

# **APPENDIX A**

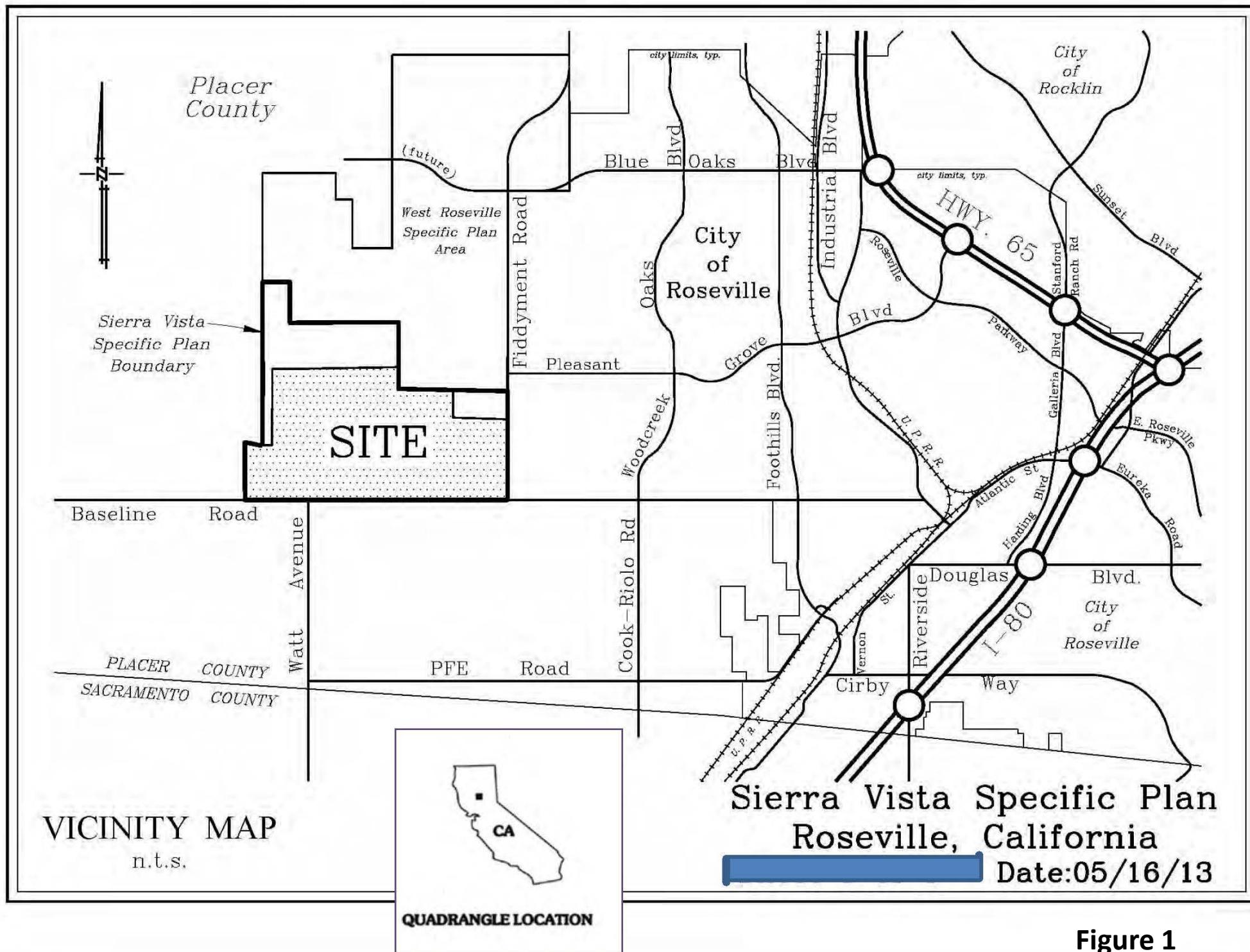
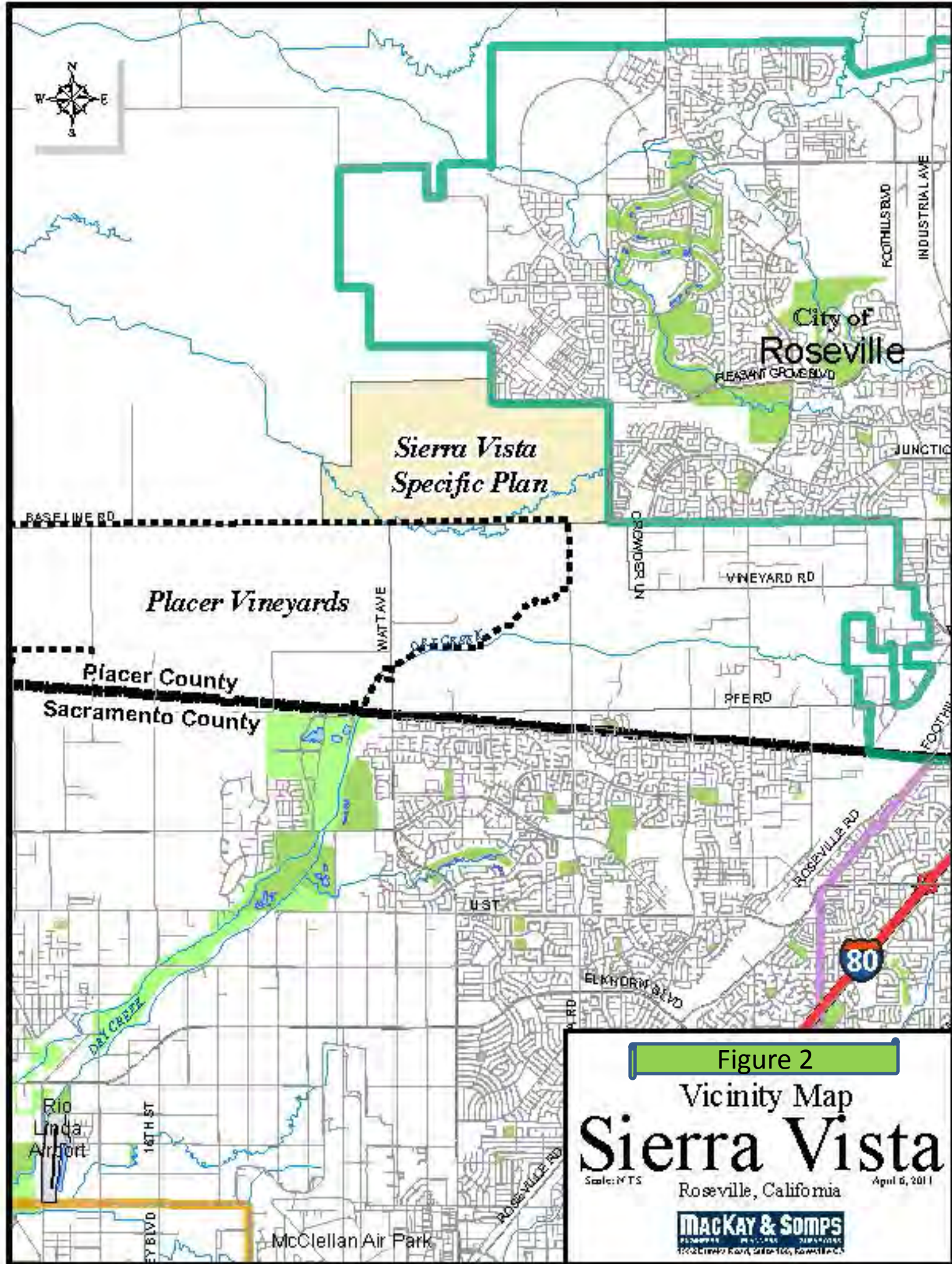


