be exposed to long-term negative effects of surrounding development since they tend to be smaller and less buffered than mitigation banks. The Final Rule also establishes a preference for a “watershed approach” in selecting locations for compensatory mitigation project locations, that mitigation selection must be “appropriate and practicable” and that mitigation banks must address watershed needs based on criteria set forth in the *Final*

*Rule.* The watershed approach accomplishes this objective by expanding the informational and analytic basis of mitigation project site selection decisions and ensuring that both authorized impacts and mitigation are considered on a watershed scale rather than only project by project. This requires a degree of flexibility so that district engineers can authorize mitigation projects that most effectively address the case-specific circumstances and needs of the watershed, while remaining practicable for the permittee.

The majority of the SPA is within the Laguna Creek Watershed, but the northwest portion of the Kamilos property is within the Morrison Creek Watershed. Both of these watersheds are part of the Lower Sacramento River Watershed. As shown in Table 3.3-5, as of the writing of this document, mitigation credits are available within the Laguna Creek Watershed at the Bryte Ranch, Laguna Terrace East, and the Sunrise Douglas Conservation Banks; however, there are no available mitigation credits within the Morrison Creek Watershed. If USACE determines that the use of mitigation bank credits is not sufficient mitigation to offset impacts within the SPA, the October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* requires USACE to specifically demonstrate why the use of bank credits is not acceptable to USACE in accordance with Section 33 CFR 332.3(a)(1).

Mitigation for SunCreek impacts must be consistent with the USACE's *Record of Decision for the Sunridge Properties*, as stated below:

The Corps recognizes the significant cumulative loss of vernal pool wetlands within the Mather Core Recovery Area. For future unavoidable impacts to vernal pool wetlands within the Mather Core Recovery Area, including those associated with the Arista del Sol project, compensatory mitigation will be:

1. Based on a method for assessing the functions of all waters of the U.S. on the project site;
2. Accomplished at a ratio of greater than 1:1 (final ratio will be based, in part, on wetland functional condition determined during the functional assessment), after considering direct and indirect impacts, temporal loss and difficulties creating vernal pool wetlands; and
3. Located in the Mather Core Recovery Area, unless determined impracticable or inappropriate by the Corps.

If the South Sacramento Habitat Conservation Plan (SSHCP) is adopted and available before the project is fully implemented, project applicants may participate in the SSHCP mechanisms, such as payment of fees, purchase of mitigation bank credits, acquisition of conservation easement(s), and/or acquisition of mitigation land(s) in fee title to mitigate project effects on wetland habitats. In the event that mitigation is not available through the SSCHP, the applicants will mitigate by purchasing a combination of appropriate credits from an agency-approved mitigation bank or providing an agency-approved off-site mitigation area. The applicants' biological consultant, ECORP, has identified mitigation banks whose service areas appear to include the SPA. However, some of these banks are not yet approved and the availability of credits at the other banks is subject to change. Therefore, a combination of mitigation bank credits and permittee responsible on and off-site mitigation may be necessary to fully offset project impacts on wetlands and other waters of the United States.

Compensatory mitigation for losses of stream and ephemeral and intermittent drainage channels will be achieved through in-kind preservation, restoration, or enhancement, as specified in the Final Rule guidelines. The wetland MMP will address how to

mitigate impacts on vernal pool, seasonal wetland, swale, pond, and intermittent and ephemeral stream habitat, and will describe specific method(s) to be implemented to avoid and/or mitigate any off-site project-related impacts. The wetland compensation section of the habitat MMP will include the following:

- Compensatory mitigation sites and criteria for selecting these mitigation sites. In General, compensatory mitigation sites should meet the following criteria, based on the Final Rule;
- Located within the same watershed as the wetland or other waters that would be lost, as appropriate and practicable;
- Located in the most likely position to successfully replace wetland functions lost on the impact site considering watershed-scale features such as aquatic habitat diversity, habitat connectivity, available water sources and hydrologic relationships, land use trends, ecological benefits, the likelihood of success and sustainability, and compatibility with adjacent land uses,
- A complete assessment of the existing biological resources in both the on-site preservation areas and off-site compensatory mitigation areas, including wetland functional assessment using the California Rapid Assessment Method (CRAM) (Collins et al. 2008), to establish baseline conditions;
- Specific creation and restoration plans for each mitigation site;
- Use of CRAM to compare compensatory wetlands to the baseline CRAM scores from wetlands in the SPA. The compensatory wetland CRAM scores will be compared against the highest quality wetland of each type from the SPA;
- CRAM scores, or other wetland assessment protocol scores, from the compensatory wetlands will be compared against the highest quality wetland scores for each wetland type to document success of compensatory wetlands in replacing the functions of the affected wetlands to be replaced;
- Monitoring protocol, including schedule and annual report requirements, and the following elements:
  - Ecological performance standards, based on the best available science, that can be assessed in a practicable manner (e.g., performance standards proposed by Barbour et al. 2007). Performance standards must be based on attributes that are objective and verifiable;
  - CRAM, or other USACE-approved wetland assessment protocol, conducted annually for 5 years after construction or restoration of compensatory wetlands to determine whether these areas are acquiring wetland functions and to plot the performance trajectory of compensatory wetlands over time.

For each phase of development, the project applicants will secure the permits and regulatory approvals described below and will implement all permit conditions. All permits, regulatory approvals, and permit conditions for effects on wetland habitats will be secured prior to implementing any grading activities within 250 feet of waters of the United States, or wetland habitats that potentially support Federally listed species.

The setback may be reduced to a distance approved by the City and USFWS if a wetland avoidance plan is developed and implemented by a qualified biologist. The wetland avoidance plan must be approved by USFWS and the City and will

demonstrate that all direct and indirect impacts on wetlands will be avoided. Project phases in upland areas with no wetlands or waters of the U.S. within 250 feet, and no overland hydrologic flow patterns, the disturbance of which may affect such waters, may begin construction before these particular permits are obtained. Buffers around wetlands that do not support Federally listed species will be a minimum of 50 feet from the edge of these features in accordance with conditions of the NPDES permit and associated best management practices (BMPs).

Water Quality certification pursuant to Section 401 of the Clean Water Act will be required prior to issuance of a Section 404 permit. Before construction in any areas containing wetland features, the project applicants will obtain water quality certification for the applicable phase of the project.

**Mitigation Measure 3.9-1: Acquire Appropriate Regulatory Permits and Prepare and Implement an Erosion and Sediment Control Plan, SWPPP, and BMPs.** As required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), projects disturbing 350 cubic yards or more of soil or one or more acres of land will prepare an erosion and sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan will be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the project applicants for any particular discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project) will obtain coverage under the SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed.

The project applicants will also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova Public Works Department. The SWPPP and other appropriate plans will identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that will reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-stormwater management controls, permanent postconstruction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in stormwater drainage and non-stormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;

- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP will be in place throughout all site work and construction/demolition activities and will be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP will be maintained and available at all times on the construction site.

**Mitigation Measure 3.9-2: Prepare and Submit Updated Regional Master Drainage Studies and Final Drainage Plans and Implement Requirements Contained in Those Plans.** Before approval of the first large lot tentative subdivision map in the SPA, the project applicants will:

1. Submit an updated Regional Master Drainage Study for the SPA to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:
  - a. the proposed stormwater detention basins are appropriately sized in compliance with the SSQP's NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley RWQCB) so that hydromodification would not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements will be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;

- b. the stormwater detention basins will drain by gravity;
  - c. the stormwater detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
  - d. the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.
2. Prepare and submit a Conditional Letters of Map Revision (CLOMR) to FEMA showing the existing 100-year (0.01 AEP) floodplain for the existing site (existing conditions).

Furthermore, before the approval of grading plans, site improvements, and/or building permits, the project applicants for any particular discretionary development application will obtain an approved CLOMR from FEMA and submit a final construction level drainage study and plans to the City demonstrating that project-related on-site runoff would be appropriately contained in detention basins or managed with other improvements (e.g., source controls using LID techniques) to maintain peak storm flows at no greater than the level existing before development and to accommodate flows based on a 100-year storm event, as required by the Sacramento County Flood Control Ordinance.

The drainage study and plans will include all the items required for tentative map level study. In addition, the drainage study and plans will include, but not be limited to, the following items:

- an accurate calculation of pre-project and post-project runoff for the final design scenario, obtained using appropriate engineering methods, that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) will be performed and the trunk drainage pipeline sizes confirmed based on alignments and finalized detention facility locations;
- a description of the proposed maintenance program for the on-site drainage system; and
- City flood control design requirements and measures designed to comply with them.

Implementation of stormwater management BMPs that avoid increases in the erosive force of flows beyond a specific range of conditions will limit hydromodification and maintain current stream geomorphology. BMPs may include, but are not limited to, the use of LID techniques to limit increases in stormwater runoff at the point of origination (these may include but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater). These BMPs may be designed and constructed in accordance with the forthcoming SSQP Hydromodification Management Plan (to be adopted by the Central Valley RWQCB), as appropriate.

The final drainage plan will demonstrate to the satisfaction of the City of Rancho Cordova Community Development and Public Works Departments that 100-year (0.01

AEP) flood flows would be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the SPA would not occur, and that hydromodification would not be increased from predevelopment levels such that existing stream geomorphology would be changed. The range of conditions should be calculated for each receiving water (if feasible), as approved by the SSQP and/or City of Rancho Cordova Public Works Department).

**Mitigation Measure 3.9-3: Develop and Implement a BMP and Water Quality**

**Maintenance Plan.** Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan will be prepared by a qualified engineer retained by the project applicants for any particular discretionary development application. Drafts of the plan will be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan will finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan will include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Predevelopment and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the "Stormwater Quality Design Manual for Sacramento and South Placer Regions" and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that will include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures will be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept stormwater.
- New stormwater facilities will be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns. The reduction in runoff as a result of the LID configurations will be quantified based on the runoff reduction credit system methodology described in "Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4" (SSQP 2007) and proposed detention

basins and other water quality BMPs will be sized to handle these runoff volumes.

- (2) Findings regarding mitigation measures which are the responsibility of another agency. (Public Resources Code, section 21081, subd. (a)(2); California Code of Regulations, Title 14, section 15091, subd.(a)(2).)

*There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the Central Valley Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

a.i. Potential Significant Impact:

The Project may cause significant impacts in the following areas: loss and degradation of habitat for special-status wildlife; potential for substantial interference with the movement of any native resident or migrator wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; substantial reduction in the habitat of a wildlife species.

a.ii. Facts in Support of Finding:

**Mitigation Measure 3.3-3a: Conduct Preconstruction Surveys for Nesting Swainson's Hawk, White-Tailed Kite, Burrowing Owls, and Other Raptors, and if Found, Establish Appropriate Buffers, and Implement Avoidance or Appropriate Mitigation.** To mitigate impacts on Swainson's hawk and other raptors (including burrowing owl), the project applicants for any particular discretionary development application will retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the SPA and active burrows in the SPA. The surveys will be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) will be followed for surveys for Swainson's hawk. If no nests are found, no further mitigation is required.

If active nests are found, impacts on nesting Swainson's hawks and other raptors will be avoided by establishing appropriate buffers around the nests. No project activity will commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined in coordination with DFG that reducing the buffer would not result in nest abandonment. DFG guidelines recommend establishing buffers of 0.25- to 0.5-mile, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with DFG, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.

If active burrows are found, a mitigation plan will be submitted to the City for review and approval before any ground-disturbing activities. The City will consult with DFG regarding appropriate mitigation before approving the mitigation plan. The mitigation

plan may consist of installation of one-way doors on all burrows to allow owls to exit, but not reenter, and construction of artificial burrows within the project vicinity, as needed; however, burrowing owl exclusions may only be used if a qualified biologist verifies that the burrow does not contain eggs or dependent young. If active burrows contain eggs and/or young, no construction will occur within 50 feet of the burrow until young have fledged. Once it is confirmed that there are no owls inside burrows, these burrows may be collapsed.

**Mitigation Measure 3.3-3b: Prepare and Implement a Swainson's Hawk Mitigation Plan.** To mitigate for the loss of Swainson's hawk foraging habitat, the project applicants for any particular discretionary development application will prepare and implement a Swainson's hawk mitigation plan including, but not limited to the requirements described below.

- Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, the project applicants will preserve, to the satisfaction of the City, suitable Swainson's hawk foraging habitat to ensure 1:1 mitigation of habitat value for Swainson's hawk foraging habitat lost as a result of the project, as determined by the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist.
- The 1:1 habitat value will be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within the City's planning area. The mitigation ratio will be consistent with the 1994 CDFW Swainson's Hawk Guidelines included in the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*. Such mitigation will be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land will be located within the known foraging area and within Sacramento County. The City, after consultation with CDFW, will determine the appropriateness of the mitigation land.
- Before approval of such proposed mitigation, the City will consult with CDFW regarding the appropriateness of the mitigation. If mitigation is accomplished through conservation easement, then such an easement will ensure the continued management of the land to maintain Swainson's hawk foraging values, including but not limited to ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The conservation easement will be recordable and will prohibit any activity that substantially impairs or diminishes the land's capacity as suitable Swainson's hawk habitat.
- The project applicants will transfer said Swainson's hawk mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and DFG named as third-party beneficiaries. The Conservation Operator will be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator will be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and will be selected or approved by the City,

after consultation with CDFW. The City, after consultation with CDFW and the conservation Operator, will approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator will each have the power to enforce the terms of the conservation easement. The Conservation Operator will monitor the easement in perpetuity to assure compliance with the terms of the easement.

The project applicants, after consultation with the City, CDFW, and the Conservation Operator, will establish an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement. If an endowment is used, either the endowment funds will be submitted to the City to be distributed to an appropriate third-party nonprofit conservation agency, or they will be submitted directly to the third party nonprofit conservation agency in exchange for an agreement to manage and maintain the lands in perpetuity. The Conservation Operator will not sell, lease, or transfer any interest of any conservation easement or mitigation land it acquires without prior written approval of the City and CDFW.

- If the Conservation Operator ceases to exist, the duty to hold, administer, manage, maintain, and enforce the interest will be transferred to another entity acceptable to the City and CDFW. The City Planning Department will ensure that mitigation habitat is properly established and is functioning as habitat by conducting regular monitoring of the mitigation site(s) for the first 10 years after establishment of the easement.

**Mitigation Measure 3.3-3c: Secure Take Authorization of Federally Listed Vernal Pool Invertebrates and Implement Permit Conditions, Develop and Implement a Habitat Mitigation and Monitoring Plan.** No project construction will proceed in areas supporting potential habitat for Federally listed vernal pool invertebrates or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS) until a biological opinion (BO) and incidental take permit has been issued by USFWS and the project applicant has abided by conditions in the BO, including all conservation and minimization measures. A similar process will be followed for future subsequent improvement plans and conservation and minimization measures for those phases will also be implemented according to the BO. Conservation and minimization measures will include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction, a detailed monitoring plan, and reporting requirements. Western spadefoot also requires the protection of vernal pool habitat for survival; therefore, implementation of Mitigation Measure 3.3-3c would also reduce impacts to western spadefoot.

The project applicants will identify mitigation acceptable to the City, USACE, and USFWS for the impacts to vernal pools and other seasonal wetland habitats that support or potentially support Federally listed vernal pool invertebrates in such a manner that there will be no net loss of habitat (acreage and function) for these species following project implementation. As described under Mitigation Measure

3.3-1a, project applicants will complete and implement a habitat MMP describing how loss of vernal pool and other wetland habitats will be offset, including details for creating habitat; accounting for the temporal loss of habitat, performance standards to ensure success, and remedial actions to be implemented if performance standards are not met. Mitigation will include, where feasible and practicable, preservation and or restoration of in-kind wetland habitats within the Mather Core Area at ratios satisfactory to ensure no net loss of habitat acreage, function, and value within the Mather Core Area.

The project applicants will preserve acreage of vernal pool habitat for each wetted acre of any indirectly affected vernal pool habitat at a ratio approved by USFWS at the conclusion of the Section 7 consultation.

This mitigation will occur before the approval of any grading or improvement plans for any project phase that would allow work within 250 feet of such habitat, and before any ground-disturbing activity within 250 feet of the habitat. Unless otherwise agreed to by USFWS, vernal pool habitat within 250 feet of development will be considered indirectly affected. The project applicants will not be required to complete this mitigation measure for direct or indirect impacts that have already been mitigated to the satisfaction of USFWS through another BO or mitigation plan.

A standard set of BMPs will be applied when working in areas within 250 feet of off-site vernal pool habitat or within any lesser distance deemed by a qualified biologist to constitute a sufficient buffer from such habitat with approval from USFWS. Refer to Section 3.9 "Hydrology and Water Quality" for the details of BMPs to be implemented.

**Mitigation Measure 3.3-3d: Obtain Incidental Take Permit for Impacts to Valley Elderberry Longhorn Beetle (VELB) and Implement All Permit Conditions.** No project construction will proceed in areas containing VELB habitat (i.e., elderberry shrubs) until a BO and an Incidental Take Permit have been issued by USFWS and the project applicant has abided by all pertinent conditions in the BO relating to the proposed construction, including all conservation and minimization measures. Conservation and minimization measures are likely to include preparation of supporting documentation describing methods for relocating the existing shrub.

Relocation of existing elderberry shrubs and planting of new elderberry seedlings will be implemented on a no-net-loss basis. Detailed information on monitoring success of relocated and planted shrubs, and measures to compensate should success criteria not be met, would also likely be required in the BO. Ratios for mitigation of VELB habitat will ultimately be determined through the Federal Endangered Species Act (ESA) Section 7 consultation process with USFWS, but will be a minimum of "no net loss."

**Mitigation Measure 3.3-3e: Conduct Preconstruction Surveys to Avoid Western Pond Turtle.** A preconstruction survey for western pond turtle will be conducted by a qualified biologist prior to work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary.

If pond turtles are found, they will be relocated by a qualified biologist to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities.

#### **D. Statement of Overriding Considerations**

The City of Rancho Cordova FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Pub. Resources Code, § 21081, subd (b); Cal. Code Regs., tit. 14, § 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Smith Property Project are disclosed in the City of Rancho Cordova FEIR, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts to water quality are discussed in subsection C above.

The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic, legal, social, and technological benefits of implementing the Project outweigh the significant and unavoidable impacts to water quality.

#### **E. Determination**

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the City of Rancho Cordova, and has reached its own conclusion to approve this Project. The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, § 15096.)



### Copies of this Form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report: please retain for your records. If you need to obtain a copy of the Cover Sheet you may download a copy of this Order as follows:

1. Go to: [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/certifications.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml)
2. Find your Order in the table based on Applicant, Date, and Subject headers.

### Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
  - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Jordan Hensley; Reg. Measure ID: 412970\_Report

### Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual

active discharge fee to the annual post-discharge monitoring fee.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

**Effective Date:** 15 March 2019

### Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

#### 1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	Smith Property Project		
<b>Permittee:</b>	Sierra Holdings, LLC		
<b>Reg. Meas. ID:</b>	412970	<b>Place ID:</b>	812467
<b>WDID:</b>	5A34CR00621	<b>Construction Storm Water General Permit WDID#:</b>	_____
<b>Order Effective Date:</b>	15 March 2019		
<b>Order Expiration Date:</b>	14 March 2024		

**Report Type Submitted**

**Part A – Project Reporting**

Report Type 1	<input type="checkbox"/> Monthly Report # _____
Report Type 2	<input type="checkbox"/> Annual Report # _____

**Part B - Project Status Notifications**

Report Type 3	<input type="checkbox"/> Commencement of Construction
Report Type 4	<input type="checkbox"/> Request for Notice of Completion of Discharges Letter
Report Type 5	<input type="checkbox"/> Request for Notice of Project Complete Letter

**Part C - Conditional Notifications and Reports**

Report Type 6	<input type="checkbox"/> Accidental Discharge of Hazardous Material Report
Report Type 7	<input type="checkbox"/> Violation of Compliance with Water Quality Standards Report
Report Type 8	<input type="checkbox"/> In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9	<input type="checkbox"/> Modifications to Project Report
Report Type 10	<input type="checkbox"/> Transfer of Property Ownership Report
Report Type 11	<input type="checkbox"/> Transfer of Long-Term BMP Maintenance Report

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name <sup>1</sup>

Affiliation and Job Title

Signature

Date

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

I hereby authorize \_\_\_\_\_ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Date

**\*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

**Part A – Project Reporting**

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b> Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs<sup>11</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b> Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b> Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</b> List associated monitoring reports for the reporting period. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> </ol> </li> </ol>

<sup>11</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	<p><b>d)</b> Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</p>
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<b>Report Type 2</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year on the 1st day of April starting one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>
<b>Annual Report Topics (1-3)</b>	
<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.</li> <li>2. Map showing general Project progress.</li> <li>3. If applicable: <ol style="list-style-type: none"> <li>a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below).</li> <li>b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.</li> </ol> </li> </ol>
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status – Not Applicable</b>
<b>When to Submit</b>	Not Required
<b>Report Contents</b>	-

<b>Annual Report Topic 3</b>	<b>Compensatory Mitigation for Permanent Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<b>Part A. Mitigation Bank or In-Lieu Fee</b> <ol style="list-style-type: none"> <li>1. Status or proof of purchase of credit types and quantities.</li> <li>2. Include the name of bank/ILF Program and contact information.</li> <li>3. If ILF, location of project and type if known.</li> </ol>

<b>Part B – Project Status Notifications</b>
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<b>Report Type 3</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the state will occur.</li> <li>3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.</li> <li>4. Construction Storm Water General Permit WDID No.</li> <li>5. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.</li> </ol>

<b>Report Type 4</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.</li> <li>5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.</li> </ol>

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.

<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.</li> <li>2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.</li> </ol> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <ol style="list-style-type: none"> <li>3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li> <li>4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li> <li>5. Pre- and post-photo documentation of all compensatory mitigation sites.</li> <li>6. Final maps of all compensatory mitigation areas (including buffers).</li> </ol> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ol style="list-style-type: none"> <li>7. Date of storm water Notice of Termination(s), if applicable.</li> <li>8. Report status and functionality of all post-construction BMPs.</li> </ol>

<b>Part C – Conditional Notifications and Reports</b>
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<b>Report Type 6</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.</li> <li>2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.</li> <li>3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.</li> </ol>

<b>Report Type 7</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
<b>Report Contents</b>	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

<b>Report Type 8</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
<b>When to Submit</b>	Forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
<b>Report Contents</b>	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

<b>Report Type 9</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>When to Submit</b>	If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>Report Contents</b>	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

<b>Report Type 10</b>	<b>Transfer of Property Ownership Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least 10 working days prior to the transfer of ownership.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> <li>a. the Order's requirements and the obligation to implement them or be</li> </ol> </li> </ol>

	<p>subject to administrative and/or civil liability for failure to do so; and</p> <p><b>b.</b> responsibility for compliance with any long-term BMP maintenance plan requirements in this Order.</p> <p><b>2.</b> A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.</p>
--	--

<b>Report Type 11</b>	<b>Transfer of Long-Term BMP Maintenance Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
<b>When to Submit</b>	At least 10 working days prior to the transfer of BMP maintenance responsibility.
<b>Report Contents</b>	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.



## SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."



## Certification Deviation Procedures

### Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section L of the Order, may be requested by the Permittee as set forth below:

### Process Steps

Who may apply: The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

How to apply: By letter or email to the 401 staff designated as the contact for this Order.

Certification Deviation Request: The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Order. The request should:

1. Describe the Project change or modification:
  - a. Proposed activity description and purpose;
  - b. Why the proposed activity is considered minor in terms of impacts waters of the state;
  - c. How the Project activity is currently addressed in the Order; and,
  - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (Cal. Code Regs., tit. 14, §§ 15061, 15162-15164.)

Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
  - a. Activity description and purpose;
  - b. Activity location, start date, and completion date;
  - c. Erosion control and pollution prevention measures applied;
  - d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - e. Mitigation plan, if applicable; and,
  - f. Map of activity location and boundaries; post-construction photos.

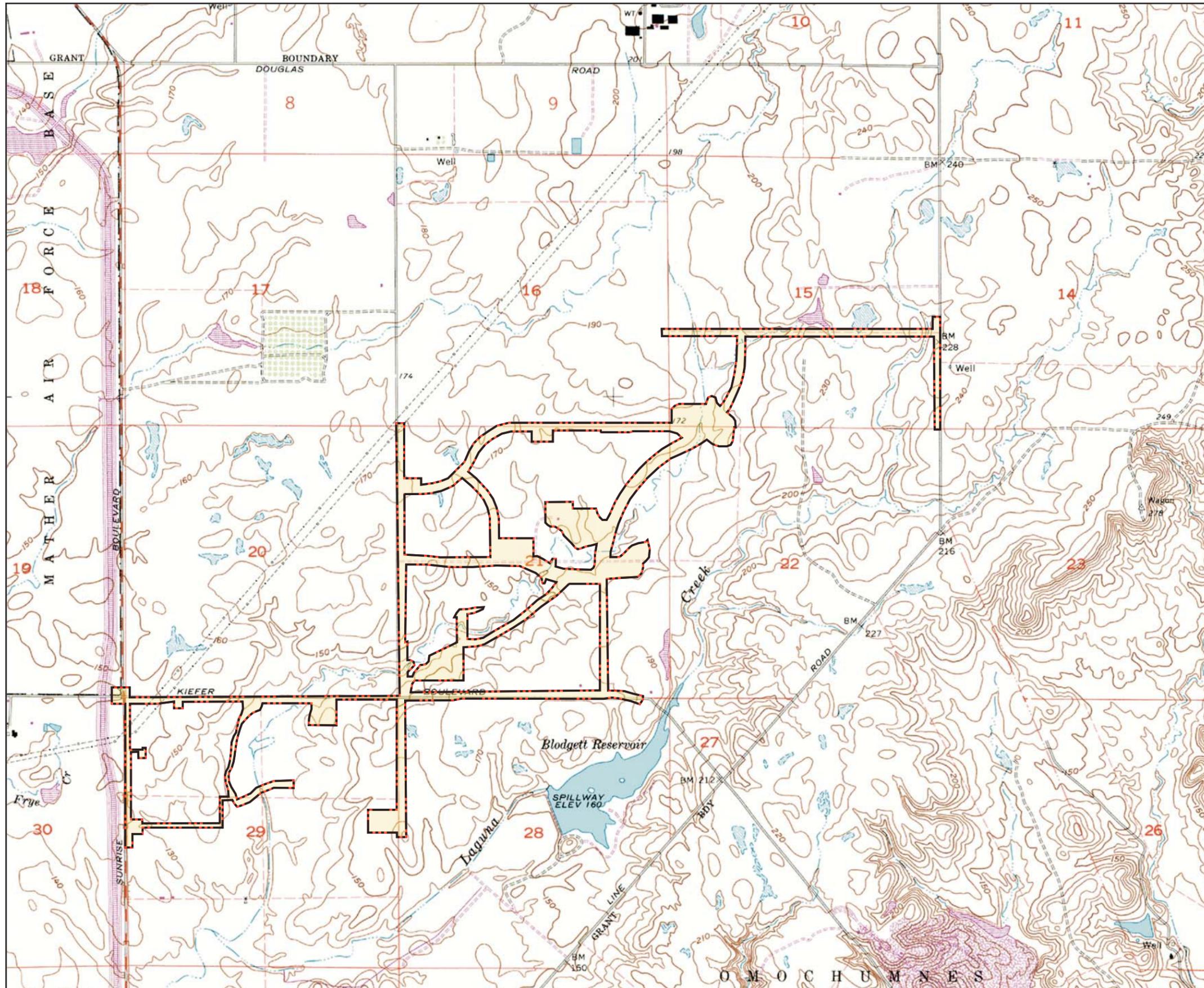
Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all Certification Deviation activities through the reporting period with the following information:
  - a. Site name(s).
  - b. Date(s) of Certification Deviation approval.
  - c. Location(s) of authorized activities.
  - d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order.
  - e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies).
  - f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - g. Mitigation to be provided (approved mitigation ratio and amount).

# **Attachment E**

## **Figures**

# **Backbone Infrastructure**



**Figure 1.  
Project Site and Vicinity  
Backbone Infrastructure**

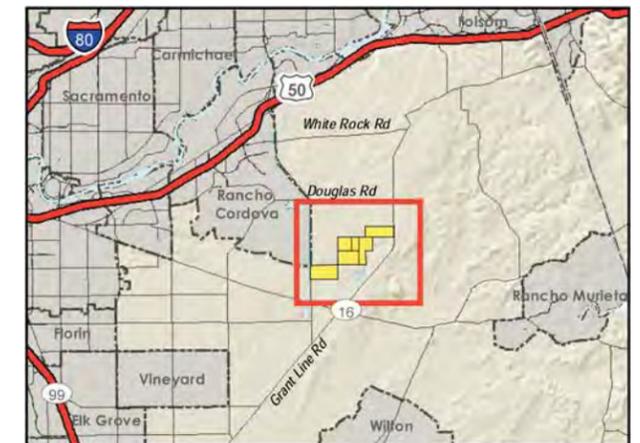
§15, 21, & 29, T.8N., R.7E., MDBM  
 Latitude 38° 32' 00" N  
 Longitude 121° 12' 45" W  
 Lower Sacramento Watershed (18020109)

 Backbone Infrastructure

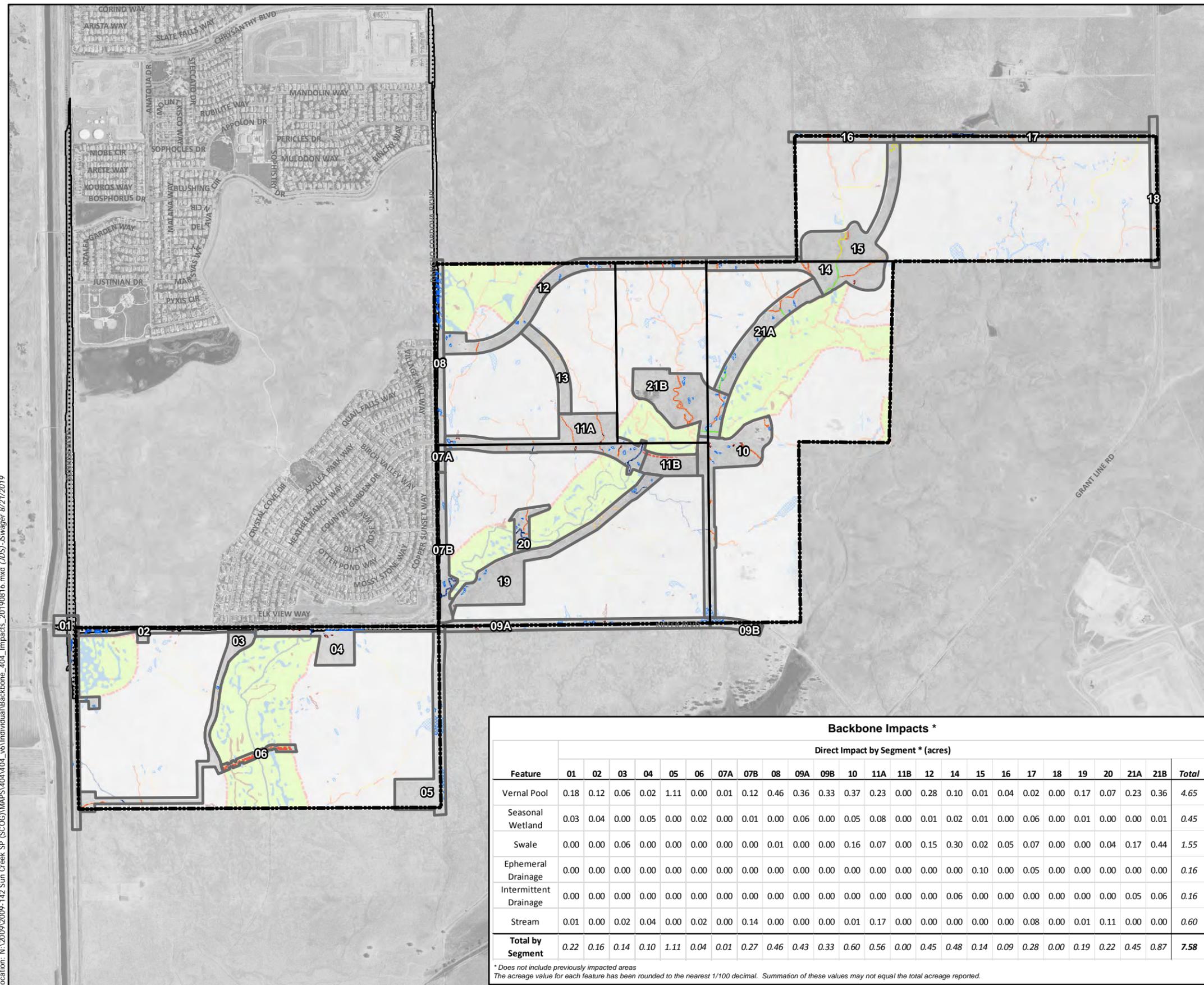


Scale in Feet  
 0 2000

Buffalo Creek, California, 7.5 minute topographic  
 quadrangle, US Geological Survey, 1980.



**Figure 1.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**



**Map Features**

- Specific Plan Boundary
- Property Boundaries
- Anatolia Roads Project
- Proposed Backbone
- Proposed Preserve Boundary

**Waters (No Fill)**

- Vernal Pool
- Seasonal Wetland
- Swale
- Intermittent Drainage
- Stream

**Waters (Previous Fill)**

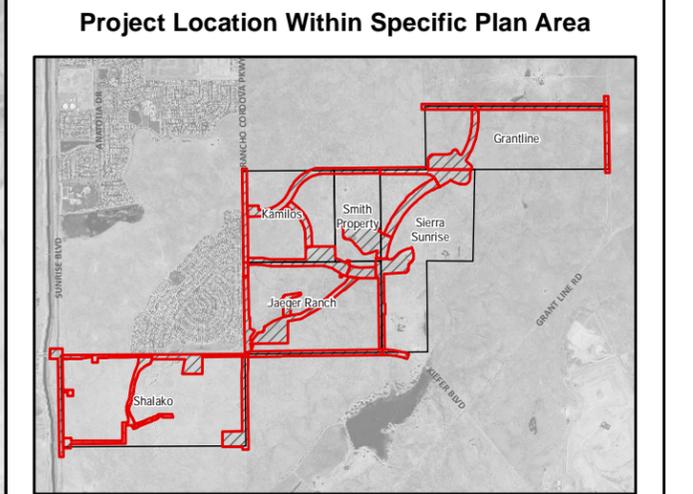
- Vernal Pool
- Seasonal Wetland
- Stream

**Non-Jurisdictional**

- Swale (NJ)

**Waters (Fill)**

- Vernal Pool
- Seasonal Wetland
- Swale
- Ephemeral Drainage
- Intermittent Drainage
- Pond
- Stream



Backbone Impacts *																									
Feature	Direct Impact by Segment * (acres)																					Total			
	01	02	03	04	05	06	07A	07B	08	09A	09B	10	11A	11B	12	14	15	16	17	18	19		20	21A	21B
Vernal Pool	0.18	0.12	0.06	0.02	1.11	0.00	0.01	0.12	0.46	0.36	0.33	0.37	0.23	0.00	0.28	0.10	0.01	0.04	0.02	0.00	0.17	0.07	0.23	0.36	4.65
Seasonal Wetland	0.03	0.04	0.00	0.05	0.00	0.02	0.00	0.01	0.00	0.06	0.00	0.05	0.08	0.00	0.01	0.02	0.01	0.00	0.06	0.00	0.01	0.00	0.00	0.01	0.45
Swale	0.00	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.00	0.16	0.07	0.00	0.15	0.30	0.02	0.05	0.07	0.00	0.00	0.04	0.17	0.44	1.55
Ephemeral Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.10	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.16	
Intermittent Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.06	0.16
Stream	0.01	0.00	0.02	0.04	0.00	0.02	0.00	0.14	0.00	0.00	0.00	0.01	0.17	0.00	0.00	0.00	0.00	0.00	0.08	0.00	0.01	0.11	0.00	0.00	0.60
<b>Total by Segment</b>	<b>0.22</b>	<b>0.16</b>	<b>0.14</b>	<b>0.10</b>	<b>1.11</b>	<b>0.04</b>	<b>0.01</b>	<b>0.27</b>	<b>0.46</b>	<b>0.43</b>	<b>0.33</b>	<b>0.60</b>	<b>0.56</b>	<b>0.00</b>	<b>0.45</b>	<b>0.48</b>	<b>0.14</b>	<b>0.09</b>	<b>0.28</b>	<b>0.00</b>	<b>0.19</b>	<b>0.22</b>	<b>0.45</b>	<b>0.87</b>	<b>7.58</b>

\* Does not include previously impacted areas  
The acreage value for each feature has been rounded to the nearest 1/100 decimal. Summation of these values may not equal the total acreage reported.



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\04\04\_v6\Individual\Backbone\_404\_Impacts\_20190816.mxd (DSS)\_Swager\_8/21/2019

Location: N:\2009\2009-142\_Sun\_Creek\_SP\_(SCOG)\MAPS\04\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_Swagger\_8/21/2019

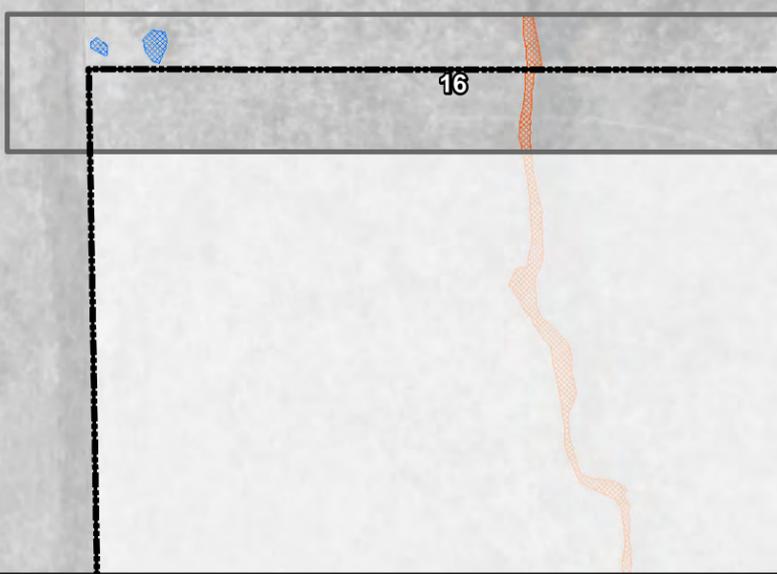
# Map Book. Backbone Infrastructure Potential Impacts to Waters of the U.S. (Sheet 1 of 22)

### Map Features

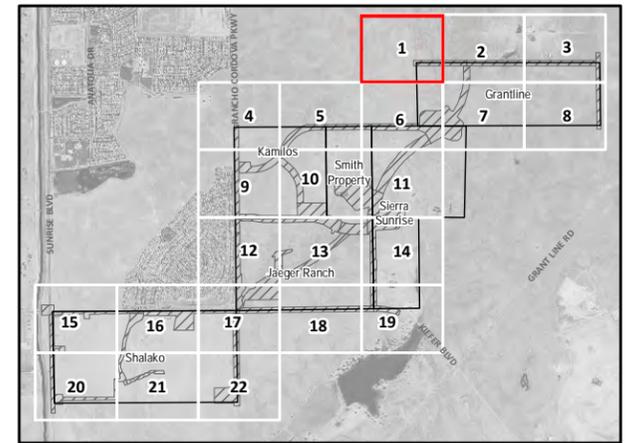
-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone

### Waters (Fill)

-  Vernal Pool
-  Swale



### Project Location Within Specific Plan Area



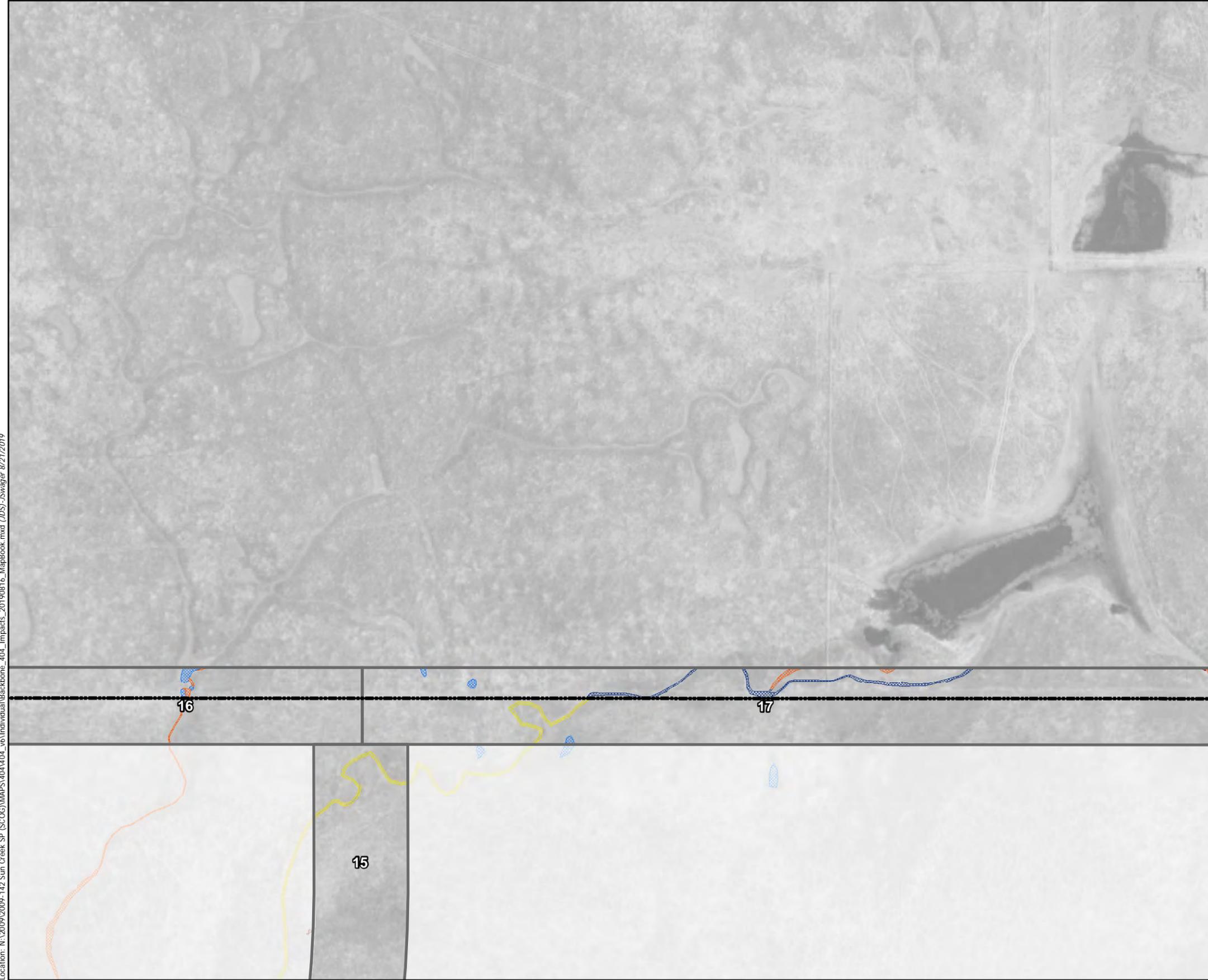
**Map Book**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 2 of 22)**

**Map Features**

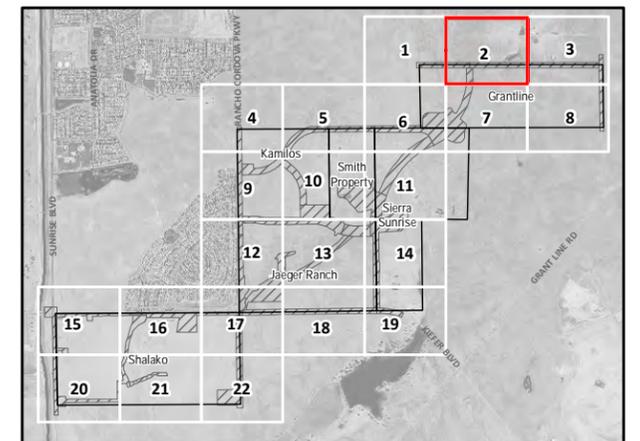
-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone