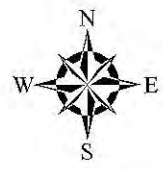
Figure 1





**Figure 2**  
**Vicinity Map**  
**Sierra Vista**  
Roseville, California  
Scale: N.T.S.  
April 6, 2011  
**MAC KAY & SOMPS**  
PLANNERS ENGINEERS ARCHITECTS





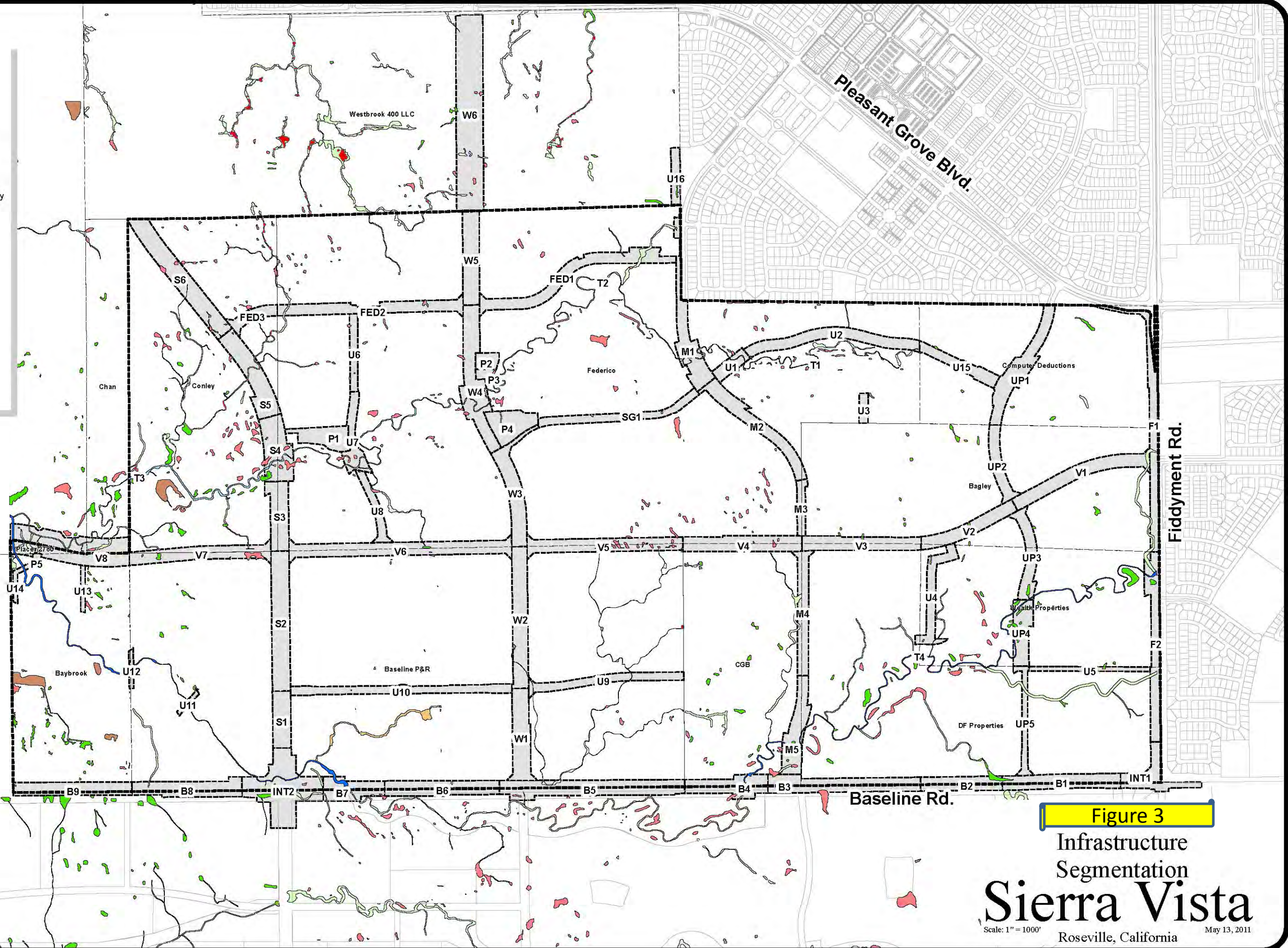
0 500 1,000  
Feet

**Legend**

- Sierra Vista Specific Plan Boundary
- Property Lines
- Infrastructure Segment

**Wetland Type**

- Ephemeral Stream
- Intermittent Drainage
- Intermittent Stream
- Perennial Marsh
- Perennial Stream
- Pond
- Seasonal Wetland
- Vernal Pool
- Wetland Swale
- Swale Depressional