**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Ephemeral Drainage
-  Stream



**Project Location Within Specific Plan Area**



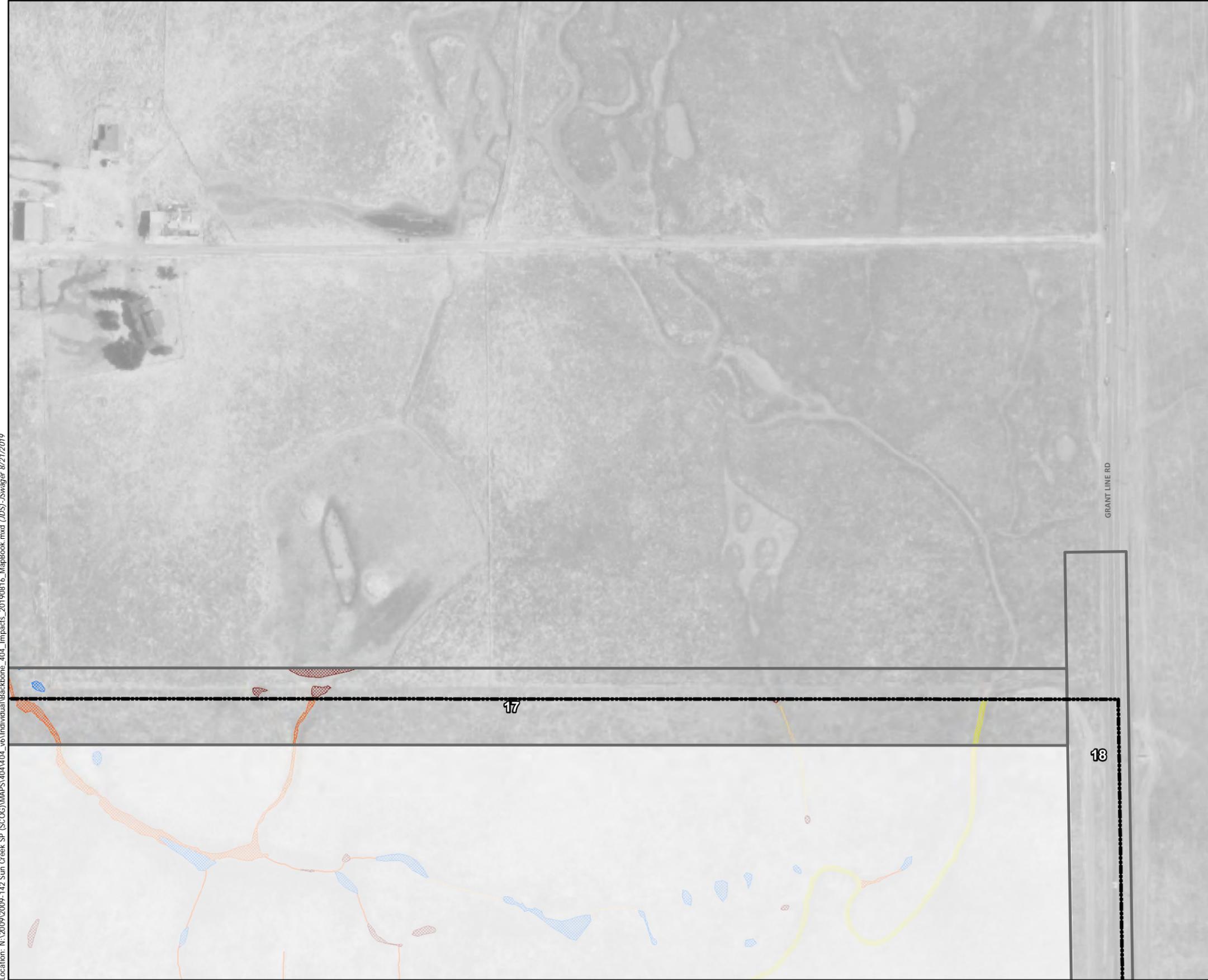
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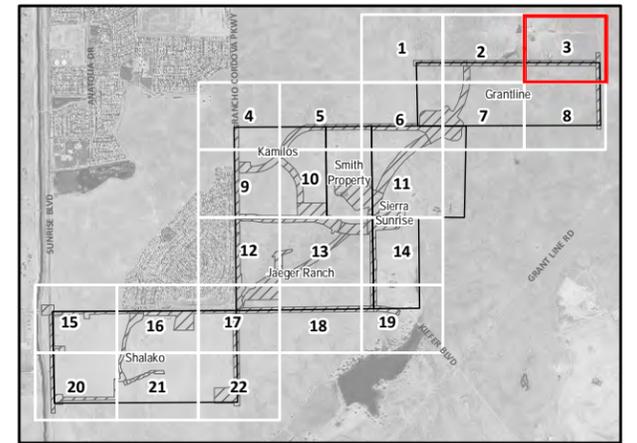
**Map Book.  
Backbone Infrastructure  
Potential Impacts to Waters of the U.S.  
(Sheet 3 of 22)**

**Map Features**

-  Specific Plan Boundary
  -  Property Boundaries
  -  Proposed Backbone
- Waters (Fill)**
-  Vernal Pool
  -  Seasonal Wetland
  -  Swale
  -  Ephemeral Drainage
- Non-Jurisdictional**
-  Swale (NJ)



**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_JSwager\_8/21/2019



**Map Book**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 4 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Anatolia Roads Project
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (No Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale

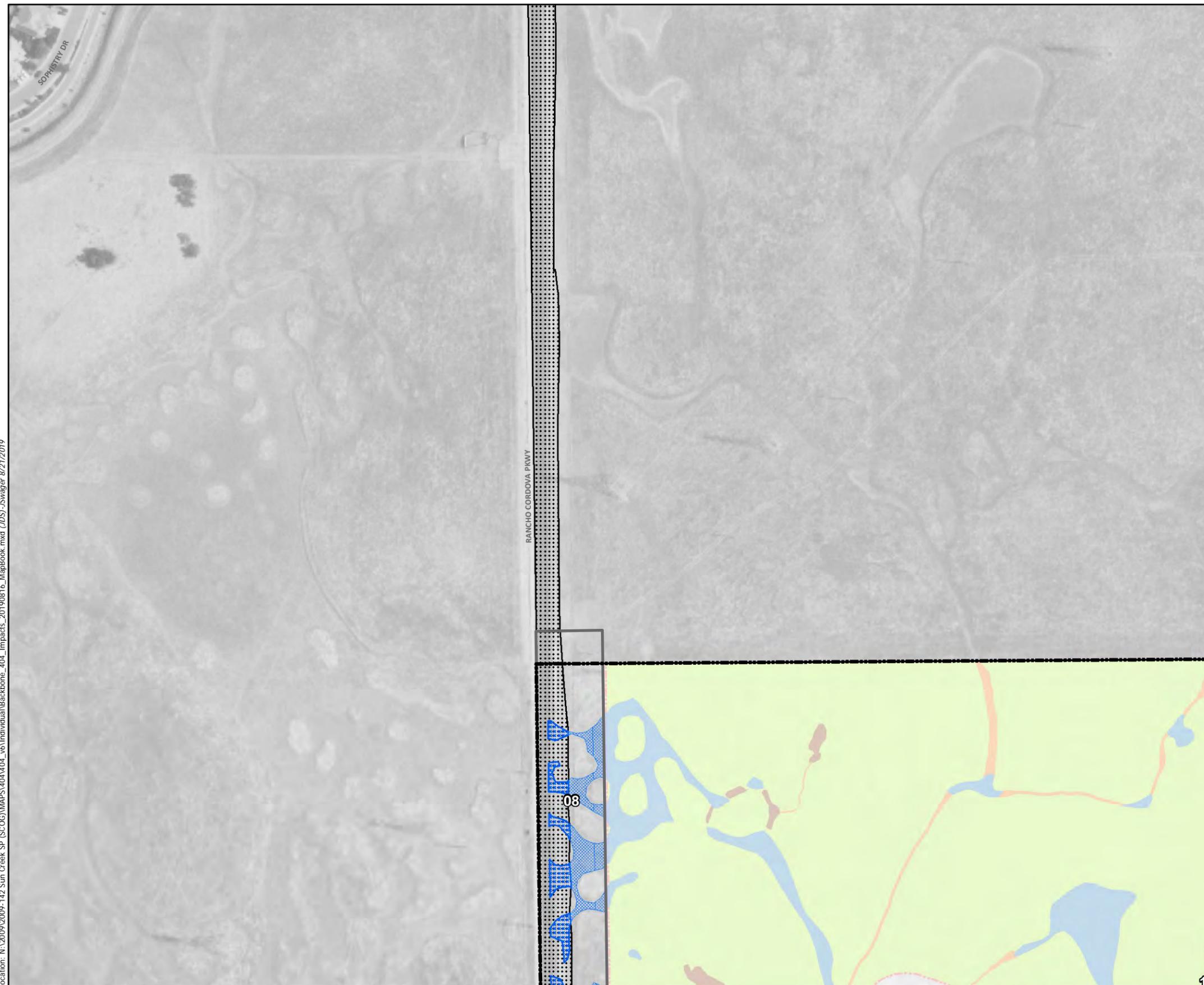
**Waters (Fill)**

-  Vernal Pool

**Waters (Previous Fill)**

-  Vernal Pool

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_Jswager\_8/21/2019



**Map Book**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 5 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale

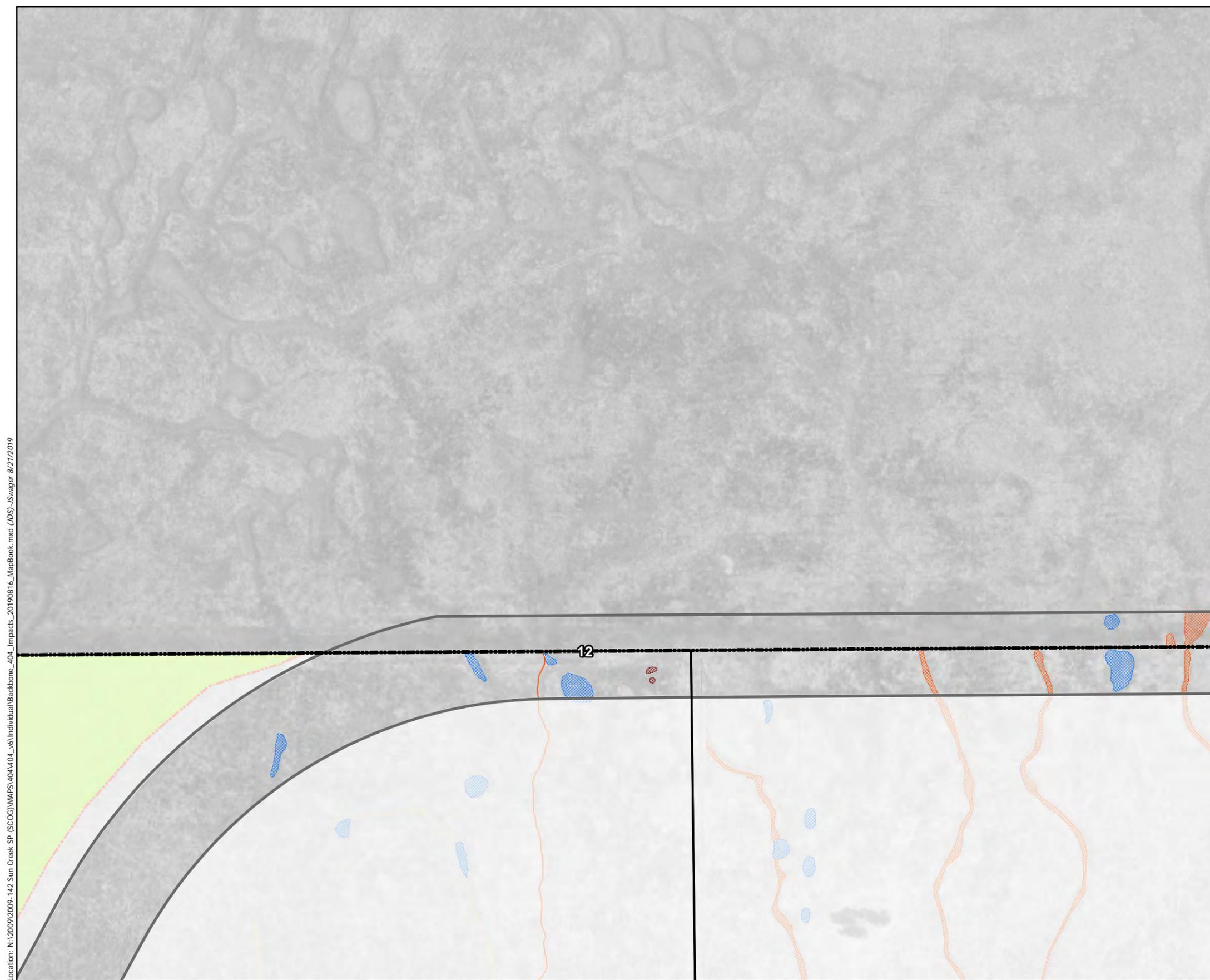
**Non-Jurisdictional**

-  Swale (NJ)

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142\_SunCreek\_SP\_(SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_JSwager\_8/21/2019



**Map Book.  
Backbone Infrastructure  
Potential Impacts to Waters of the U.S.  
(Sheet 6 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone
-  Proposed Preserve Boundary

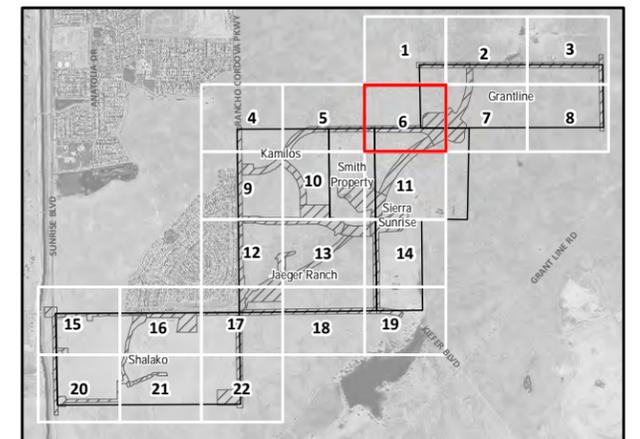
**Waters (No Fill)**

-  Vernal Pool
-  Swale
-  Intermittent Drainage

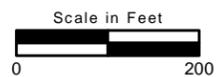
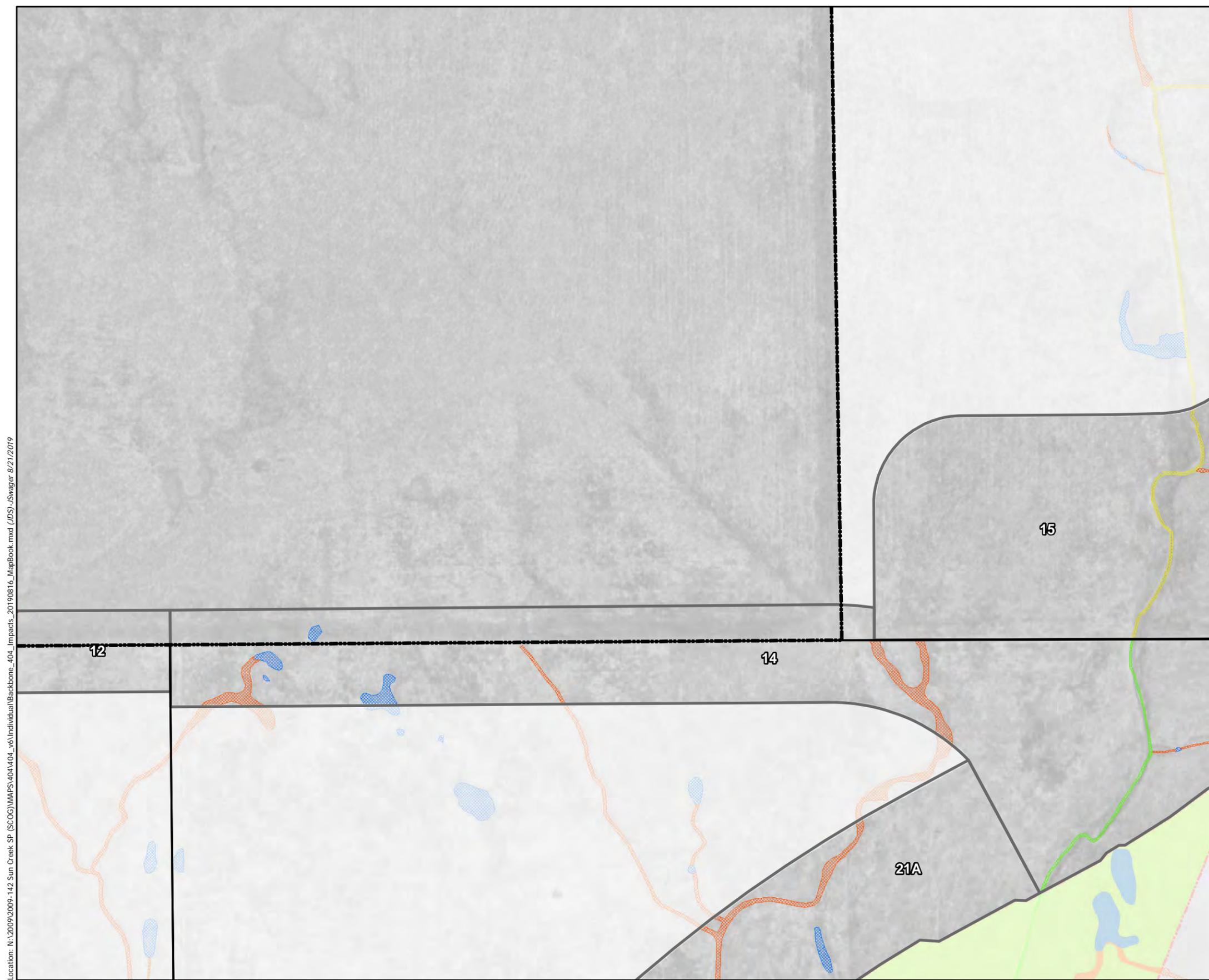
**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Ephemeral Drainage
-  Intermittent Drainage

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142\_SunCreek\_SP\_(SCOG)\MAPS\04\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_Swagger\_8/21/2019



**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 7 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (Fill)**

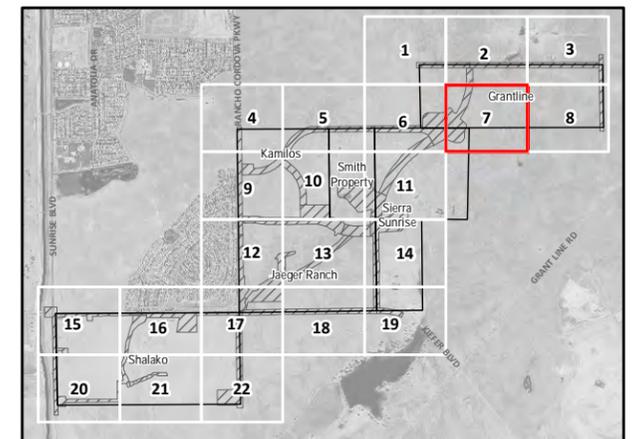
-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Ephemeral Drainage

**Non-Jurisdictional**

-  Swale (NJ)



**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142\_SunCreek\_SP\_(SCOG)\MAPS\04\404\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_Swagger\_8/21/2019



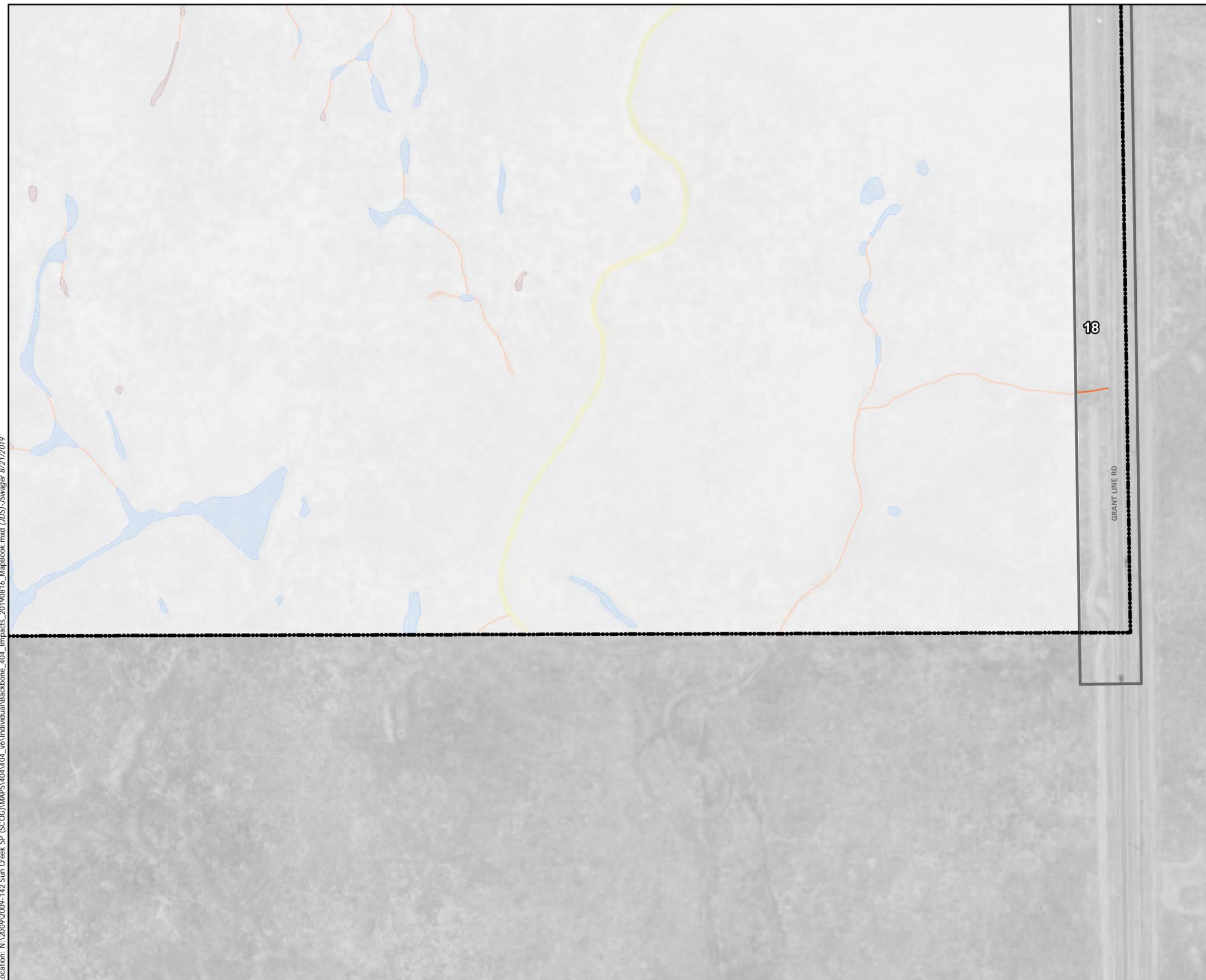
**Map Book**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 8 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone

**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Ephemeral Drainage



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\04A\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (DSS)\Swagger 8/21/2019

**Project Location Within Specific Plan Area**



**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 9 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Anatolia Roads Project
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (No Fill)**

-  Vernal Pool
-  Swale

**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale

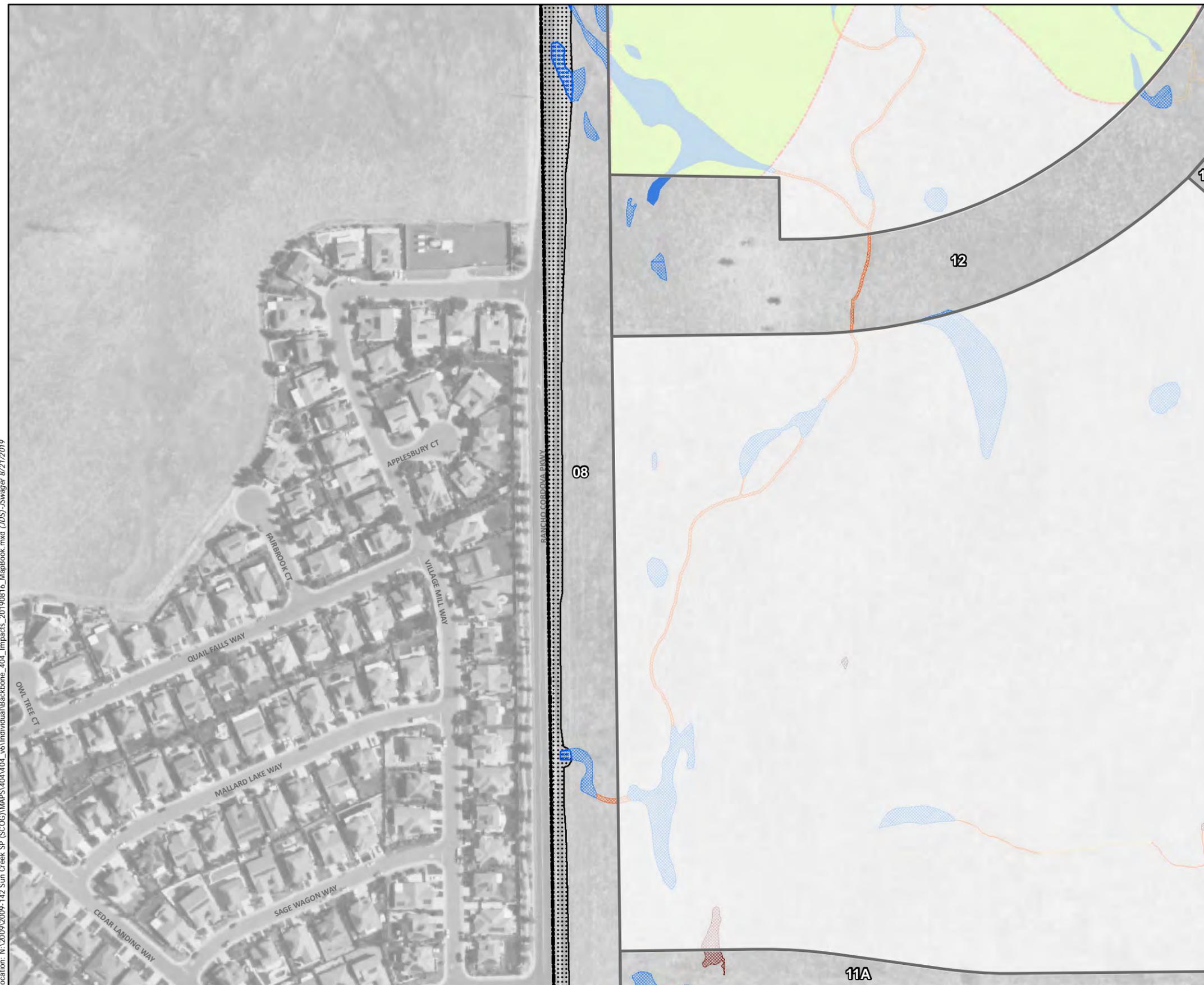
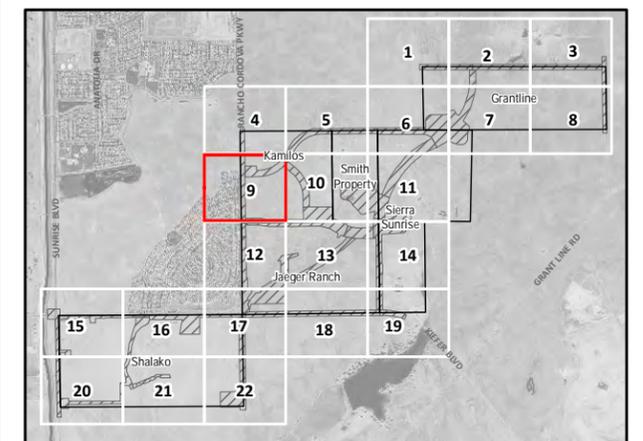
**Waters (Previous Fill)**

-  Vernal Pool

**Non-Jurisdictional**

-  Swale (NJ)

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS) -JSwager 8/21/2019



**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 10 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (No Fill)**

-  Vernal Pool
-  Swale

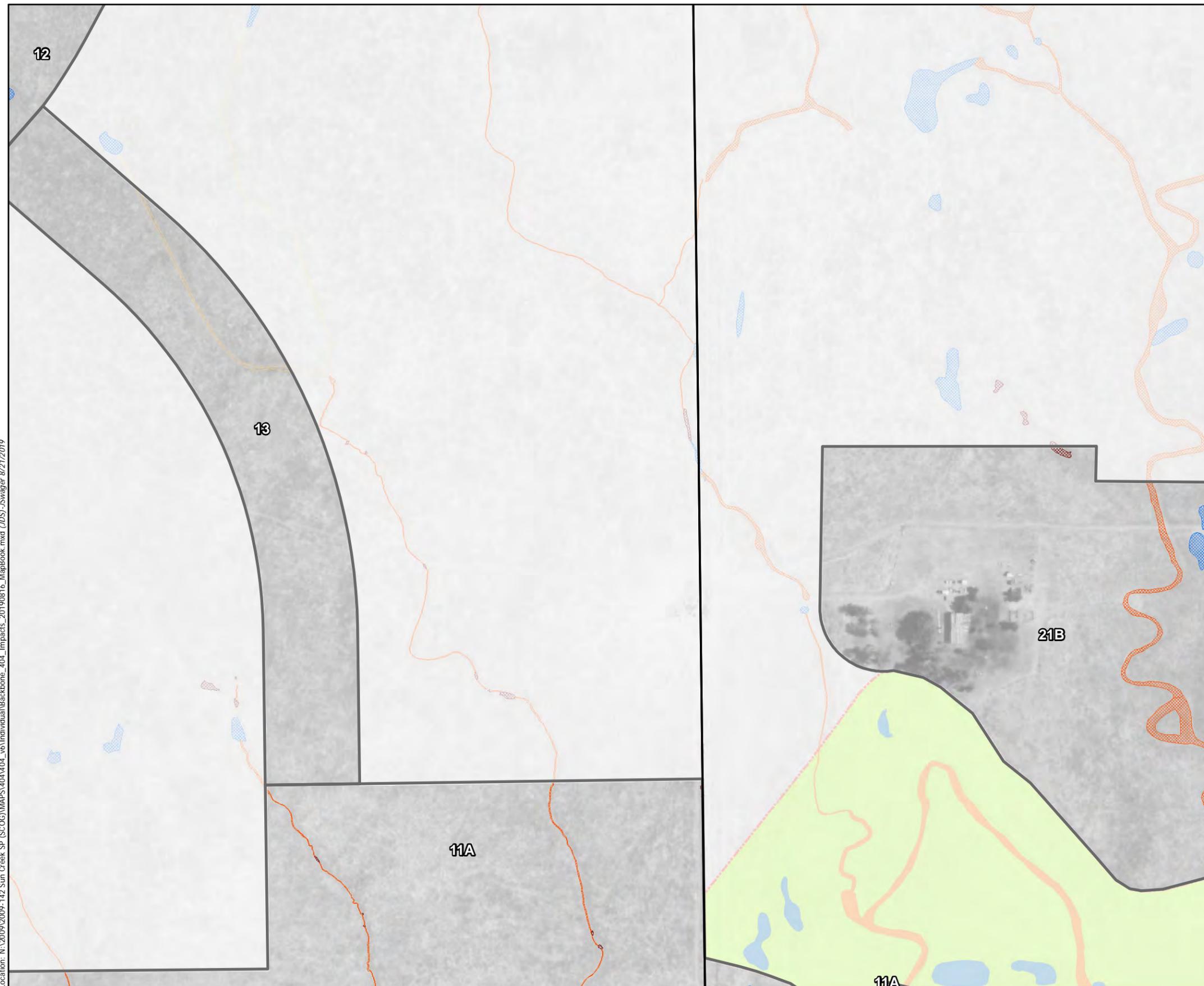
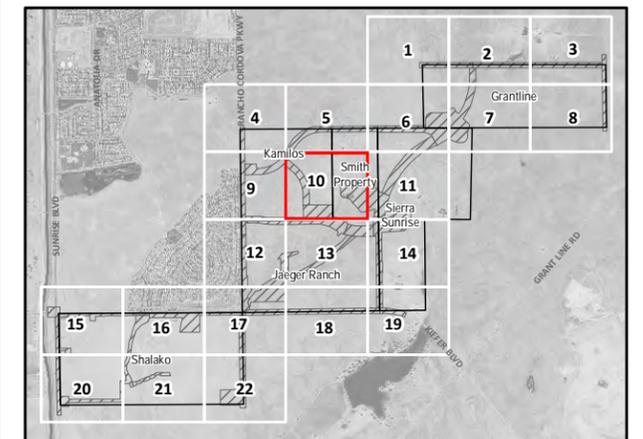
**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale

**Non-Jurisdictional**

-  Swale (NJ)

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142 SunCreek SP (SCOG)\MAPS\04\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_Swagger\_8/21/2019



**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 11 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (No Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Intermittent Drainage

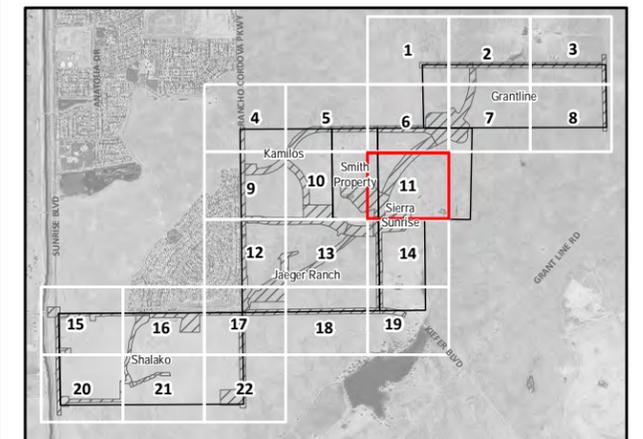
**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Intermittent Drainage

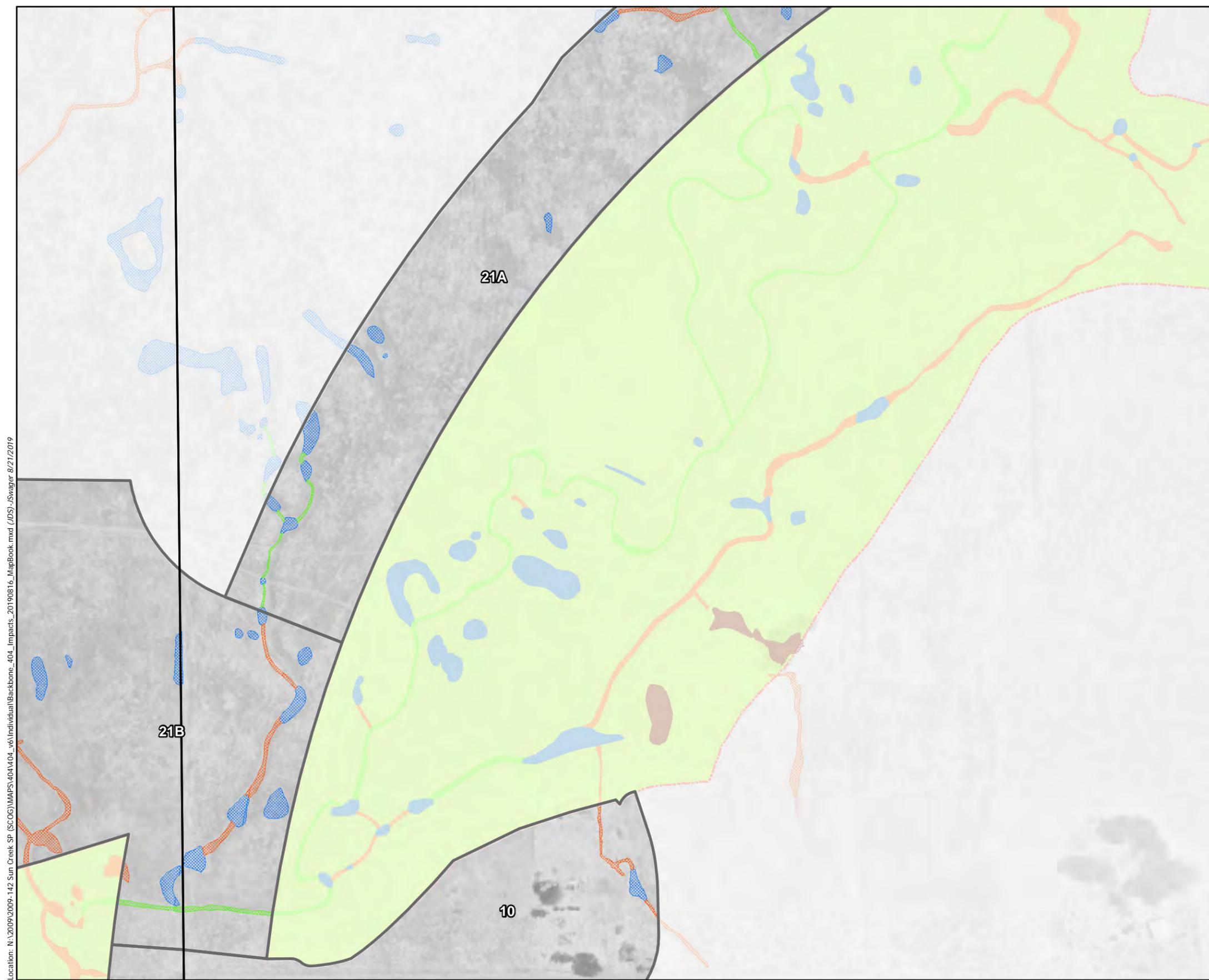
**Non-Jurisdictional**

-  Swale (NJ)

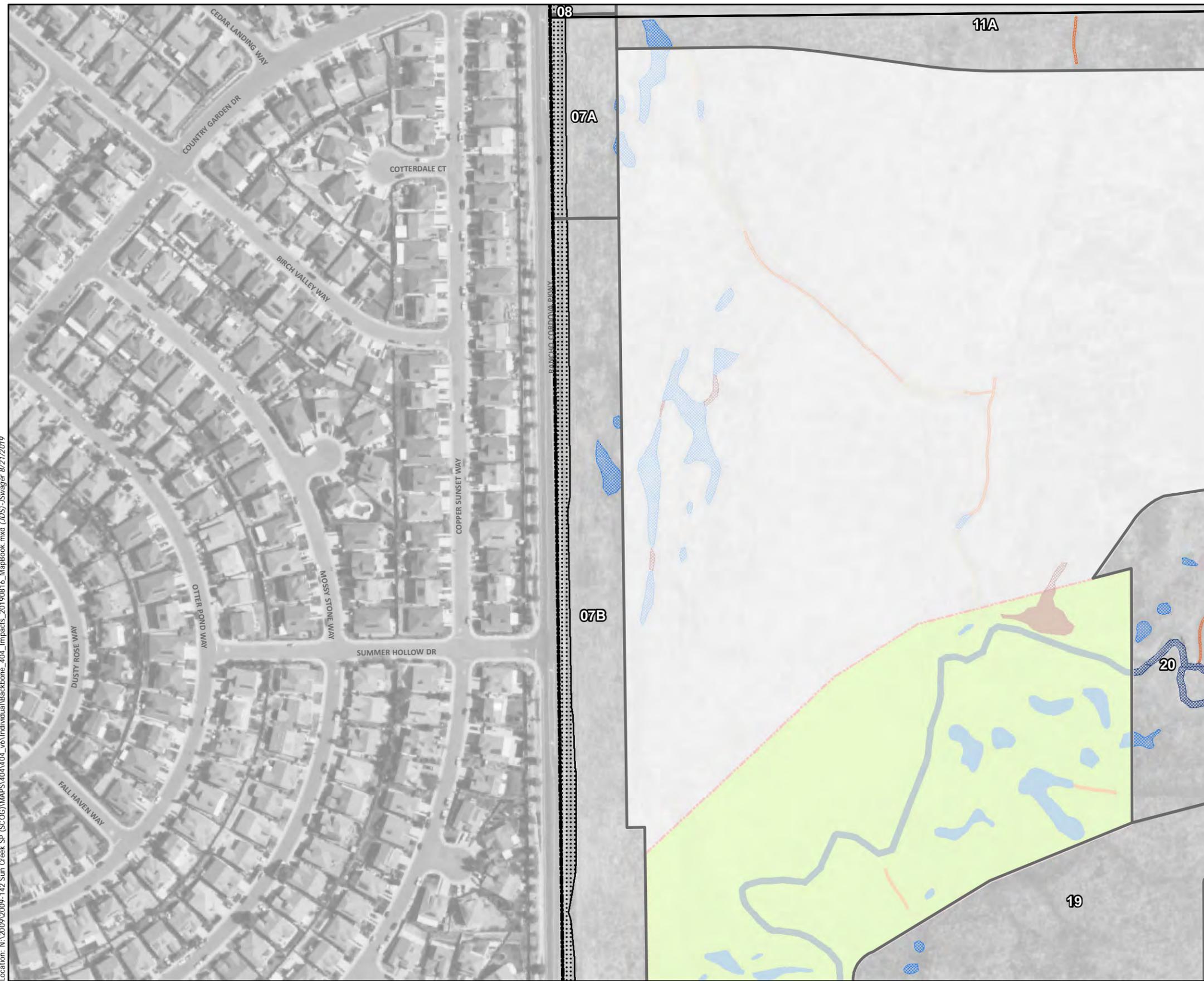
**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\04\404\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (DSS)\_Swager\_8/21/2019



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\404\404\_v6\Individual\Backbone\_404\_1mpts\_20190816\_MapBook.mxd (DSS)-JSwager\_8/21/2019



### Map Book. Backbone Infrastructure Potential Impacts to Waters of the U.S. (Sheet 12 of 22)

- Map Features**
- Specific Plan Boundary
  - Property Boundaries
  - Anatolia Roads Project
  - Proposed Backbone
  - Proposed Preserve Boundary
- Waters (No Fill)**
- Vernal Pool
  - Seasonal Wetland
  - Swale
  - Stream
- Waters (Fill)**
- Vernal Pool
  - Seasonal Wetland
  - Swale
  - Stream
- Non-Jurisdictional**
- Swale (NJ)



**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 13 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (No Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Stream

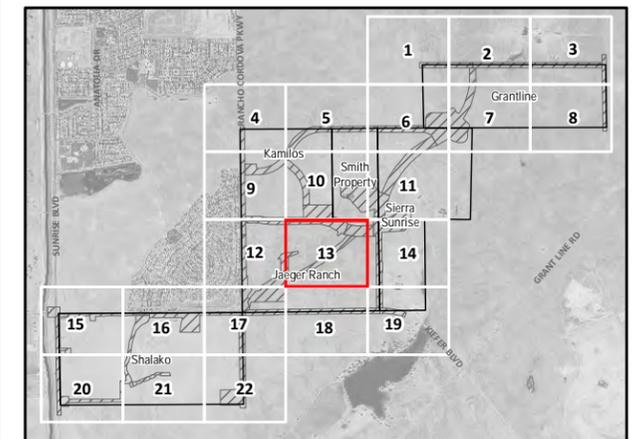
**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Stream

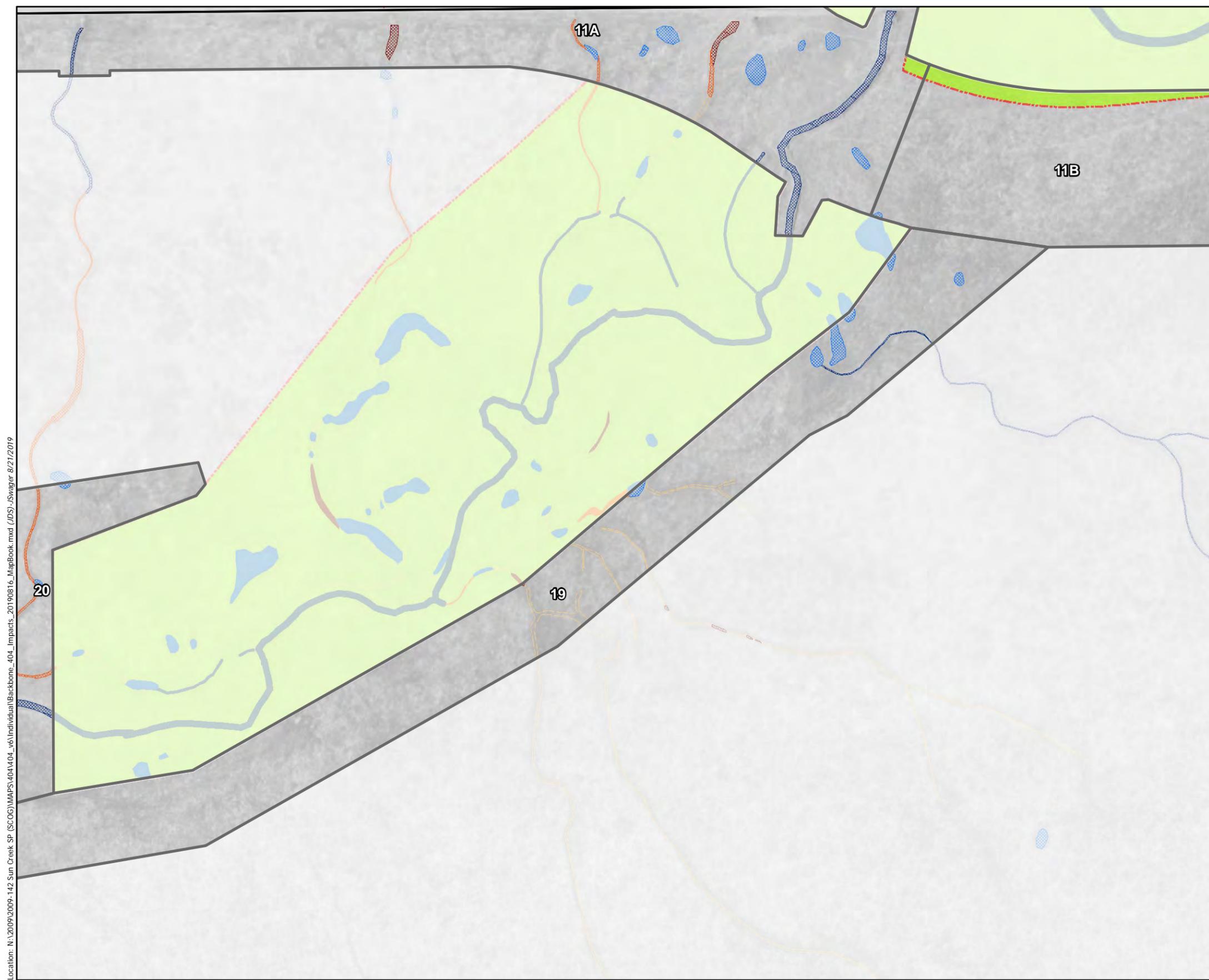
**Non-Jurisdictional**

-  Swale (NJ)

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142\_SunCreek\_SP\_(SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (DSS)\_Swagger\_8/21/2019



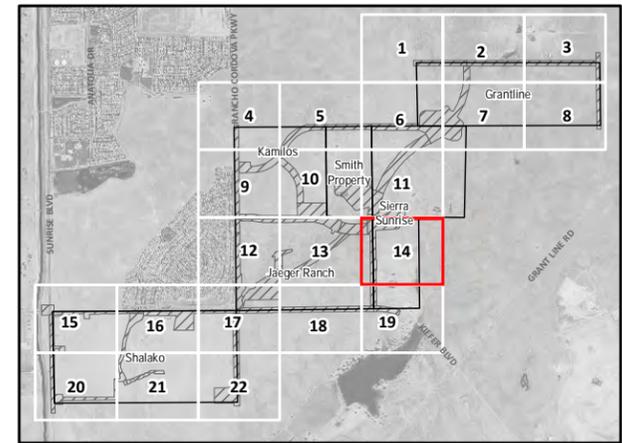


Location: N:\2009\2009-142\_Sun\_Creek\_SP\_(SCOG)\MAPS\04\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)-Jswager\_8/21/2019

**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 14 of 22)**

- Map Features**
- Specific Plan Boundary
  - Property Boundaries
  - Proposed Backbone
  - Proposed Preserve Boundary
- Waters (No Fill)**
- Seasonal Wetland
  - Stream
- Waters (Fill)**
- Vernal Pool
  - Seasonal Wetland
  - Swale
  - Pond
  - Stream
- Non-Jurisdictional**
- Swale (NJ)