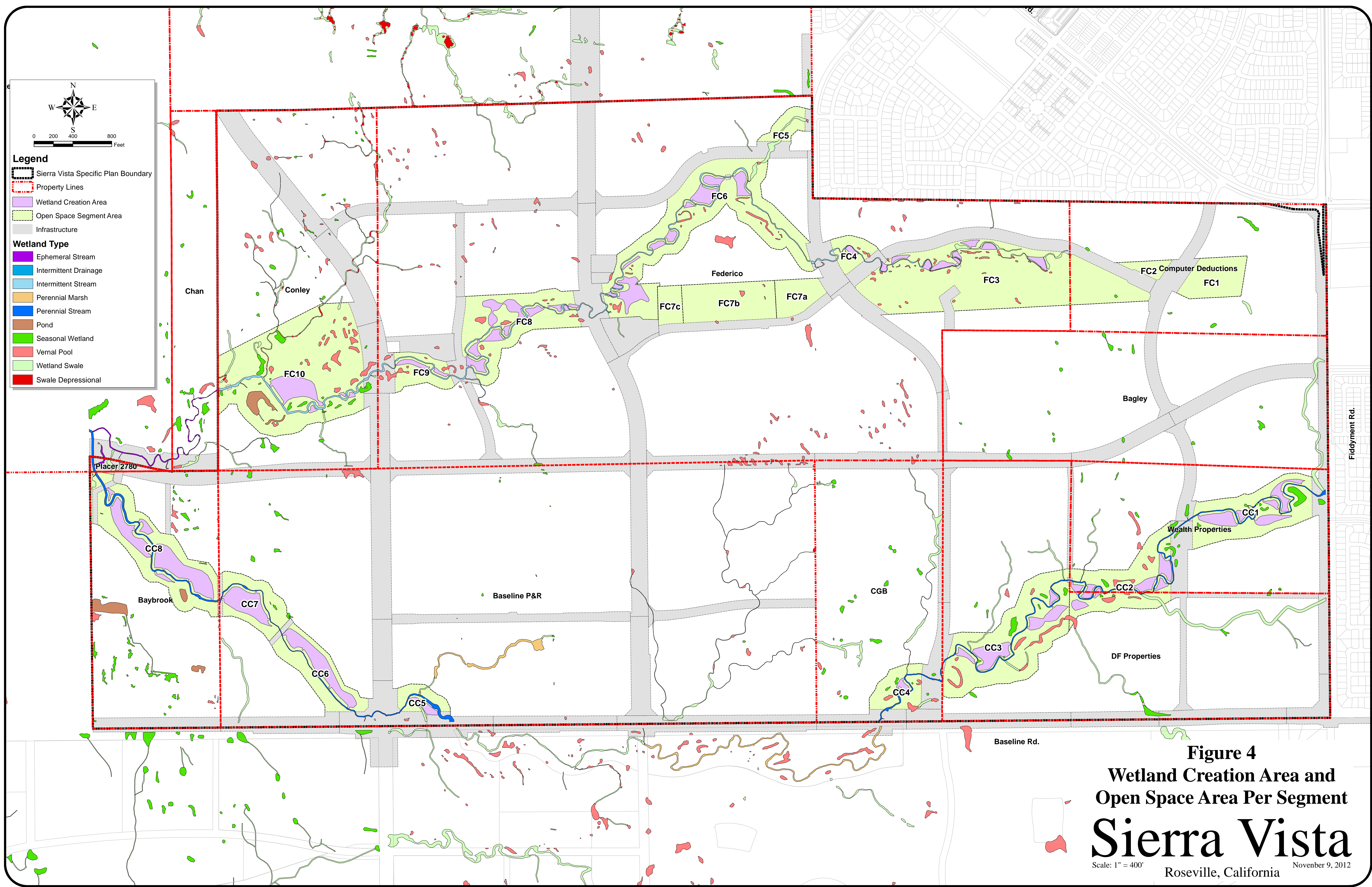
**Figure 3**

Infrastructure  
Segmentation

**Sierra Vista**

Scale: 1" = 1000'  
Roseville, California May 13, 2011





**Figure 4**  
**Wetland Creation Area and**  
**Open Space Area Per Segment**  
**Sierra Vista**  
Scale: 1" = 400'  
Roseville, California November 9, 2012



# **APPENDIX B**



## **Exhibit A – Backbone Infrastructure**

The proposed RGP would authorize construction of discreet segments of backbone infrastructure that are also associated with the Sierra Vista Specific Plan (SVSP). For purposes of this RGP, backbone infrastructure is that portion of the SVSP infrastructure that serves, and/or is located on, two or more of the properties that comprise the SVSP. It does not include infrastructure that is located wholly on and serves only one of the properties. The backbone infrastructure includes major roadways along with their attendant features, utility lines, stormwater drains and associated outfalls, water quality treatment facilities, detention facilities, trails, a potable water storage facility, an electric substation, a fire station and on-site wetland creation.

The backbone infrastructure has been divided into discreet segments that must be constructed as a whole. These segments are shown on the Exhibits B and C. Exhibit D is a table listing all of the backbone infrastructure segments that would impact waters of the U.S., their impacts and the corresponding proposed mitigation. The following is a discussion of the various components of the backbone infrastructure, their segments, the impacts and the corresponding proposed mitigation.

### **Major Roads**

There are seven new major roads included in the backbone infrastructure. The north-south roads include Santucci Boulevard, Westbrook Boulevard, Market Street and Upland Drive. Major east-west roads include Federico Drive, Sierra Glen Drive, and Vista Grande Boulevard. In addition to these new roads, one existing north-south road (Fiddymment Road) and one existing east-west road (Baseline Road) would be widened. There will also be two improved intersections. All of these roads will have buried utility lines and storm drains within their footprints.