**Project Location Within Specific Plan Area**



**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 15 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Anatolia Roads Project
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (No Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale

**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Ephemeral Drainage

**Waters (Previous Fill)**

-  Vernal Pool
-  Seasonal Wetland

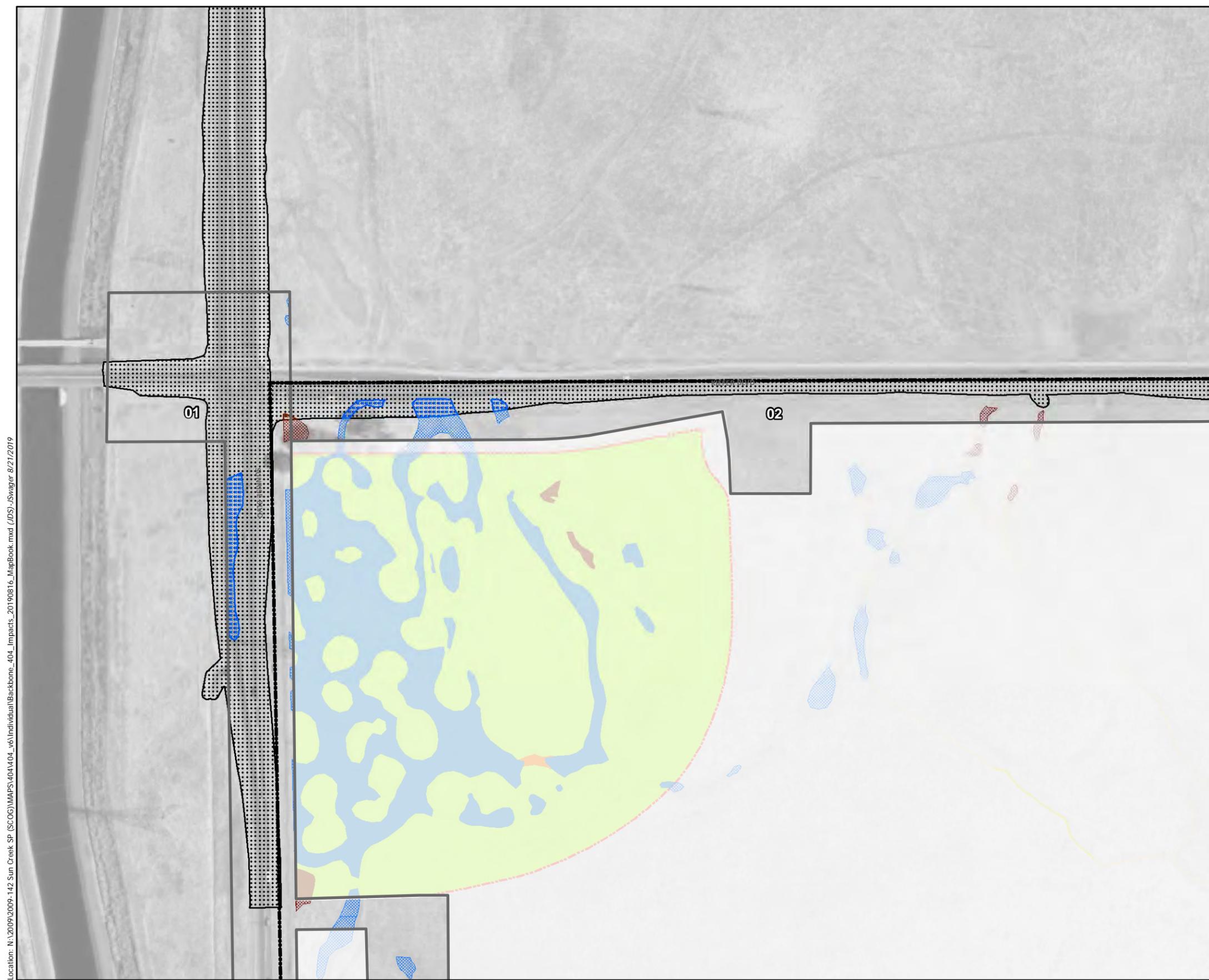
**Non-Jurisdictional**

-  Swale (NJ)

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS) - J. Swager 8/21/2019



**Map Book.  
Backbone Infrastructure  
Potential Impacts to Waters of the U.S.  
(Sheet 16 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Anatolia Roads Project
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (No Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Stream

**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Stream

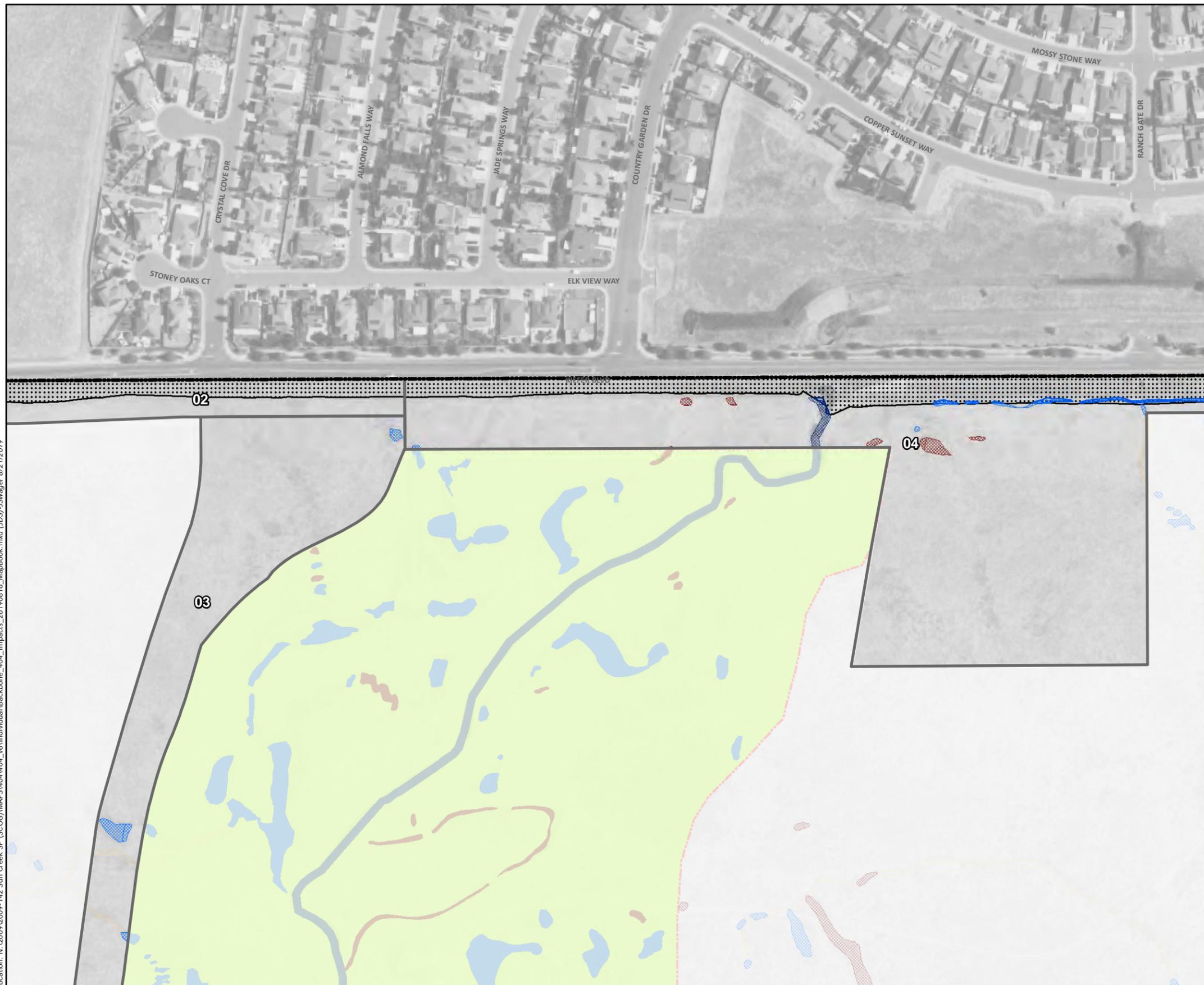
**Waters (Previous Fill)**

-  Vernal Pool
-  Stream

**Non-Jurisdictional**

-  Swale (NJ)

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142\_SunCreek\_SP\_(SCOG)\MAPS\04\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_Swagger\_8/21/2019



**Map Book**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 17 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Anatolia Roads Project
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (No Fill)**

-  Vernal Pool
-  Stream

**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Stream

**Waters (Previous Fill)**

-  Vernal Pool
-  Stream

**Non-Jurisdictional**

-  Swale (NJ)

**Project Location Within Specific Plan Area**

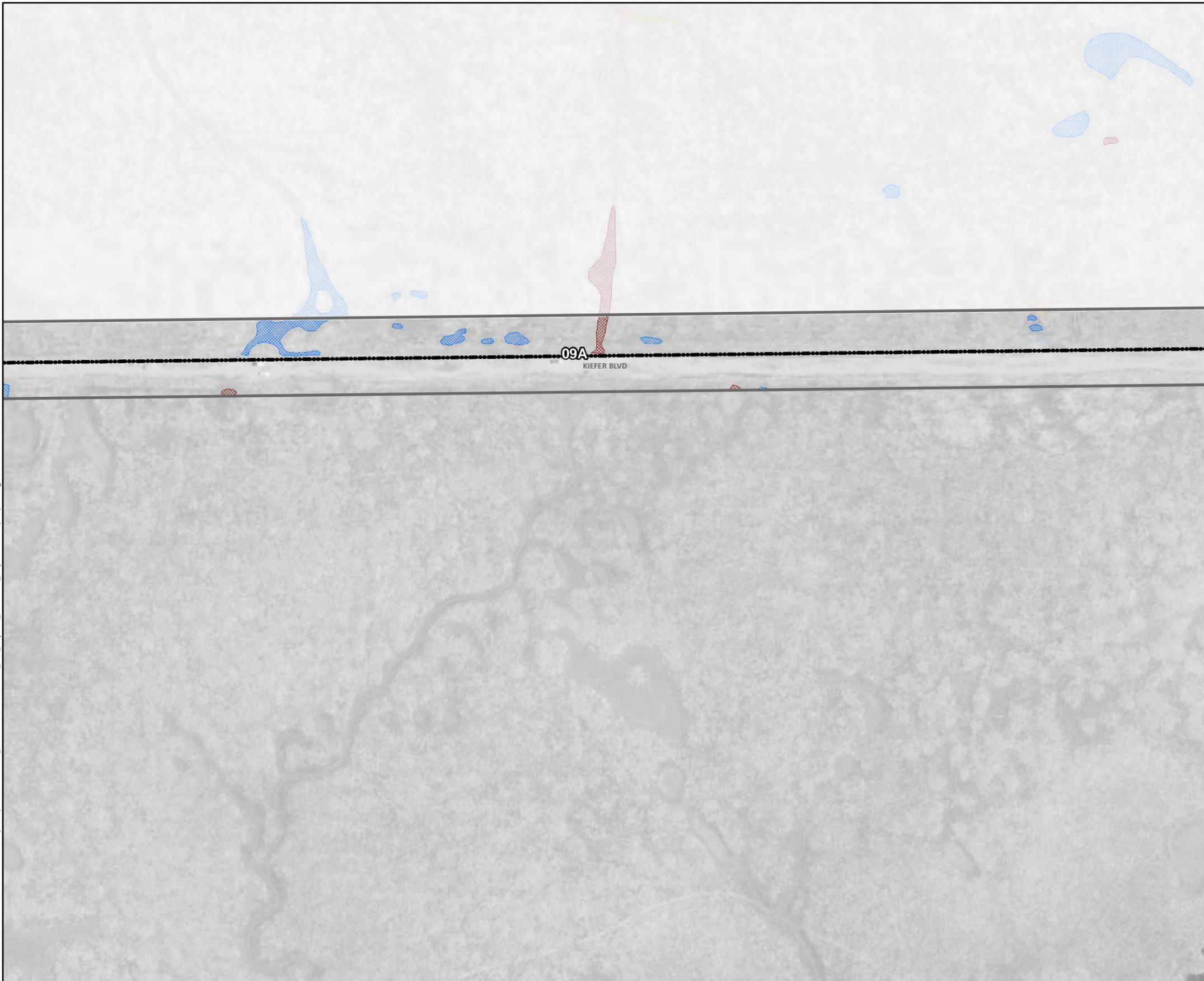


Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_Swagger\_8/21/2019



**Map Book.  
Backbone Infrastructure  
Potential Impacts to Waters of the U.S.  
(Sheet 18 of 22)**

- Map Features**
-  Specific Plan Boundary
  -  Property Boundaries
  -  Proposed Backbone
- Waters (Fill)**
-  Vernal Pool
  -  Seasonal Wetland
- Non-Jurisdictional**
-  Swale (NJ)



**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142 SunCreek SP (SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_JSwager\_8/21/2019



**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 19 of 22)**

**Map Features**

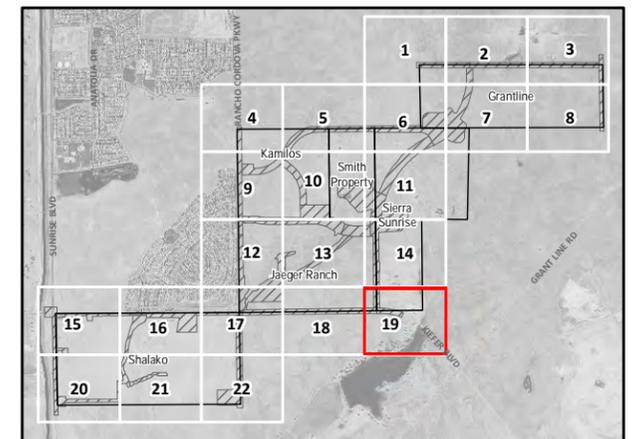
-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone

**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Pond



**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142\_SunCreek\_SP\_(SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (IDS)\_Swagger\_8/21/2019



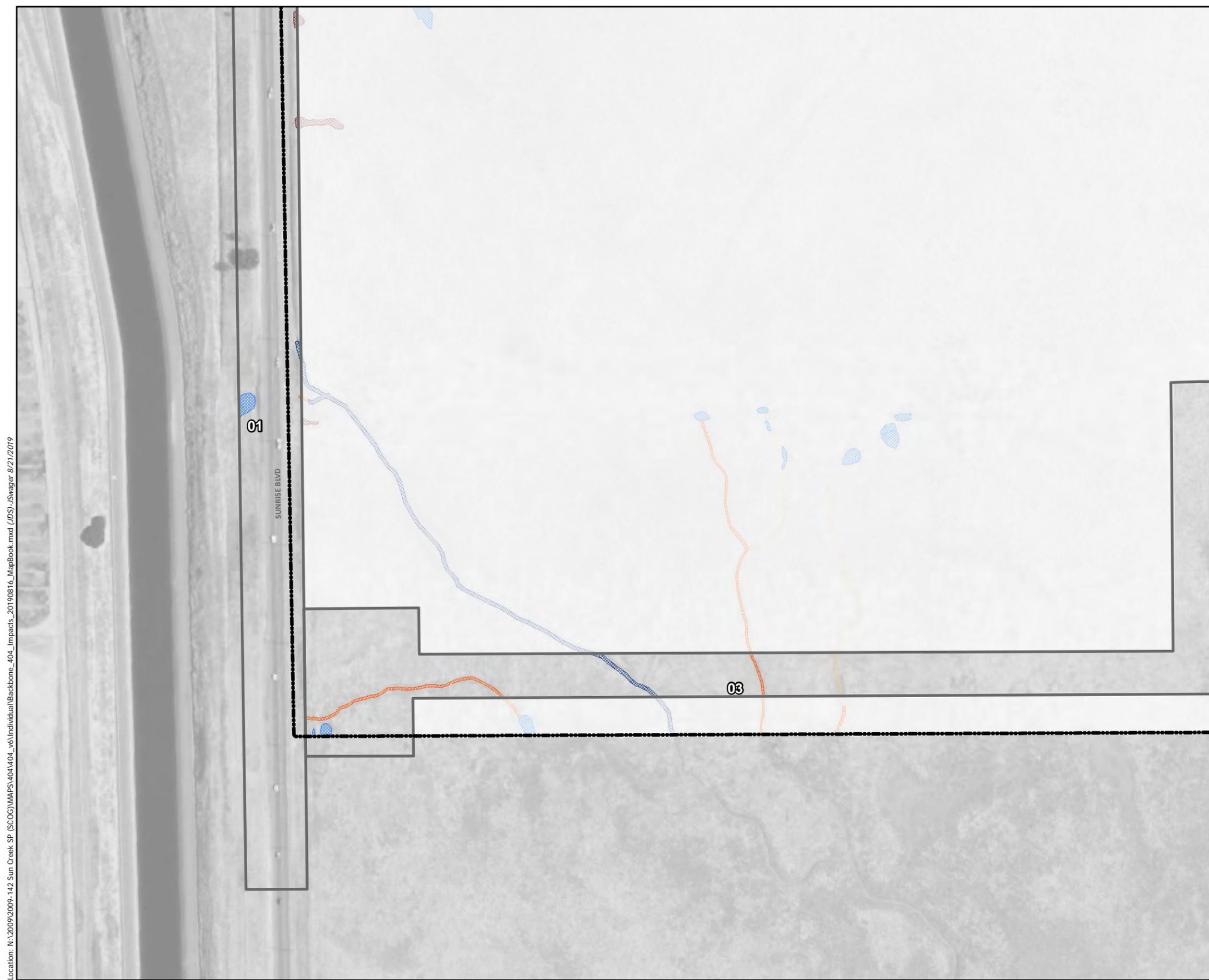
**Map Book**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 20 of 22)**

- Map Features**
-  Specific Plan Boundary
  -  Property Boundaries
  -  Proposed Backbone
- Waters (Fill)**
-  Vernal Pool
  -  Seasonal Wetland
  -  Swale
  -  Stream
- Non-Jurisdictional**
-  Swale (NJ)

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\004\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (DSS)\Swagger\_8/21/2019



**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 21 of 22)**

**Map Features**

-  Specific Plan Boundary
-  Property Boundaries
-  Proposed Backbone
-  Proposed Preserve Boundary

**Waters (No Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Stream

**Waters (Fill)**

-  Vernal Pool
-  Seasonal Wetland
-  Swale
-  Ephemeral Drainage
-  Stream

**Non-Jurisdictional**

-  Swale (NJ)

**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142\_Sun\_Creek\_SP\_(SCOG)\MAPS\04\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (DSS)\Swagger\_8/21/2019



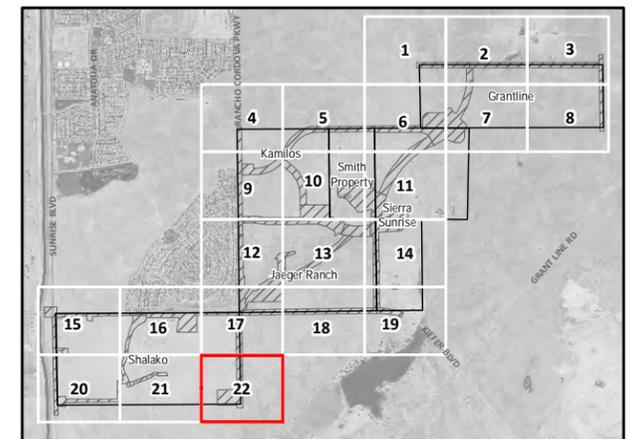
**Map Book.**  
**Backbone Infrastructure**  
**Potential Impacts to Waters of the U.S.**  
**(Sheet 22 of 22)**

**Map Features**

-  Specific Plan Boundary
  -  Property Boundaries
  -  Proposed Backbone
- Waters (Fill)**
-  Vernal Pool
  -  Swale
  -  Ephemeral Drainage
- Non-Jurisdictional**
-  Swale (NJ)



**Project Location Within Specific Plan Area**



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\04\04\_v6\Individual\Backbone\_404\_impacts\_20190816\_MapBook.mxd (DJS)-Jswager\_8/21/2019



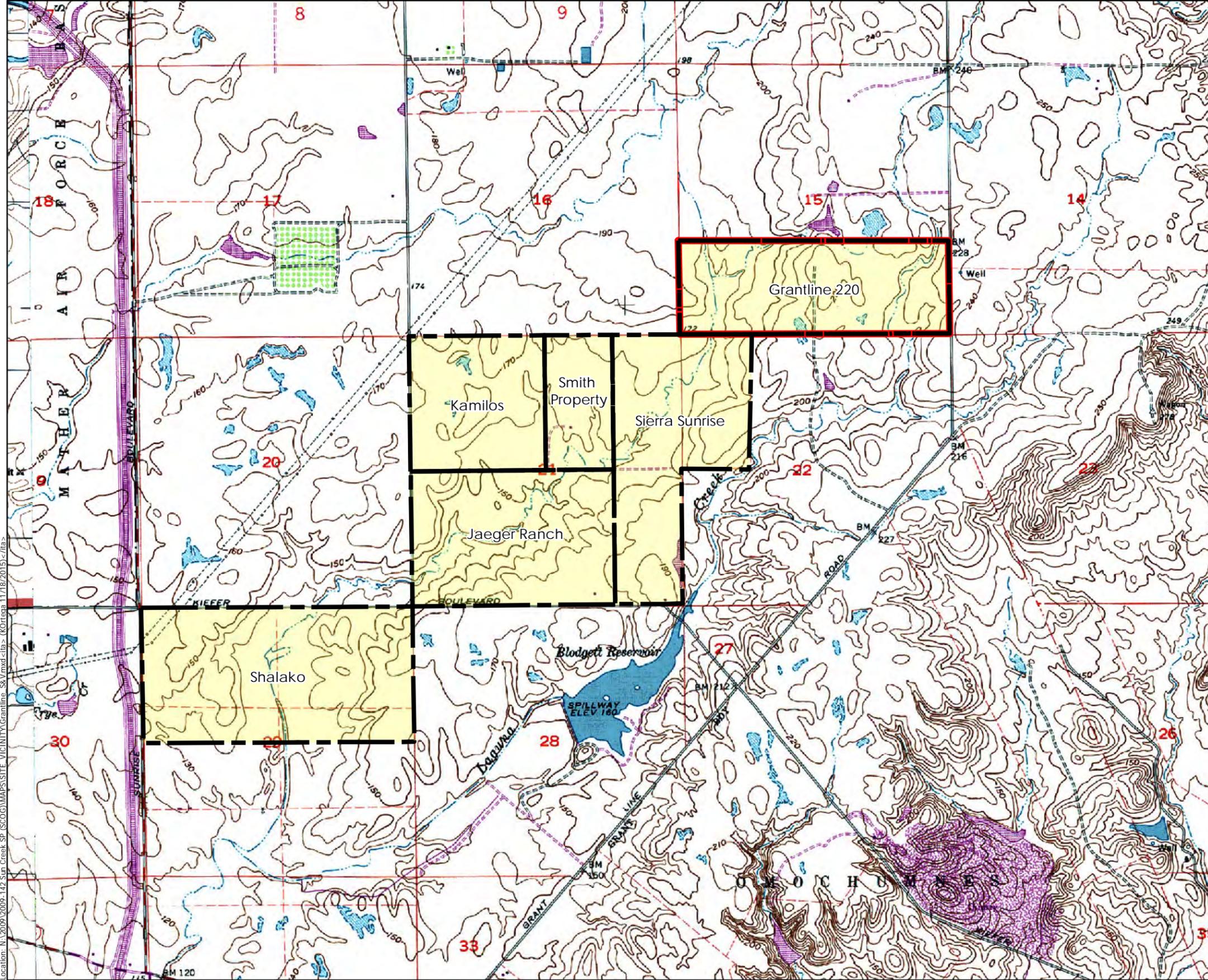
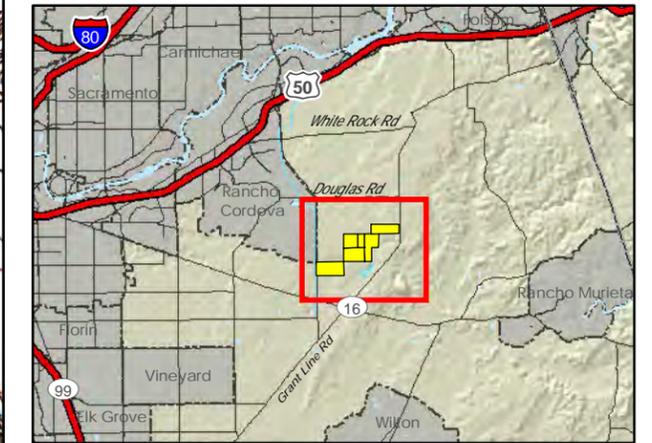
# **Grantline 220**

**Figure 1.**  
**Project Location and Vicinity**  
**Grantline 220**

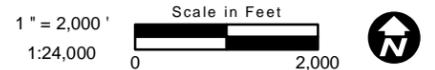
**Map Features**

-  Sun Creek Specific Plan Area
-  Grantline 220

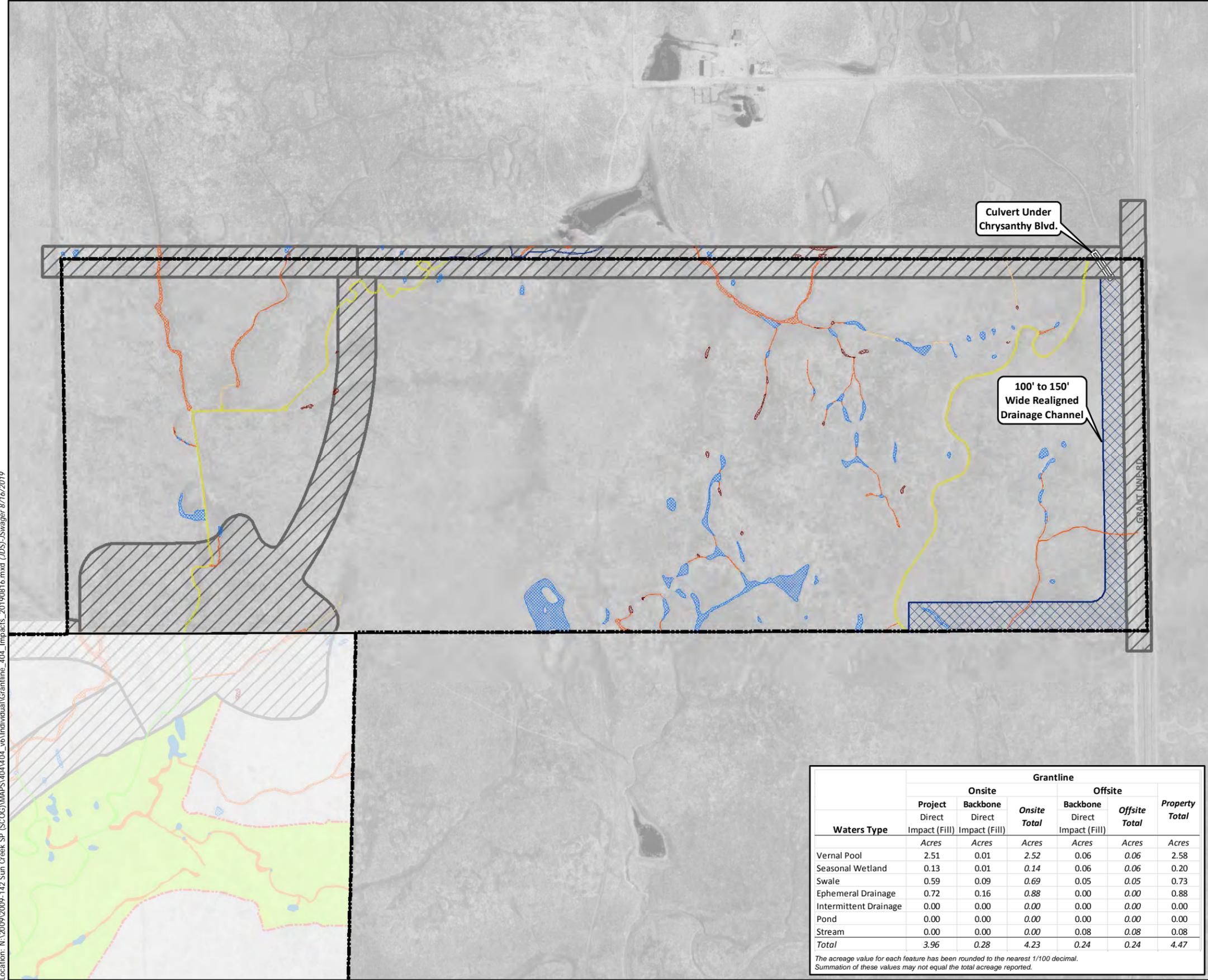
Sacramento County, California  
 §15, T.08N, R.07E, MDBM  
 Latitude: 38° 32' 32" N  
 Longitude: 121° 11' 48" W  
 Watershed: Lower Sacramento (18020163)



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\SITE VICINITY\Grantline 220.mxd - dia.s (Kortega 11/18/2015) - /lta>



**Figure 1**  
**Grantline 220 Property**  
**Potential Impacts to Waters of the U.S.**



**Map Features**

- Specific Plan Boundary
- Property Boundaries
- Proposed Backbone
- Proposed Preserve Boundary
- 100' to 150' Wide Realigned Drainage Channel
- Culvert Under Chrysanthy Blvd.

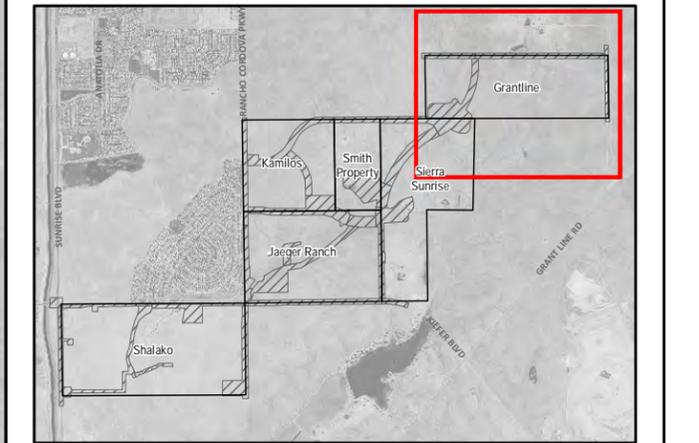
**Waters (Fill)**

- Vernal Pool
- Seasonal Wetland
- Swale
- Ephemeral Drainage
- Intermittent Drainage
- Stream

**Non-Jurisdictional**

- Swale (NJ)

**Project Location Within Specific Plan Area**



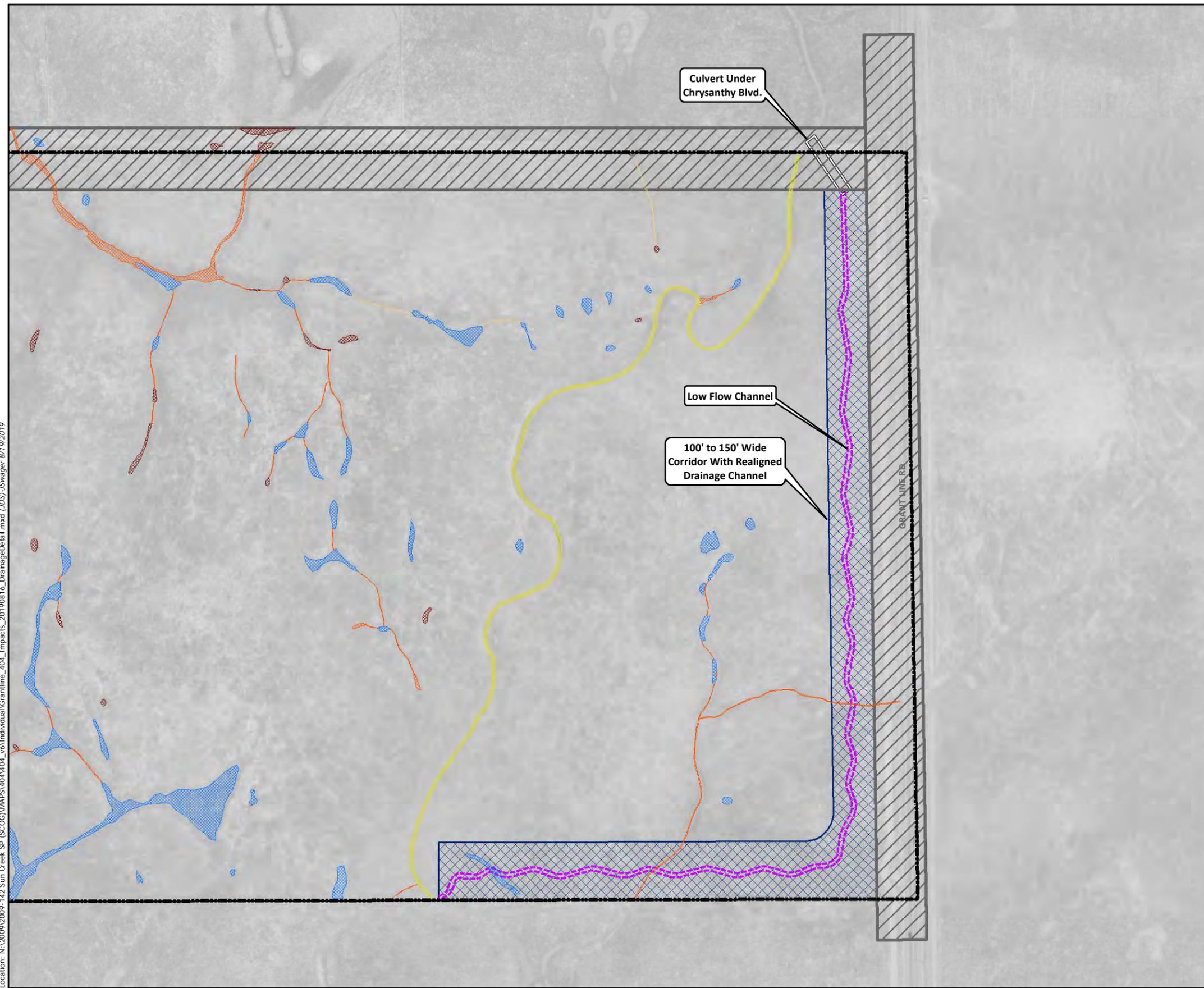
Waters Type	Grantline					Property Total
	Onsite		Onsite Total	Offsite		
	Project Direct Impact (Fill)	Backbone Direct Impact (Fill)		Backbone Direct Impact (Fill)	Offsite Total	
Vernal Pool	2.51	0.01	2.52	0.06	0.06	2.58
Seasonal Wetland	0.13	0.01	0.14	0.06	0.06	0.20
Swale	0.59	0.09	0.69	0.05	0.05	0.73
Ephemeral Drainage	0.72	0.16	0.88	0.00	0.00	0.88
Intermittent Drainage	0.00	0.00	0.00	0.00	0.00	0.00
Pond	0.00	0.00	0.00	0.00	0.00	0.00
Stream	0.00	0.00	0.00	0.08	0.08	0.08
<b>Total</b>	<b>3.96</b>	<b>0.28</b>	<b>4.23</b>	<b>0.24</b>	<b>0.24</b>	<b>4.47</b>

The acreage value for each feature has been rounded to the nearest 1/100 decimal. Summation of these values may not equal the total acreage reported.

Location: N:\2009\2009-142 SunCreek SP (SCOG)\MAPS\04A\04\_v6\Individual\Grantline\_404\_Impacts\_20190816.mxd (DS)-Svager, 8/16/2019



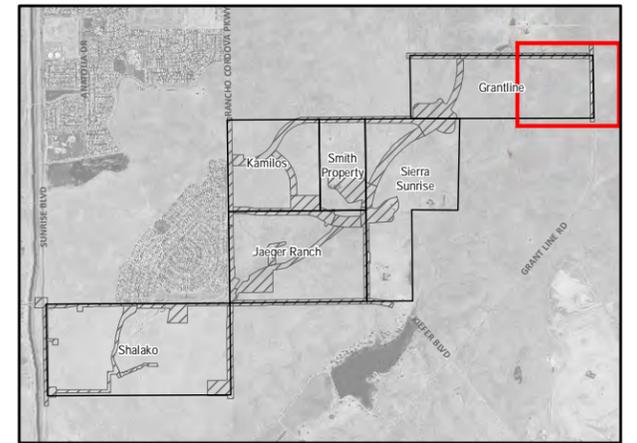
Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\04\04\_04\_v6\Individual\Grantline\_404\_Impacts\_20190816\_DrainageDetail.mxd (JDS)\Swager, 8/19/2019



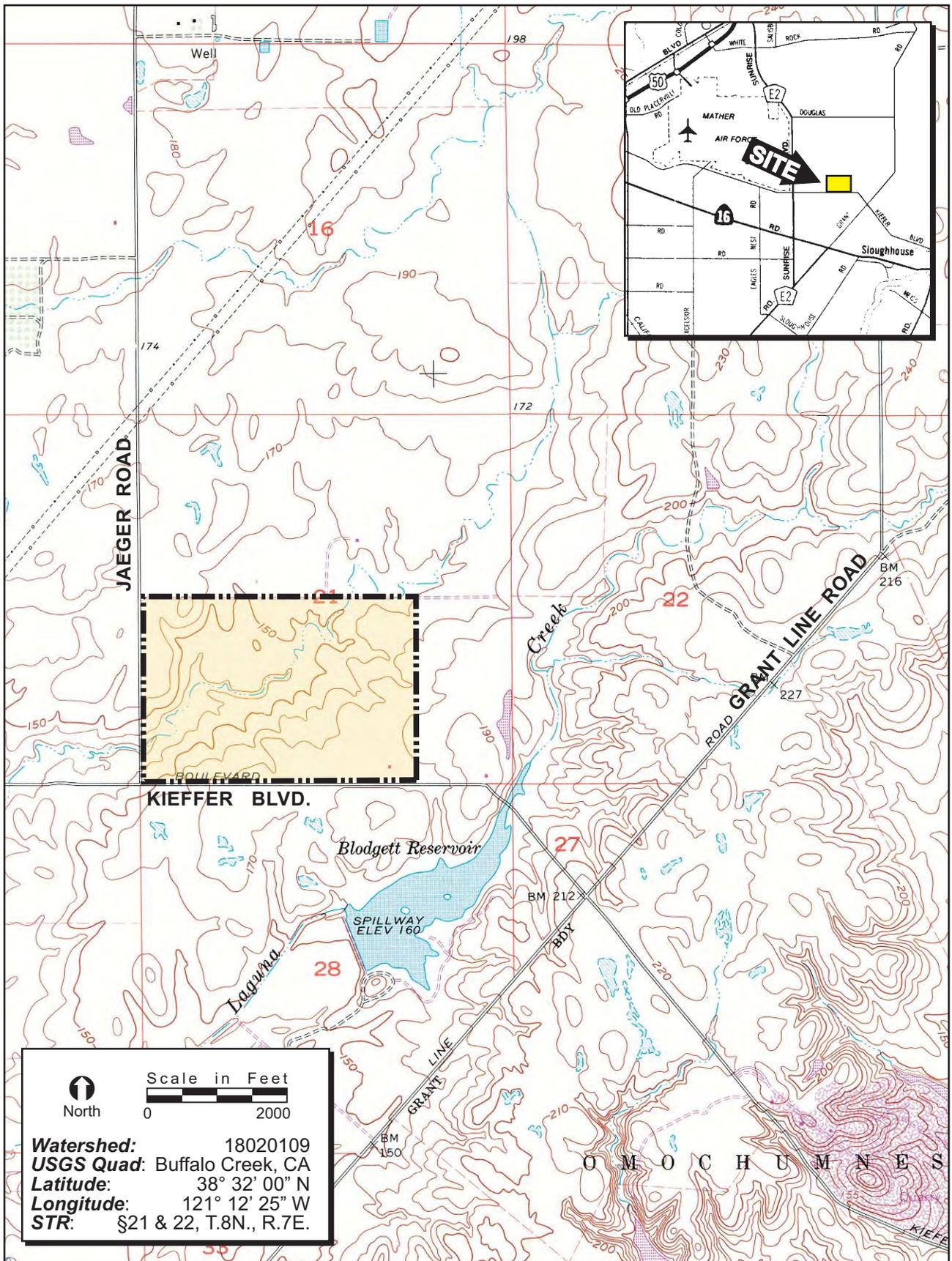
**Figure 2**  
**Grantline 220 Property**  
**Realigned Drainage Channel**

- Map Features**
- Specific Plan Boundary
  - Property Boundaries
  - Proposed Backbone
  - 100' to 150' Wide Realigned Drainage Channel
  - Culvert Under Chrysanthy Blvd.
  - Low Flow Channel
- Waters (Fill)**
- Vernal Pool
  - Seasonal Wetland
  - Swale
  - Ephemeral Drainage
- Non-Jurisdictional**
- Swale (NJ)

**Project Location Within Specific Plan Area**



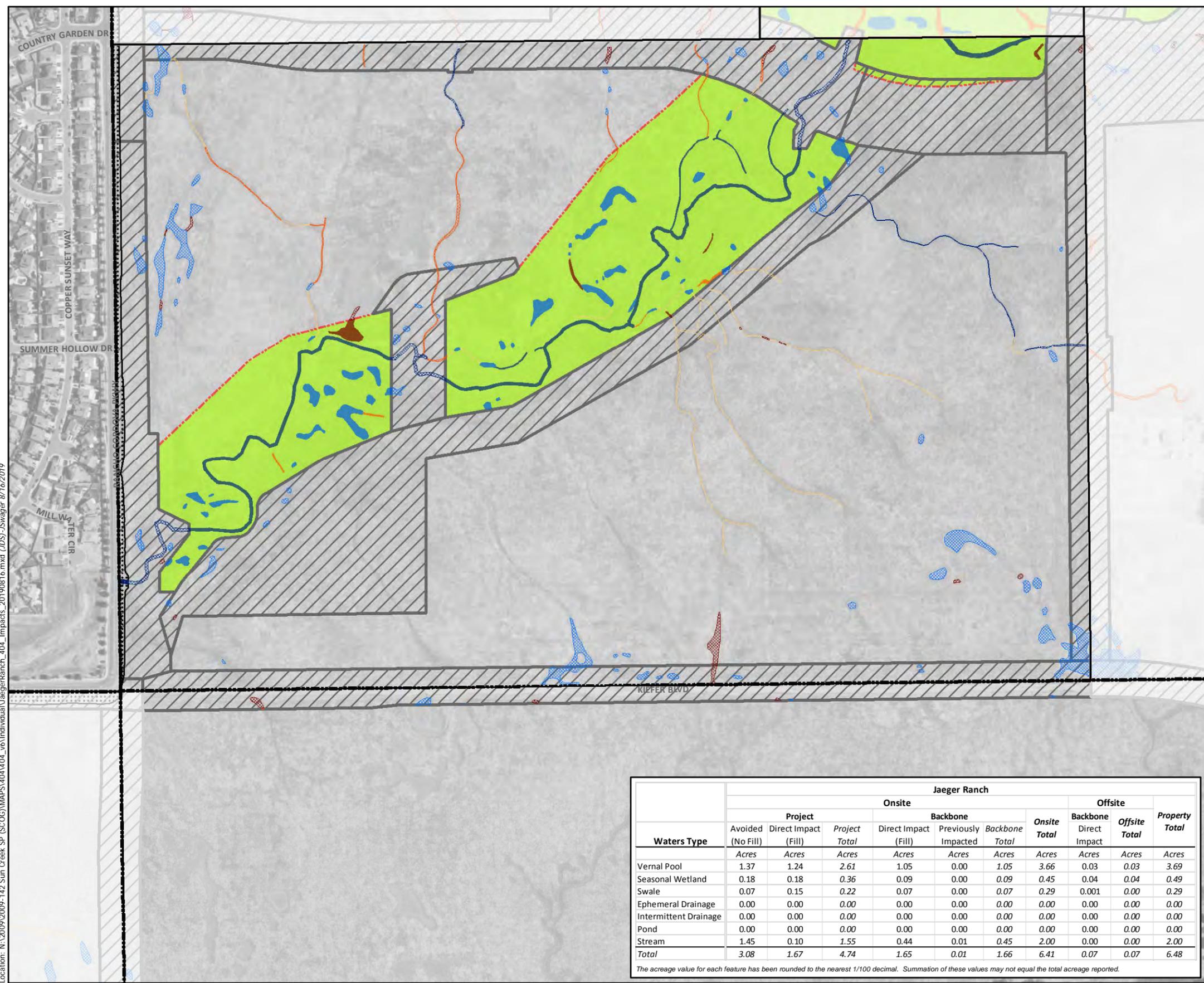
**Jaeger  
Ranch**



**FIGURE 1. Project Site and Vicinity - Jaeger Ranch**

**2009-142 SunCreek Project**

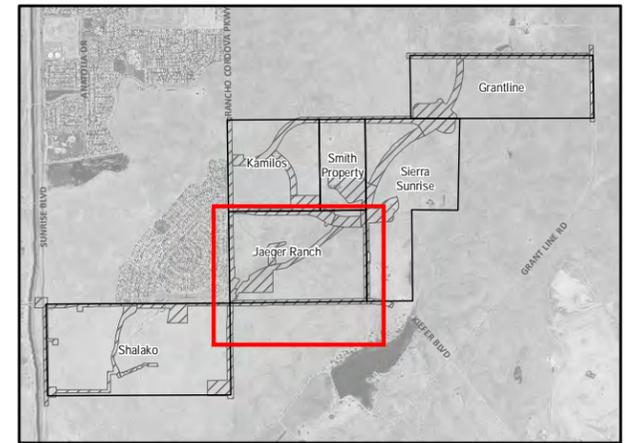
Location: N:\2009\2009-142\_SunCreek\_SP (SCOG)\MAPS\04A\04\_v6\Individual\JaegerRanch\_404\_Impacts\_20190816.mxd (JDS)\_Swages 8/16/2019



**Figure 1.**  
**Jaeger Ranch Property**  
**Potential Impacts to Waters of the U.S.**

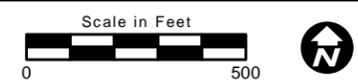
- Map Features**
- Specific Plan Boundary
  - Property Boundaries
  - Anatolia Roads Project
  - Proposed Backbone
  - Proposed Preserve Boundary
- Waters (No Fill)**
- Vernal Pool
  - Seasonal Wetland
  - Swale
  - Stream
- Waters (Fill)**
- Vernal Pool
  - Seasonal Wetland
  - Swale
  - Stream
- Waters (Previous Fill)**
- Stream
- Non-Jurisdictional**
- Swale (NJ)

**Project Location Within Specific Plan Area**



Waters Type	Jaeger Ranch										
	Onsite						Offsite				Property Total
	Project			Backbone			Onsite Total	Backbone Direct Impact	Offsite Total		
Avoided (No Fill)	Direct Impact (Fill)	Project Total	Direct Impact (Fill)	Previously Impacted	Backbone Total	Acre	Acre	Acre	Acre		
Vernal Pool	1.37	1.24	2.61	1.05	0.00	1.05	3.66	0.03	0.03	3.69	
Seasonal Wetland	0.18	0.18	0.36	0.09	0.00	0.09	0.45	0.04	0.04	0.49	
Swale	0.07	0.15	0.22	0.07	0.00	0.07	0.29	0.001	0.00	0.29	
Ephemeral Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Intermittent Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Pond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Stream	1.45	0.10	1.55	0.44	0.01	0.45	2.00	0.00	0.00	2.00	
<b>Total</b>	<b>3.08</b>	<b>1.67</b>	<b>4.74</b>	<b>1.65</b>	<b>0.01</b>	<b>1.66</b>	<b>6.41</b>	<b>0.07</b>	<b>0.07</b>	<b>6.48</b>	

The acreage value for each feature has been rounded to the nearest 1/100 decimal. Summation of these values may not equal the total acreage reported.