Santucci Drive is divided into six discreet segments (S1 – S6, see Exhibit B). Cumulatively, Santucci Drive will impact 1.0952 acres of waters of the U.S. comprised of and the proposed mitigation for these impacts is 0.6375 acre of on-site creation 1.5864 acre of off-site preservation, and 0.7152 acre of off-site restoration/creation (see the table at Exhibit D for a breakdown of these impacts and proposed mitigation by segment).

Westbrook Boulevard is divided into five discreet segments (W1 – W6, see Exhibit B). Cumulatively, Westbrook Boulevard will impact 0.5965 acre of waters of the U.S. and the proposed mitigation for these impacts is 0.4755 acre of on-site creation, 0.6553 acre of off-site preservation, and 0.3130 acre of off-site restoration/creation (see the table at Exhibit D for a breakdown of these impacts and proposed mitigation by segment).

Market Street is divided into five discreet segments (M1 – M5, see Exhibit B). Cumulatively, Market Street will impact 0.5103 acre of waters of the U.S. and the proposed mitigation for these



impacts is 0.6737 acre of on-site creation, and 0.1087 acre of off-site restoration/creation (see the table at Exhibit D for a breakdown of these impacts and proposed mitigation by segment).

Upland Drive is divided into five discreet segments (UP1 – UP5, see Exhibit B). Cumulatively, Upland Drive will impact 0.6696 acre of waters of the U.S. and the proposed mitigation for these impacts is 1.1233 acre of on-site creation (see the table at Exhibit D for a breakdown of these impacts and proposed mitigation by segment).

Federico Road is divided into three discreet segments (F1-F3, see Exhibit B). Cumulatively, Federico Road will impact 0.3785 acre of waters of the U.S. and the proposed mitigation for these impacts is 0.4909 acre of on-site creation, 0.1716 acre of off-site preservation, and 0.0858 acre of off-site restoration/creation (see the table at Exhibit D for a breakdown of these impacts and proposed mitigation by segment).

Sierra Glen Drive is one discreet segment (SG1, see Exhibit B). Sierra Glen Drive will impact 0.0275 acre of waters of the U.S. and the proposed mitigation for these impacts is 0.0275 acre of off-site restoration/creation (see the table at Exhibit D for a breakdown of these impacts and proposed mitigation by segment).

Vista Grande Boulevard is divided into eight discreet segments (V1 – V8, see Exhibit B). Cumulatively, Vista Grande Boulevard will impact 2.0664 acre of waters of the U.S. and the proposed mitigation for these impacts is 2.1166 acres of on-site creation, 0.8924 acre of off-site preservation and 0.8047 acre of off-site restoration/creation (see the table at Exhibit D for a breakdown of these impacts and proposed mitigation by segment).

Baseline Road is divided into nine discreet segments (B1 – B9, see Exhibit B). Cumulatively, Baseline Road will impact 1.3345 acres of waters of the U.S. and the proposed mitigation for these impacts is 1.1135 acres of on-site creation, 5.3173 acres of off-site preservation and 0.6707 acre of off-site restoration/creation (see the table at Exhibit D for a breakdown of these impacts and proposed mitigation by segment).

There are two intersections of existing and/or proposed roads that would be improved (INT1 and INT2, see Exhibit B). INT1 is the intersection of Baseline Road and Fiddymment Road and INT2 is the intersection of Baseline Road and Santucci Boulevard. INT1 will not directly impact waters of the U.S. INT2 will impact 0.5190 acre of waters of the U.S. and the proposed mitigation is 0.6271 acre of on-site creation, 0.2779 acre of off-site preservation and 0.1451 acre of off-site restoration/creation.

## **Utilities**

The utility segments consist of buried transmission lines, drainage lines and surface drainage courses. In most cases, these utilities are buried under roads. Where the roads are already identified as segments of the backbone infrastructure, the utility lines are not shown as separate



infrastructure segments. Where the utility lines are not buried under a road or where that road is not part of the backbone infrastructure, the utility line is shown as separate infrastructure segments. A total of 14 of these utility line segments would impact waters of the U.S. (U1, U2, U4 – U12, and U14 – U16, see Exhibit B) for a combined impact of 0.6437 acre. The proposed mitigation is 0.5467 acre of on-site creation, 0.1555 acre of off-site preservation, and 0.1378 acre of off-site restoration/creation.

### **Trails**

There are four trail crossings that would directly impact 0.05 acre of waters of the U.S. (T1-T4). The proposed mitigation is 0.08 acre of on-site creation.

### **Potable Water Storage Facility**

There is one potable water storage facility (P1). P1 would directly impact will impact 0.0228 acre of waters of the U.S. and the proposed mitigation is 0.0228 acre of off-site restoration/creation.

### **Electrical Substation**

There is one electrical substation (P2) and it would not directly affect any waters of the U.S.

### **Recycling Center**

There is one recycling center (P3). P3 would directly impact will impact 0.0344 acre of waters of the U.S. and the proposed mitigation is 0.0344 acre of off-site restoration/creation.

### **Fire Station**

There is one fire station (P4). P4 would directly impact will impact 0.0455 acre of waters of the U.S. and the proposed mitigation is 0.0763 acre of on-site creation.

### **Lift Station**

There is one lift station (P5). P5 would directly impact will impact 0.0030 acre of waters of the U.S. and the proposed mitigation is 0.0050 acre of on-site creation.