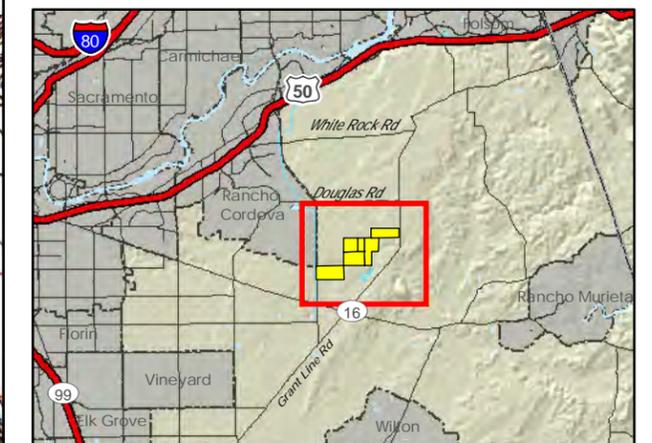
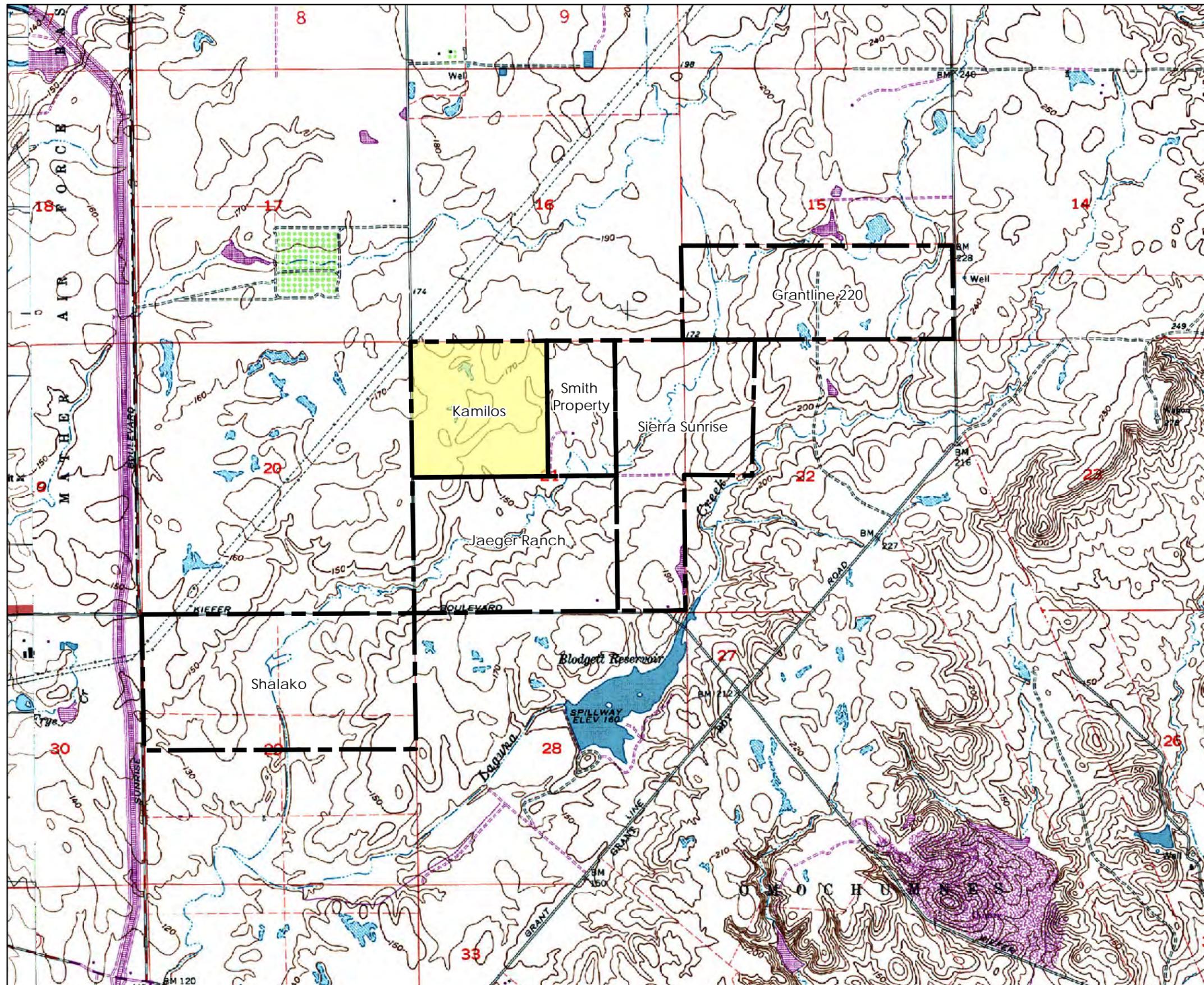


# Kamilos

**Figure 1. Kamilos Project Location and Vicinity**

**Map Features**

 Sun Creek Specific Plan Area

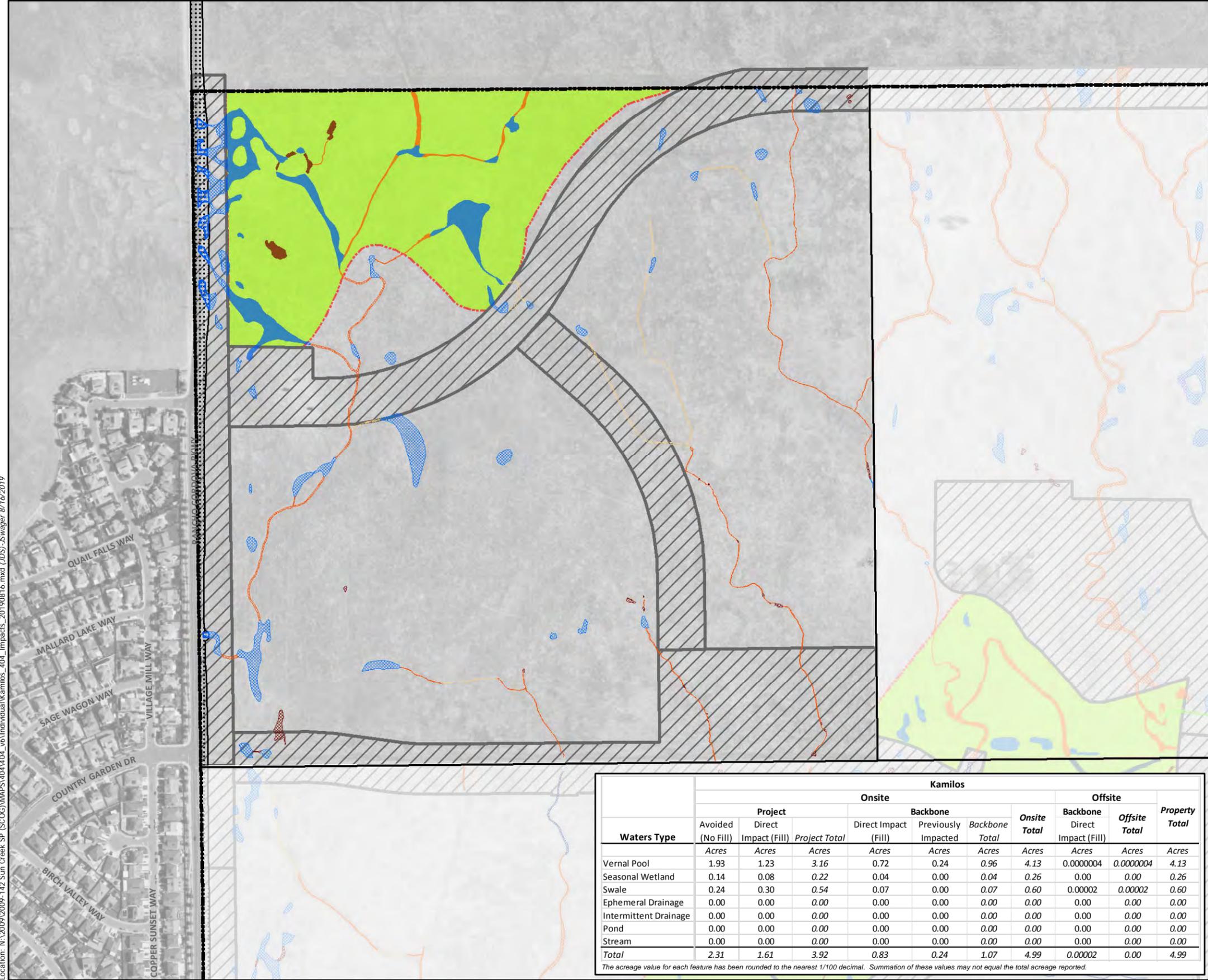


Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\SITE\_VICINITY\Kamilos\_S&V.mxd<ita> (KOrtega 8/18/2015) </ita>



Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\04\04\_04\_v6\Individual\Kamilos\_404\_Impacts\_20190816.mxd (JDS)\_Stwager\_8/16/2019

**Figure 1.**  
**Kamilos Property**  
**Potential Impacts to Waters of the U.S.**



**Map Features**

- Specific Plan Boundary
- Property Boundaries
- Anatolia Roads Project
- Proposed Backbone
- Proposed Preserve Boundary

**Waters (No Fill)**                      **Non-Jurisdictional**

- Vernal Pool
- Seasonal Wetland
- Swale
- Intermittent Drainage
- Stream
- Swale (NJ)

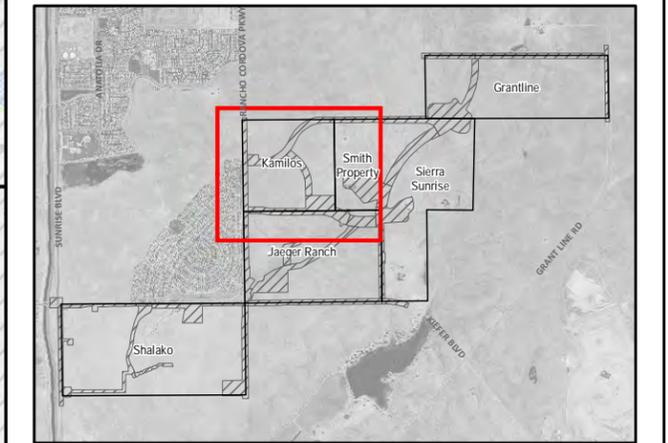
**Waters (Fill)**

- Vernal Pool
- Seasonal Wetland
- Swale
- Intermittent Drainage
- Stream

**Waters (Previous Fill)**

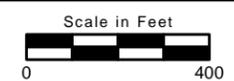
- Vernal Pool

**Project Location Within Specific Plan Area**



Waters Type	Kamilos									
	Project			Onsite			Offsite			Property Total
	Avoided (No Fill)	Direct Impact (Fill)	Project Total	Direct Impact (Fill)	Previously Impacted	Backbone Total	Onsite Total	Backbone Direct Impact (Fill)	Offsite Total	
Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	
Vernal Pool	1.93	1.23	3.16	0.72	0.24	0.96	4.13	0.0000004	0.0000004	4.13
Seasonal Wetland	0.14	0.08	0.22	0.04	0.00	0.04	0.26	0.00	0.00	0.26
Swale	0.24	0.30	0.54	0.07	0.00	0.07	0.60	0.00002	0.00002	0.60
Ephemeral Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Intermittent Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Stream	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total</b>	<b>2.31</b>	<b>1.61</b>	<b>3.92</b>	<b>0.83</b>	<b>0.24</b>	<b>1.07</b>	<b>4.99</b>	<b>0.00002</b>	<b>0.00</b>	<b>4.99</b>

The acreage value for each feature has been rounded to the nearest 1/100 decimal. Summation of these values may not equal the total acreage reported.

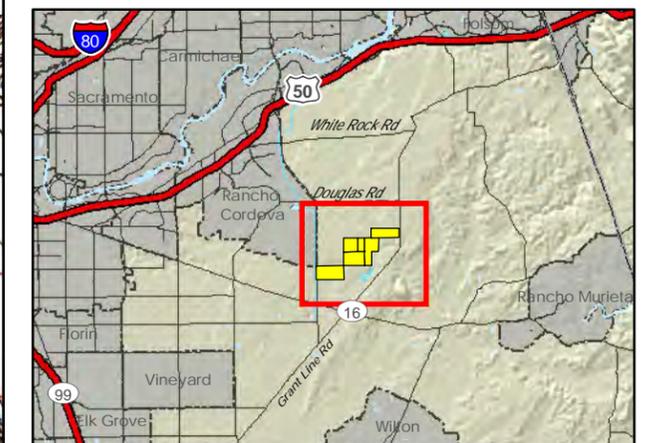
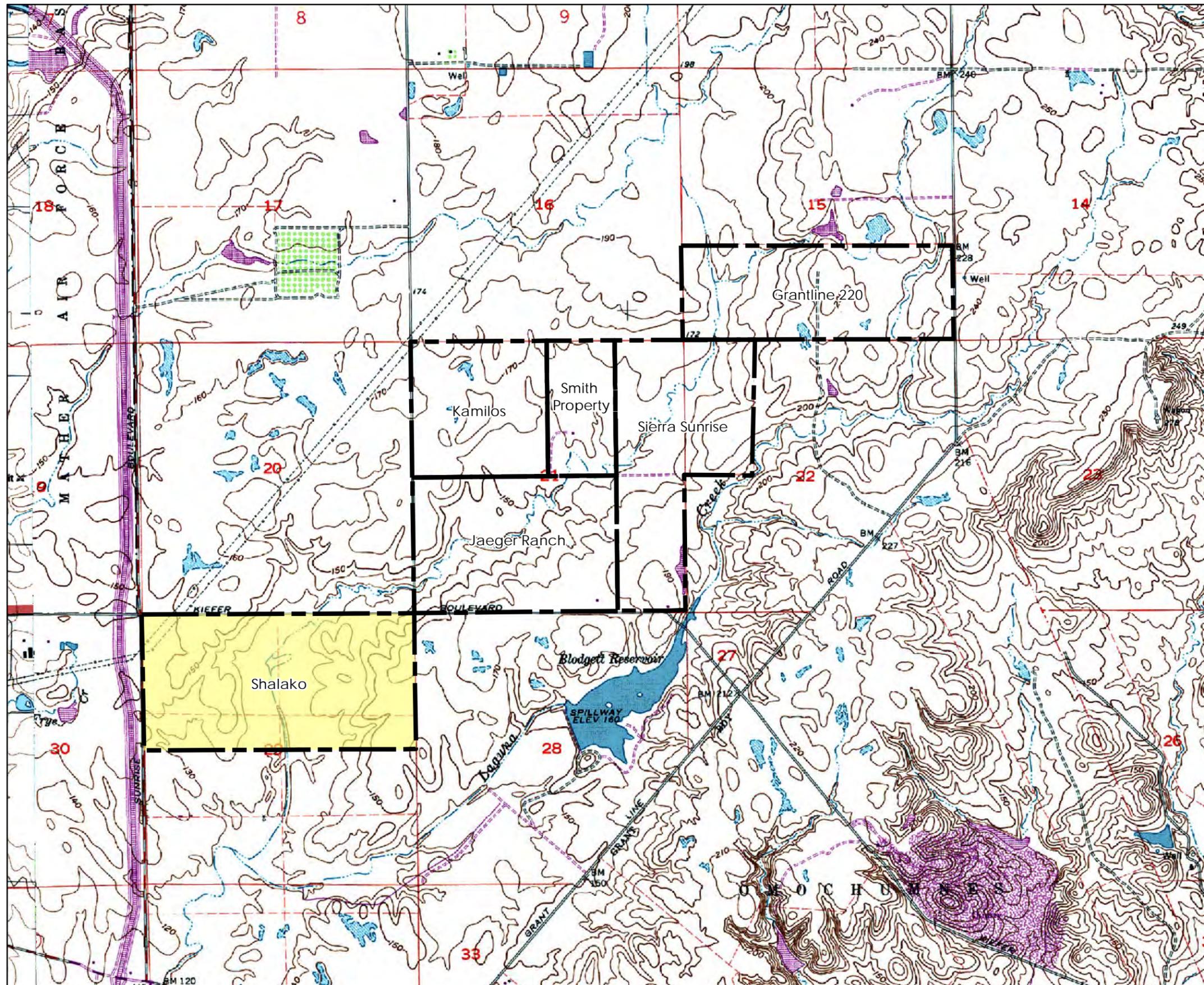


# Shalako

**Figure 1. Shalako Project Location and Vicinity**

**Map Features**

 Sun Creek Specific Plan Area



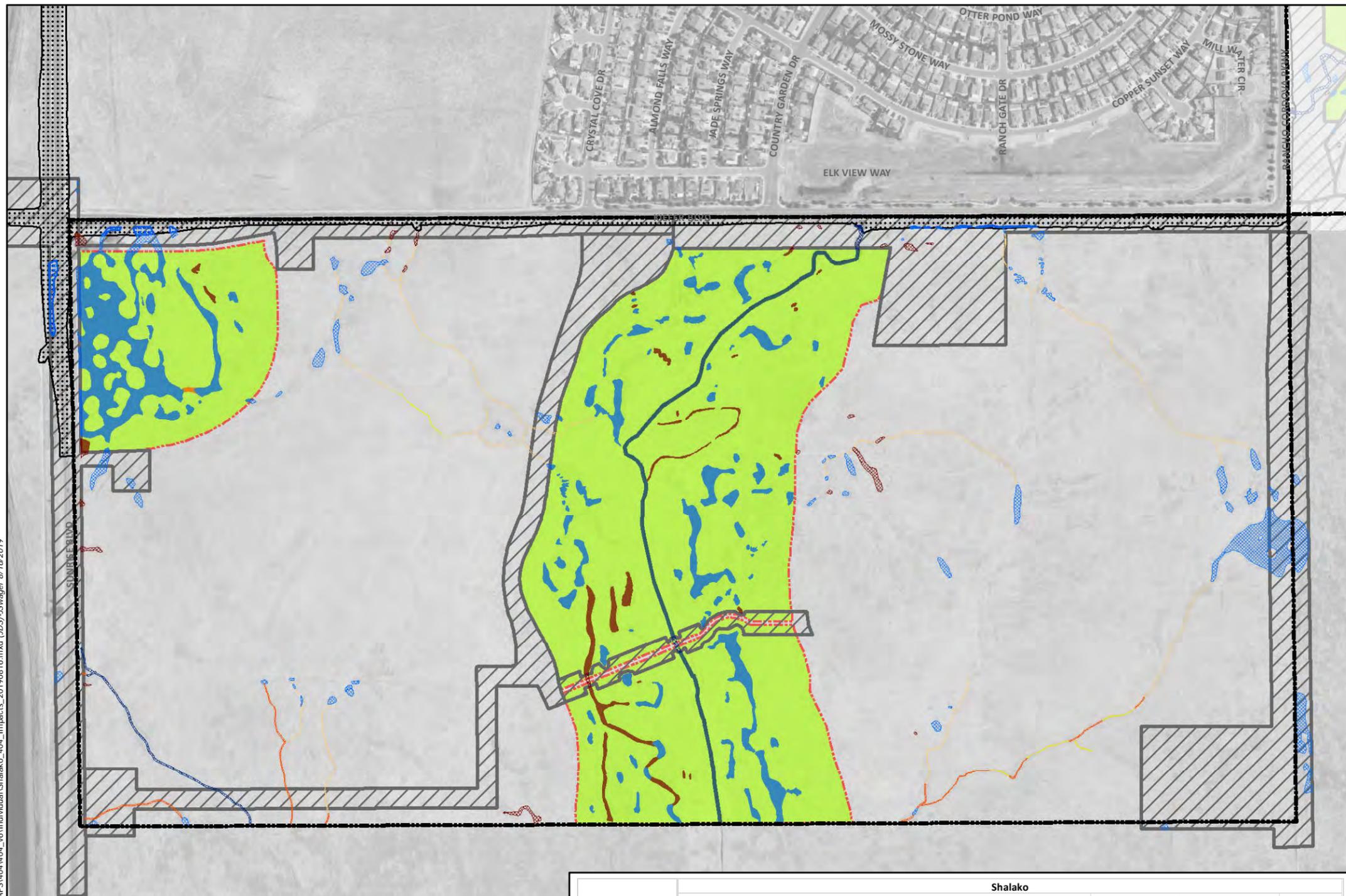
 **ECORP Consulting, Inc.**  
ENVIRONMENTAL CONSULTANTS

Map Date: 8/18/2015  
USGS: Buffalo Creek 7.5' Quadrangle

Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\SITE\_VICINITY\Shalako\_S&V.mxd<ita> (Kortega 8/18/2015) </ita>



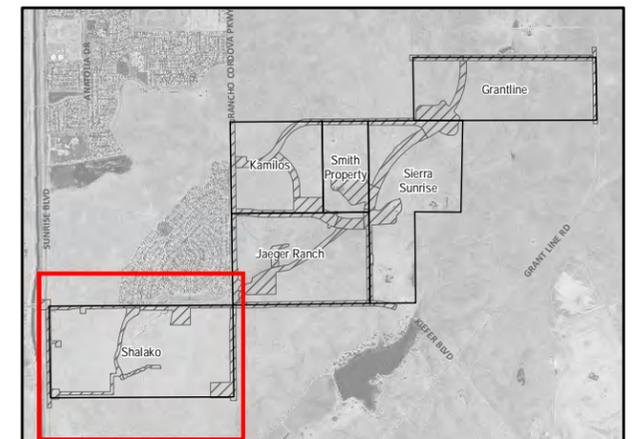
**Figure 1.**  
**Shalako Property**  
**Potential Impacts to Waters of the U.S.**