# **APPENDIX C**





In Reply Refer to:  
81420-  
2009-F-0774-2

## United States Department of the Interior

RECEIVED  
MAY 12 2015  
FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825-1846



MAY 5 2015

Ms. Kathy Norton  
Senior Project Manager, California North Branch  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1350  
Sacramento, California 95814-2922

Subject: Formal Consultation on the Sierra Vista Specific Plan Project, Placer County,  
California (Corps File Number SPK-20006-00650)

Dear Ms. Norton:

This letter is in response to the U.S. Army Corps of Engineers' (Corps), request for initiation of formal consultation with the U.S. Fish and Wildlife Service (Service) on the proposed Sierra Vista Specific Plan Project (proposed project), in Placer County, California. Your original October 15, 2012, request, which included the August 2012, *Biological Resources Assessment for the Sierra Vista Specific Plan* (biological assessment) prepared by Gibson & Skordal Inc. (consultant), was received by the Service on October 19, 2012. Since then the proposed project has changed substantially, and the Service has received two supplemental biological assessments, one on February 18, 2014, and the second on March 20, 2014, the latter included with your May 2, 2014, letter to facilitate formal consultation. The Service issued a draft biological opinion to the Corps on February 9, 2015, and received the Corps' March 25, 2015, letter requesting a final biological opinion on March 30, 2015. The biological assessment presents an evaluation of the proposed project's effects on species federally-listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act).

The federal action we are consulting on is the issuance of Clean Water Act, Section 404 permits by the Corps to the Sierra Vista Specific Plan Owners Group (applicants) for the fill of wetlands associated with the construction of the Sierra Vista Specific Plan residential and mixed-use development project. This response is provided under the authority of the Act, and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

The findings presented in the biological assessment conclude that the proposed project may affect, and is likely to adversely affect the federally-listed as threatened vernal pool fairy shrimp (*Branchinecta lynchi*) (fairy shrimp). In addition, the findings also concluded that the proposed project may affect but is not likely to adversely affect the threatened giant garter snake (*Thamnophis gigas*) (snake) and the endangered vernal pool tadpole shrimp (*Lepidurus packardii*) (tadpole shrimp).

The Service concurs with your determination that the proposed project is not likely to adversely affect the snake. The nearest known occurrence of the snake in the California Natural Diversity

Database (CNDDDB) is located approximately 5 miles west of the proposed project in the Natomas Basin (CNDDDB 2014). The only suitable habitat near the proposed project is located northwest of the action area and consists of actively farmed rice fields interspersed with drainage canals and irrigation ditches. In addition, the proposed project is located on the very eastern extent of the species' range. Therefore, the Service believes that it is highly unlikely the snake will be present within the action area and the potential for effects to occur to the snake are considered to be discountable.

The proposed project reaches the 'may affect' level for the tadpole shrimp, and the subsequent requirement for a biological assessment, due to the fact that the proposed project will occur in suitable vernal pool habitat within the known range of this species, and tadpole shrimp may be present in the action area. However, ECORP Consulting conducted two successive wet season surveys during the 2005/2006 and 2006/2007 wet seasons. Tadpole shrimp were not detected in any of the surveys during those years. We accept the survey findings, and acknowledge that the vernal pool wetland features within the action area did not contain tadpole shrimp at the time of the surveys. Also, according to the CNDDDB, there are only three known occurrences within all of western Placer County (CNDDDB 2014). In addition to the limited distribution of the tadpole shrimp in western Placer County, the wetland features within the action area have been "smeared" by historical farming practices, thereby reducing the inundation time necessary for the tadpole shrimp to complete their life cycle. The fairy shrimp and the tadpole shrimp are known to move throughout vernal pool ecosystems, from a variety of potential transportation mechanisms (e.g., overland surface flow; carried on avian and grazing mammal vectors). Never the less, the Service believes that the likelihood of finding tadpole shrimp on-site is extremely unlikely and therefore, potential effects to the tadpole shrimp can be considered discountable for the purposes of this consultation. After reviewing all the available information, the Service concurs with your determination and has determined that the proposed project may affect, but is not likely to adversely affect the tadpole shrimp. The proposed project is not within designated or proposed critical habitat for any federally-listed species.

The remainder of this document provides our biological opinion on the effects of the proposed project on the vernal pool fairy shrimp.

We based our evaluation of the biological assessment's findings on the following: (1) your October 15, 2012, letter initiating consultation; (2) the August 2012, *Biological Assessment for the Sierra Vista Specific Plan* (biological assessment); (3) the revised February 14, 2014, *Biological Assessment for the Sierra Vista Specific Plan*; (4) the revised March 19, 2014, *Biological Assessment for the Sierra Vista Specific Plan*; (5) multiple meetings, emails, letters, and telephone correspondence between the Service, the Corps, the applicants, their consultant, their attorneys, California Department of Fish and Wildlife (CDFW), Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS), and the city of Roseville; and (6) other information available to the Service.

### Consultation History

*August 28, 2000*

Memorandum of Agreement between the Service and city of Roseville to set out a process to develop an interim conservation strategy to minimize effects on federally-listed species and to work cooperatively to develop a long term Habitat Conservation Plan, or equivalent, to minimize effects of future development.



<i>December 26, 2006</i>	Meeting between the Service, Sierra Vista Owners Group, and their consultant and attorneys.
<i>January 26, 2007</i>	The Service received the January 26, 2007, letter from Sheppard, Mullin, Richter & Hampton regarding the December 26, 2006 meeting.
<i>May 24, 2007</i>	A field visit to the proposed project attended by representatives from the Corps, the Service, applicants, consultants.
<i>July 26, 2007</i>	A field visit to potential mitigation sites attended by representatives from the Corps, the Service, applicants, consultants.
<i>August 15, 2007</i>	The Service sent a letter to the City of Roseville regarding comments on the Sierra Vista Specific Plan project.
<i>October 4, 2007</i>	The Service received the October 3, 2007, response from Sheppard, Mullin, Richter & Hampton regarding the August 15, 2007, letter from the Service.
<i>May 1, 2008</i>	A field meeting with representatives of the Service, Gibson & Skordal Inc., ECORP, and the applicants to review the potential off-site mitigation areas.
<i>May 13, 2008</i>	A field meeting between representatives of the Service, Gibson & Skordal Inc., ECORP, and the applicants to discuss impacts and conservation measures.
<i>June 12, 2008</i>	A meeting between representatives of the Service, Gibson & Skordal Inc., ECORP, and the applicants regarding impacts and conservation measures.
<i>2007 through 2008</i>	Regularly scheduled early consultation meetings between representatives of the Service, the Corps, the EPA, NMFS, CDFW, the city of Roseville, the applicants, and their attorneys.
<i>August 18, 2011</i>	A meeting between representatives of the Service, the Corps, Gibson & Skordal Inc., and the applicants to discuss permitting and biological opinion policies and procedures.
<i>October 6, 2011</i>	A meeting between the Service and Corps staff and representatives of Sierra Vista Owners Group to discuss permitting and biological opinion policies and procedures.
<i>January 31, 2012</i>	A meeting between representatives of the Service, the Corps, and the applicants to discuss the draft biological assessment and discuss the permitting approach.
<i>May 21, 2012</i>	A meeting between representatives of the Service, the Corps, and the applicants to discuss the permitting approach and comments on the draft biological assessment.

<i>October 19, 2012</i>	The Service received the October 15, 2012, request for formal consultation from the Corps.
<i>November 20, 2012</i>	The Service sent a letter to the Corps requesting additional information for the proposed project.
<i>December 18, 2012</i>	The Service received the December 17, 2012, letter from the applicants regarding their response to the Services' additional information request.
<i>February 19, 2013</i>	The Service received the February 15, 2013, congressional inquiry from Congressmen McClintocks' office regarding the proposed project.
<i>February 21, 2013</i>	The Service received the Corps' February 19, 2013, letter in regards to additional information.
<i>August 28, 2013</i>	Meeting between representatives of the Service, the Corps, and the applicants to discuss potential revisions to the proposed conservation measures.
<i>February 18, 2014</i>	The Service received the Corps' revised February 14, 2014, <i>Biological Assessment for the Sierra Vista Specific Plan</i> .
<i>March 20, 2014</i>	The Service received the Corps' second revised March 19, 2014, <i>Biological Assessment for the Sierra Vista Specific Plan</i> .
<i>May 6, 2014</i>	The Service received the May 2, 2014 letter, updating the formal consultation for the proposed project.
<i>February 9, 2015</i>	The Service issued the draft biological opinion for the proposed project.
<i>March 30, 2015</i>	The Service received the Corps March 25, 2015, letter requesting a final biological opinion.

## **BIOLOGICAL OPINION**

### **Description of the Proposed Action**

The proposed project will provide for the development of a large scale, master-planned mixed use community, comprising approximately 704 acres of residential uses; 248 acres of commercial and office uses; 35 acres of public/quasi-public uses, such as schools; 88 acres of parks; 182 acres of open space; 8 acres of paseos; 140 acres of landscape corridors; and 93 acres of infrastructure. The proposed project will be constructed in phases. The proposed project is also designed to permit flexibility in the phasing of construction to allow market-driven development. The city of Roseville has established performance criteria to insure that each applicant constructs the proposed infrastructure (e.g., roads, sewer, and water) that is necessary for the development of each parcel.

The proposed project is located north of Baseline Road and west of Fiddymont Road in Placer County, California. The proposed project includes approximately 1,405 acres of development within the project boundary, plus 69 separate segments of approximately 93 acres of infrastructure. The



project will be developed in phases, with a Corps permit issued to the individual land owners for each phase. The order of the phases (which parcel(s) will be developed first) is not known at this time, but full build out of the entire project area is anticipated over many years.

The applicants are comprised of the following individual parcel owners and their respective parcel numbers: Mourier Investments, LLC (Bagley & Associates property, APN 017-150-030); KT Communities (Baseline P&R property, APNs 017-150-081 and 082); AKT Developments, Inc. (Baybrook property, APN 017-150-009); Mourier Investments, LLC (Computer Deductions property, APN 017-150-069); Mourier Investments, LLC (Conley property, APN 017-150-036); CGB Investments (CGB property, APN 017-150-026); DF Properties, Inc. (DF property, APNs 017-150-027 and 039); Mourier Investments, LLC (Federico Mourier property, portions of APNs 017-150-012, 020, 024, 033, and 035); and Mourier Investments, LLC (Wealth property, APN 017-150-029).

Residential Development - At build-out, the proposed project will provide a total of 5,697 single- and multi-family residential units, and based on the City General Plan's assumption of 2.54 persons per household on average, is expected to generate a population of approximately 14,470 at build-out. The residential component of the proposed project will include low-, medium-, and high-density neighborhoods accommodating a wide range of housing types.

Commercial Development - At build-out, the proposed project will provide approximately 2,235,000 square feet of commercial and employment uses, and assuming one job per 450 square feet of commercial/office space, is expected to create almost 5,000 permanent jobs over the long term. Most commercial and employment uses will be concentrated along Baseline Road, the future Santucci Boulevard, Fiddymont Road, and other arterial roadways to take advantage of the exposure to high-volume traffic along these principal commute corridors. Smaller commercial centers will serve adjacent residential neighborhoods and are planned to include at least some mixed-use areas offering retail goods and services in conjunction with higher-density housing.

Public and Quasi-public Uses, Including Schools - Three sites totaling approximately 35 acres are proposed for construction of schools to serve the new residential neighborhoods. These include two elementary schools and one middle school, all of which will be along or near the proposed new arterial Vista Grande Boulevard.

Parks - Several sites totaling about 88 acres are proposed for improved parks, including one 40-acre city-wide park located on Baseline Road adjacent to the Curry Creek open space corridor, and a number of smaller (1- to 12-acre) neighborhood parks serving local residential communities.

Open Space - The proposed project includes approximately 182 acres of open space preserves. The open space preserves are aligned along the two main drainage courses (Curry Creek and Federico Creek) and along the Western Area Power Administration transmission corridor. A maximum total of approximately 22.75 acres of emergent marsh and seasonal wetlands habitat will be constructed within the Curry and Federico Creeks open space corridors as mitigation for wetland impacts.

Circulation System - The proposed project provides for a circulation system integrating a hierarchy of roadways, a pedestrian and bikeway network, and public transit links to existing City and regional transit systems. New public roads will be constructed within the proposed project to current City of Roseville standards, consistent with the design sections included in the proposed project. The on-

site arterials will be aligned east-west or north-south to connect to existing roadways to the north, east, and south of the proposed project.