**Map Features**

- Specific Plan Boundary
  - Property Boundaries
  - Anatolia Roads Project
  - Proposed Backbone
  - Proposed Preserve Boundary
- |                         |                    |                               |                  |
|-------------------------|--------------------|-------------------------------|------------------|
| <b>Waters (No Fill)</b> |                    | <b>Waters (Previous Fill)</b> |                  |
| Vernal Pool             | Seasonal Wetland   | Vernal Pool                   | Seasonal Wetland |
| Swale                   | Stream             | Stream                        |                  |
| <b>Waters (Fill)</b>    |                    | <b>Non-Jurisdictional</b>     |                  |
| Vernal Pool             | Seasonal Wetland   | Swale (NJ)                    |                  |
| Swale                   | Ephemeral Drainage |                               |                  |
| Stream                  |                    |                               |                  |

**Project Location Within Specific Plan Area**



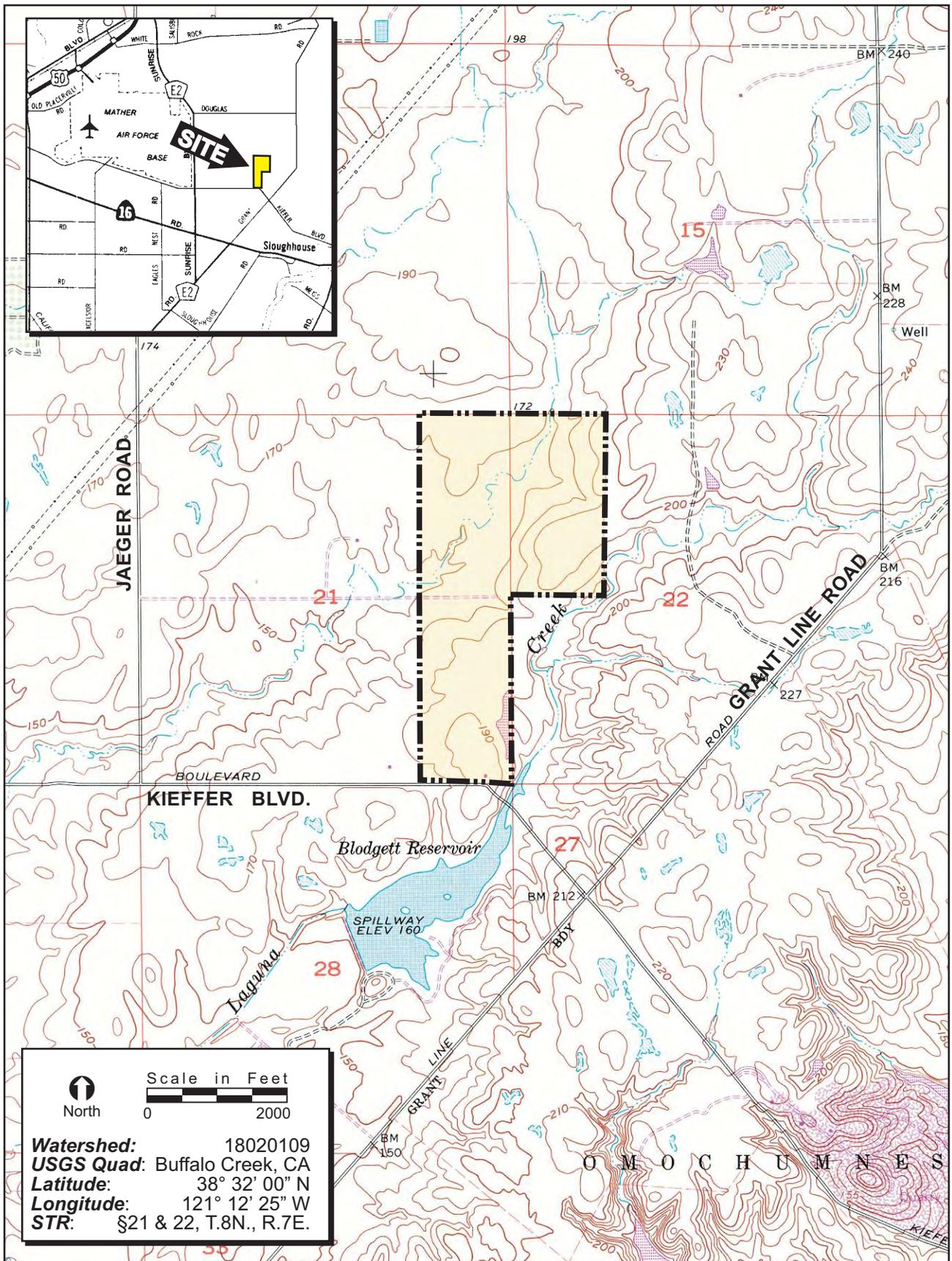
Waters Type	Shalako											
	Project			Onsite				Offsite				Property Total
	Avoided (No Fill)	Direct Impact (Fill)	Project Total	Direct Impact (Fill)	Previously Impacted (Filled)	Backbone Total	Onsite Total	Direct Impact (Fill)	Previously Impacted (Filled)	Offsite Total		
Vernal Pool	8.02	1.67	9.69	0.83	0.14	0.97	10.65	0.66	0.15	0.80	11.46	
Seasonal Wetland	1.09	0.27	1.36	0.14	0.004	0.14	1.50	0.00	0.00	0.00	1.50	
Swale	0.02	0.15	0.17	0.06	0.00	0.06	0.22	0.00	0.00	0.00	0.22	
Ephemeral Drainage	0.00	0.04	0.04	0.00	0.00	0.00	0.04	0.00	0.00	0.00	0.04	
Intermittent Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Pond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Stream	1.09	0.16	1.25	0.09	0.00	0.09	1.34	0.00	0.00	0.00	1.34	
<b>Total</b>	<b>10.22</b>	<b>2.27</b>	<b>12.50</b>	<b>1.11</b>	<b>0.15</b>	<b>1.26</b>	<b>13.76</b>	<b>0.66</b>	<b>0.15</b>	<b>0.80</b>	<b>14.56</b>	

*The acreage value for each feature has been rounded to the nearest 1/100 decimal. Summation of these values may not equal the total acreage reported.*

Location: N:\2009\2009-142 Sun Creek SP (SCOG)\MAPS\004\04\_v6\Individual\Shalako\_04\_Impacts\_20190816.mxd (JDS)\_Swager\_8/16/2019



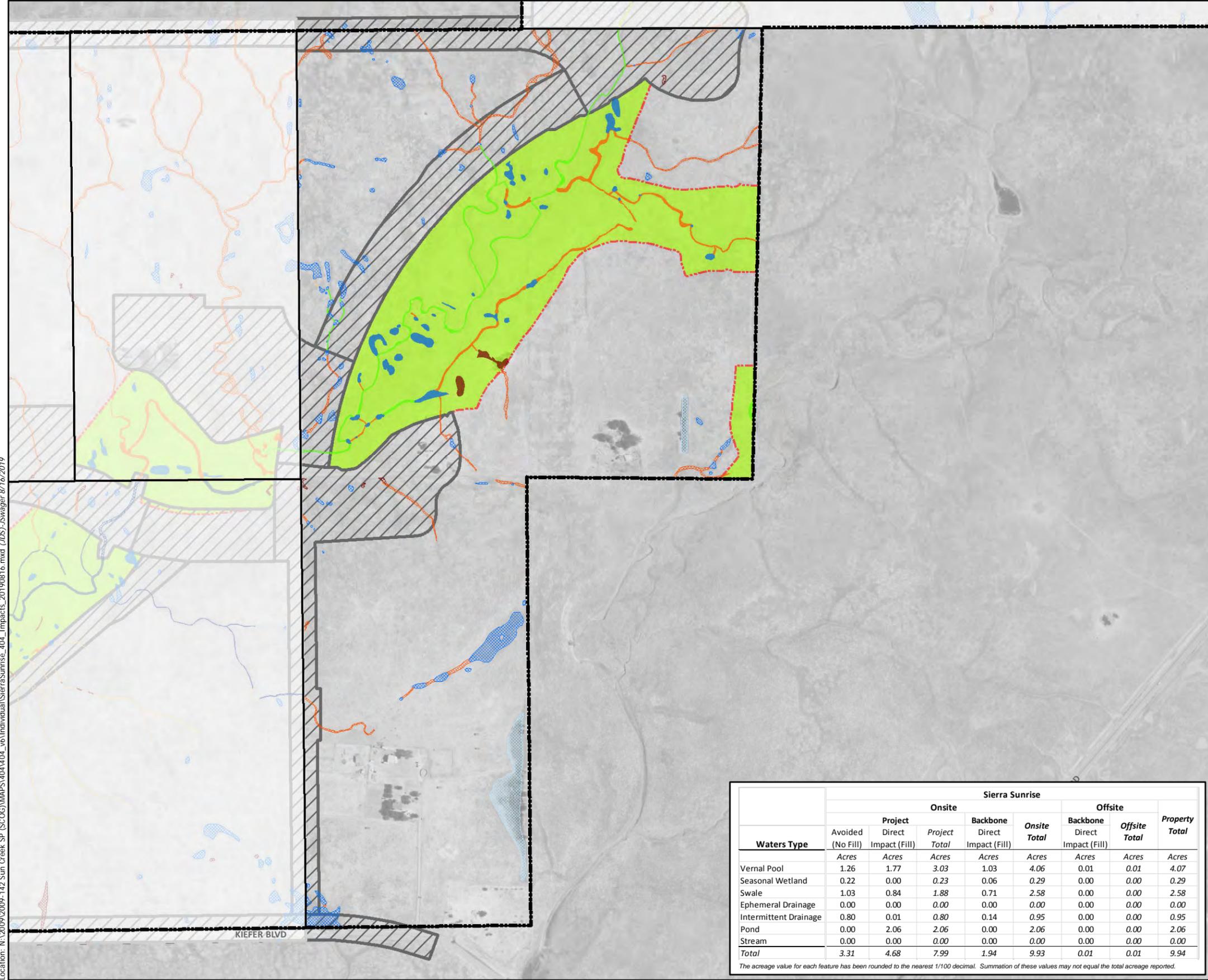
# **Sierra Sunrise**



**FIGURE 1. Project Site and Vicinity - Sierra Sunrise**

Location: N:\2009\2009-142\_SunCreek\_SP (SCOG)\MAPS\04A\04\_v6\Individual\SierraSunrise\_04\_Impacts\_20190816.mxd (JDS)\_Swager 8/16/2019

**Figure 1.**  
**Sierra Sunrise Property**  
**Potential Impacts to Waters of the U.S.**



**Map Features**

- Specific Plan Boundary
- Property Boundaries
- Proposed Backbone
- Proposed Preserve Boundary

**Waters (No Fill)**

- Vernal Pool
- Seasonal Wetland
- Swale
- Intermittent Drainage
- Stream

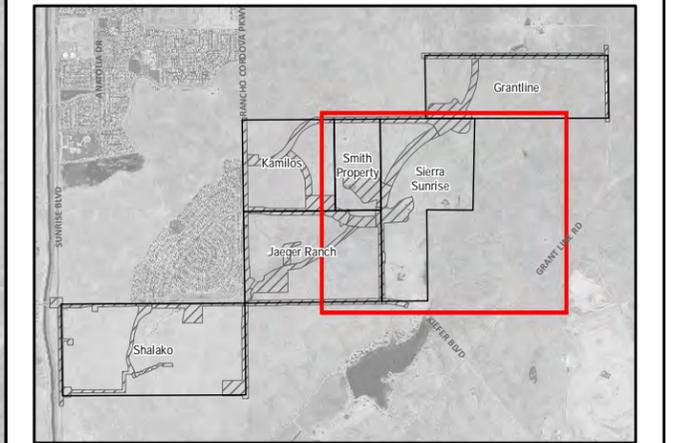
**Waters (Fill)**

- Vernal Pool
- Seasonal Wetland
- Swale
- Ephemeral Drainage
- Intermittent Drainage
- Pond
- Stream

**Non-Jurisdictional**

- Swale (NJ)

**Project Location Within Specific Plan Area**

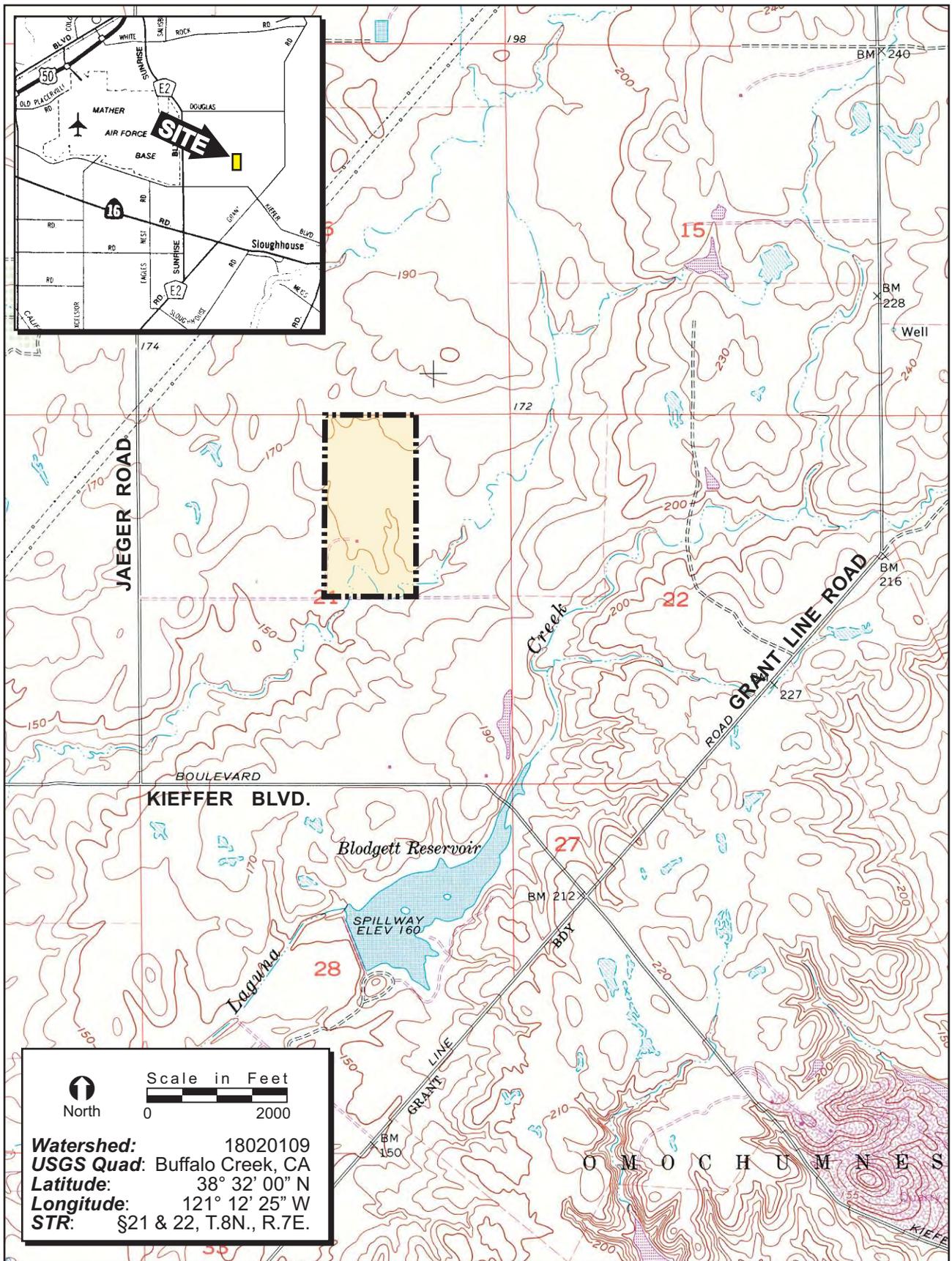


Waters Type	Sierra Sunrise								
	Onsite				Offsite				Property Total
	Avoided (No Fill)	Project Direct Impact (Fill)	Project Total	Backbone Direct Impact (Fill)	Onsite Total	Backbone Direct Impact (Fill)	Offsite Total		
Vernal Pool	1.26	1.77	3.03	1.03	4.06	0.01	0.01	4.07	
Seasonal Wetland	0.22	0.00	0.23	0.06	0.29	0.00	0.00	0.29	
Swale	1.03	0.84	1.88	0.71	2.58	0.00	0.00	2.58	
Ephemeral Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Intermittent Drainage	0.80	0.01	0.80	0.14	0.95	0.00	0.00	0.95	
Pond	0.00	2.06	2.06	0.00	2.06	0.00	0.00	2.06	
Stream	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Total</b>	<b>3.31</b>	<b>4.68</b>	<b>7.99</b>	<b>1.94</b>	<b>9.93</b>	<b>0.01</b>	<b>0.01</b>	<b>9.94</b>	

The acreage value for each feature has been rounded to the nearest 1/100 decimal. Summation of these values may not equal the total acreage reported.



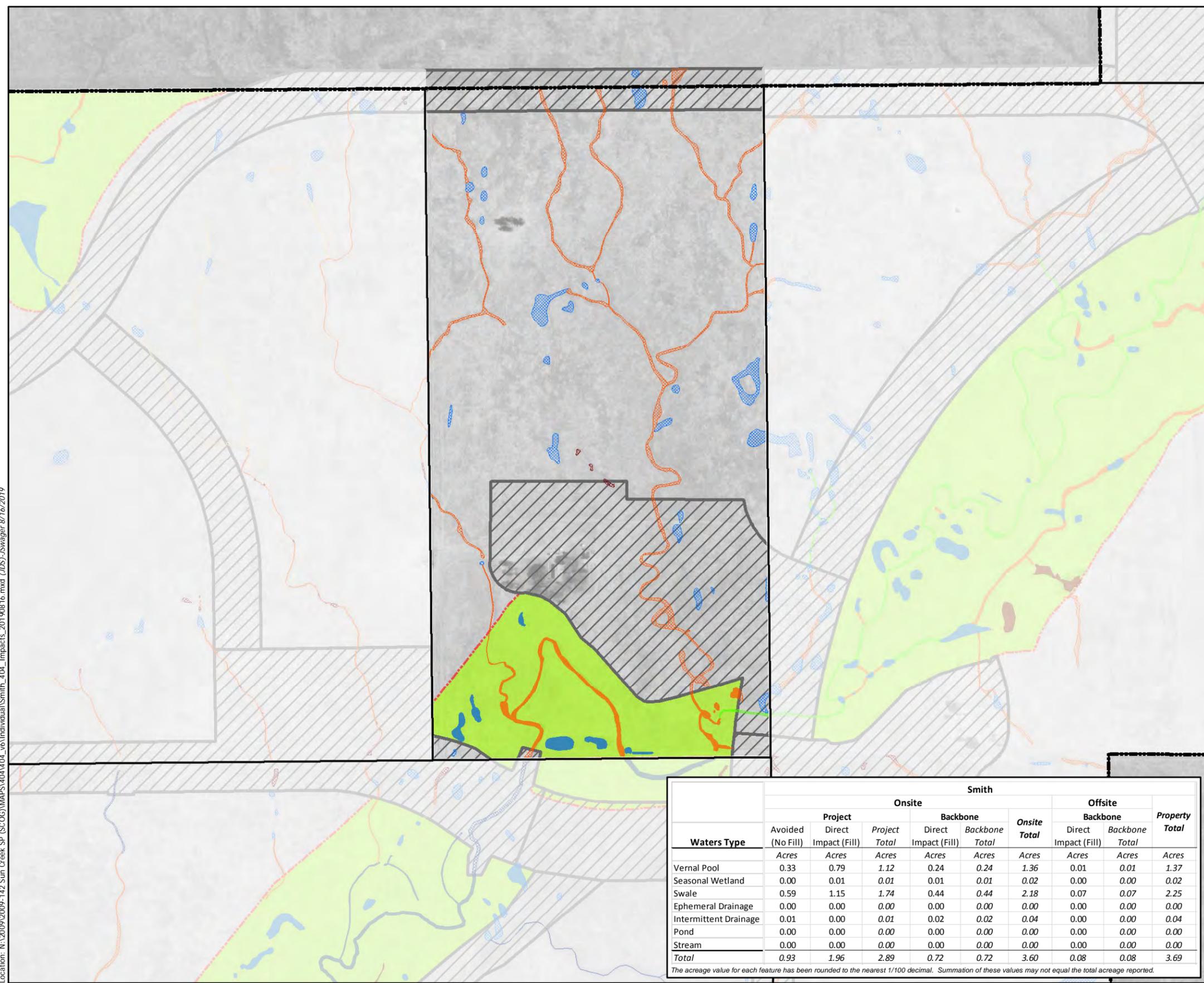
**Smith**



**FIGURE 1. Project Site and Vicinity - Smith**

Location: N:\2009\2009-142 SunCreek SP (SCOG)\MAPS\04\04\_v6\Individual\Smith\_404\_Impacts\_20190816.mxd (JDS)\Svager 8/16/2019

**Figure 1.**  
**Smith Property**  
**Potential Impacts to Waters of the U.S.**



**Map Features**

- Specific Plan Boundary
- Property Boundaries
- Proposed Backbone
- Proposed Preserve Boundary

**Waters (No Fill)**

- Vernal Pool
- Seasonal Wetland
- Swale
- Intermittent Drainage
- Stream

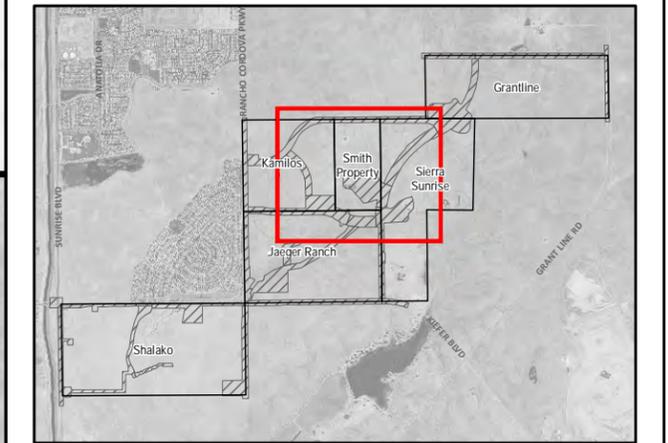
**Waters (Fill)**

- Vernal Pool
- Seasonal Wetland
- Swale
- Intermittent Drainage
- Stream

**Non-Jurisdictional**

- Swale (NJ)

**Project Location Within Specific Plan Area**



Waters Type	Smith									
	Onsite						Offsite			Property Total
	Avoided (No Fill)	Direct Impact (Fill)	Project Total	Direct Impact (Fill)	Backbone Total	Onsite Total	Direct Impact (Fill)	Backbone Total		
Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres		
Vernal Pool	0.33	0.79	1.12	0.24	0.24	1.36	0.01	0.01	1.37	
Seasonal Wetland	0.00	0.01	0.01	0.01	0.01	0.02	0.00	0.00	0.02	
Swale	0.59	1.15	1.74	0.44	0.44	2.18	0.07	0.07	2.25	
Ephemeral Drainage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Intermittent Drainage	0.01	0.00	0.01	0.02	0.02	0.04	0.00	0.00	0.04	
Pond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Stream	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Total</b>	<b>0.93</b>	<b>1.96</b>	<b>2.89</b>	<b>0.72</b>	<b>0.72</b>	<b>3.60</b>	<b>0.08</b>	<b>0.08</b>	<b>3.69</b>	

The acreage value for each feature has been rounded to the nearest 1/100 decimal. Summation of these values may not equal the total acreage reported.