Arterial roadways will range from four to eight lanes with left turn pockets where appropriate, and will provide landscape medians and corridors with Class IA bikeways or on-street Class II bike lanes. Collector streets will include Federico Drive, Market Street, and Upland Drive. Most of the collector streets will offer two travel lanes in a 48-foot-wide right of way (ROW); on-street Class II bike lanes; and a 25-foot-wide landscape corridor with a 5-foot-wide detached sidewalk on either side of the ROW. Several collector streets will be designed to an alternative standard that reduces the street width in order to provide enhanced bicycle and pedestrian mobility elements. A system of dedicated pedestrian paths and bikeways will provide off-street connections throughout the community and with the City's existing pedestrian and bikeway facilities to the north and east of the project area. The proposed project will also provide a network of paseos, or multi-use pathways intended to facilitate pedestrian and bicycle movement throughout the project area. In addition, a new Transit Transfer Station is planned in association with commercial uses in the southern portion of the project area, and bus turnouts and shelters will be provided, as appropriate, along the roadways planned for bus routes. The following off-site roadway improvements are also planned as part of the proposed project.

Baseline Road, the existing arterial roadway that forms the southern boundary of the proposed project, will be improved in phases, with a build-out of five travel lanes. Baseline Road improvements will include roadway widening on the south side of the existing roadway on land that is also part of the Placer Vineyards project under separate application for a Corps Clean Water Act permit.

Westbrook Boulevard, a north-south arterial located in the central-western portion of the proposed project, will be extended off-site to the north through the Westpark Federico and Westbrook development projects which will connect the proposed project development area to the West Roseville Specific Plan area which is located to the north of the proposed project.

Improvements at the Baseline Road/Watt Avenue intersection will result in the following configuration for each leg of the intersection.

- East Leg – Two westbound thru lanes  
Double left-turn onto Watt Avenue (southbound)  
One right-turn lane onto Santucci Boulevard (northbound)
- West Leg – Two eastbound thru lanes  
Double left-turn (northbound)  
One right-turn lane onto Watt Avenue (southbound)
- North Leg – Two southbound thru lanes  
Double left-turn onto Baseline Road (eastbound)  
One right-turn lane Baseline Road (westbound)
- South Leg – Two northbound thru lanes  
One left-turn onto Baseline Road (westbound)  
One right-turn lane onto Baseline Road (eastbound)

All legs will include appropriate receiving lanes and taper back to the existing roadway per City Standards.

Utilities and Public Services - The utility infrastructure, which includes potable water and wastewater service, stormwater management and flood protection, will be designed to serve the build-out of the proposed project and the improvements will be constructed in phases. The city of Roseville will provide electricity, water, wastewater services, and storm water management. Private providers will serve the proposed project with natural gas and telecommunications services. Mechanical filtration systems in commercial areas, other water quality best management practices (BMPs), etc. are also included in the proposed project.

Drainage and Stormwater Management - The proposed project will mitigate potential impacts to peak flood rates for the 2-year, 10-year and 100-year events as specified in the Placer County Stormwater Management Manual (SWMM). The proposed on-site creation of wetlands within open space corridors in combination with the use of Low Impact Development (LID) measures will reduce runoff rates exiting the proposed project per SWMM requirements without increasing 100-year hydraulic grade line elevations off-site. LID measures will be selected, as appropriate, from a menu of potential measures which include, but are not limited to, disconnected roof drains, pervious or partially paved driveways and porous pavement areas, separated sidewalks and pavement disconnection, tree planting and canopy preservation, soil amendments in landscaped areas and stormwater planters, stream buffers, and vegetated swales at all storm drain outlets. A combination of BMPs and LID measures will be used to minimize potential water quality impacts and hydromodification of Curry and Federico Creeks.

Wetland Creation - The applicants have individually proposed on-site wetland creation which, in aggregate, totals approximately 22.75 acres of seasonal wetlands, emergent marsh, and riparian wetlands adjacent to Federico Creek and Curry Creek within preserved open space corridors. These wetland mitigation measures have been proposed for the purpose of compensating for wetland losses and are not intended as conservation measures for effects to the fairy shrimp. These wetlands will be constructed in reaches, in a phased manner, corresponding to the phased construction of the proposed project. Construction of these wetlands may require limited work in the Waters of the United States (WOUS) incidental to connecting the mitigation wetlands to the adjacent creeks.

Infrastructure - The 69 infrastructure segments may be constructed as individual segments, at various times, throughout the development of the proposed project. The purpose of the 69 segments is a result of the city of Roseville's development agreement (DA) with the nine applicants. The DA will provide assurance that development of each parcel will also have the necessary infrastructure for adequate ingress and egress for safe traffic flow and emergency vehicle access. Similarly, portions of the on-site wetlands creation must also be constructed as various properties and infrastructure are constructed. There is a total of 6.28 acres of suitable habitat that will be adversely affected by construction of the infrastructure associated with the proposed project (Table 1). Of the 6.28 acres of suitable fairy shrimp habitat, 2.25 acres are located outside of the project boundary and will be directly impacted by build-out of the proposed project. This includes: 1) 0.87 acre located on the Placer Vineyards property, south of the proposed project associated with Baseline Road improvements; 2) 0.42 acre located on the Chan property, west of the proposed project which is associated with the construction of Vista Grande Road; 3) 0.54 acre within the Federico Westpark property, north of the proposed project, which is associated with new roads and utility improvements; and 4) 0.42 acre located on the Westbrook property, north of the proposed project, associated with the construction of Westbrook Boulevard. However, on



December 26, 2013, the Service issued a biological opinion for the Westbrook Project (Service File Number 08ESMF00-2012-F-0374-1), and take was exempted for the suitable fairy shrimp habitat that occurred within their footprint. Therefore, the proposed project will not include the effects to 0.42 acre of suitable fairy shrimp that occurs on the Westbrook Project since the take has already been exempted on that project.

**Table 1.** Direct Effects to Suitable Fairy Shrimp Habitat (On-site and Off-site) Associated with the Infrastructure for the Proposed Project.

Infrastructure Segment	Direct Effects (ac)	Infrastructure Segment	Direct Effects (ac)	Infrastructure Segment	Direct Effects (ac)
B1	0.0506	P3	0.0344	U13	--
B2	0.1857	P4	0.0455	U14	--
B3	0.4804	P5	0.0030	U15	0.0230
B4	0.0911	S1	--	U16	0.0588
B5	0.1377	S2	--	UP1	--
B6	0.0115	S3	--	UP2	--
B7	0.0788	S4	0.6317	UP3	0.1123
B8	0.0142	S5	0.1354	UP4	0.3514
B9	0.0079	S6	0.1938	UP5	0.0716
DB1	--	SG1	0.0275	V1	0.1568
DB2	--	T1	0.0059	V2	0.0268
FED1	0.2233	U1	0.0470	V3	0.0478
FED2	0.1325	U2	0.0209	V4	0.0681
FED3	0.0227	U3	--	V5	0.4492
INT1	--	U4	0.0099	V6	0.0714
INT2	0.3838	U5	0.0200	V7	0.3383
M1	0.0344	U6	0.0778	V8	0.4289
M2	--	U7	0.1145	W1	--
M3	--	U8	0.0693	W2	0.0365
M4	0.1060	U9	0.0165	W3	--
M5	0.1668	U10	0.0007	W4	0.0770
P1	0.0228	U11	--	W5	--
P2	--	U12	0.0006	W6	0.3577
<b>Total direct effects to habitat from infrastructure</b>					<b>6.2802</b>

The Corps has determined that there is a total of 32.01 acres of jurisdictional WOUS on-site (Table 2). Of the 32.01 acres of WOUS, 22.98 acres are considered to be suitable habitat for the fairy shrimp (Table 3). In addition, there is a total of 2.25 acres of suitable habitat that occurs within the footprint of the proposed project's infrastructure located outside the Sierra Vista property boundaries. However, 0.42 acre of suitable fairy shrimp habitat lies within the Westbrook Project footprint and effects to these features have already been exempted. Therefore, there is an additional 1.83 acres (2.25 acres- 0.42 acre= 1.83 acres) of suitable fairy shrimp habitat that will be exempted from take in this biological opinion. The wetland features within the action area that provide suitable habitat for the fairy shrimp include all of the seasonal wetlands, vernal pools, and wetland swales. These features provide suitable habitat for the fairy shrimp largely due to their ephemeral

nature, by providing a hydro-period that supports both a unique plant community, as well as an inundation period sufficient for the fairy shrimp to complete its life cycle. The applicants will avoid approximately 0.41 acre of suitable habitat within the avoidance area located within the Conley parcel. Therefore, the proposed project will adversely affect 24.40 acres (22.98 acre + 1.83 acre = 24.81 - 0.41 acre = 24.40) of suitable fairy shrimp habitat within the developed area of the proposed project.

**Table 2.** Summary of Jurisdictional Waters of the United States, On-site.

Type	Bagley	Baseline P&R	Baybrook	CGB	Computer Deductions	Conley	DF	Federico Mourier	Wealth Properties	Grand Total (ac)
Ephemeral Stream	--	--	0.0020	0.0184	--	--	--	--	--	0.0204
Intermittent Stream	--	--	--	--	--	0.8540	0.0952	1.2530	0.0182	2.2204
Perennial Marsh	--	0.8588	--	--	--	--	--	--	--	0.8588
Perennial Stream	--	0.9323	0.8680	0.3602	--	--	0.7151	--	0.9890	3.8646
Pond	--	--	1.2115	--	--	0.8555	--	--	--	2.0670
Seasonal Wetland	0.5080	0.3848	1.0551	0.5429	0.2346	1.3156	0.8563	0.0449	1.1586	6.1008
Vernal Pool	--	0.6800	0.3086	0.3667	--	1.8638*	1.0926	3.0569	0.4285	7.7971
Wetland Swale	0.6020	1.2957	0.3081	1.2144	0.1029	2.0048	2.4369	0.8439	0.2708	9.0795
<b>Total</b>	<b>1.1100</b>	<b>4.1516</b>	<b>3.7533</b>	<b>2.5026</b>	<b>0.3375</b>	<b>6.8937</b>	<b>5.1961</b>	<b>5.1987</b>	<b>2.8651</b>	<b>32.0086</b>

\*0.41 acre of suitable fairy shrimp habitat within the Conley parcel will be avoided by the proposed project.

**Table 3.** Summary of Suitable Habitat for the Fairy Shrimp within the Specific Plan Project Boundaries including Infrastructure.

Habitat Type	Acres
Seasonal Wetlands	6.1008
Vernal Pools	7.7971
Wetland Swales	9.0795
<b>Total</b>	<b>22.9774</b>

#### Fairy Shrimp Conservation Measure

The following is a summary of the conservation measure, as outlined in the biological assessment, to minimize effects on the fairy shrimp. The conservation measure proposed below is considered part of the proposed action evaluated by the Service in this biological opinion.

1. Prior to any earthmoving activities on each parcel, each applicant will purchase fairy shrimp preservation credits at a 2:1 ratio for direct and indirect impacts (2 acres of fairy shrimp

preservation credits to 1 acre of fairy shrimp impacted). The acquisitions will occur at a Service-approved conservation bank(s) with a service area covering the proposed project site.

### **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 footprint of the entire 1,405-acre project development area. In addition, the action area includes the 93 acres of infrastructure, and all areas 250 feet from the edge of all project disturbance, and all areas temporarily impacted by dust and noise during project activities.

### **Analytical Framework for the Jeopardy Analysis**

In accordance with policy and regulation, the jeopardy analysis in this biological opinion relies on four components: (1) the *Status of the Species*, which evaluates the fairy shrimp’s range-wide condition, the factors responsible for that condition, and their survival and recovery needs; (2) the *Environmental Baseline*, which evaluates the condition of the fairy shrimp in the action area, the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the fairy shrimp; (3) the *Effects of the Action*, which determines the direct and indirect effects of the proposed federal action and the effects of any interrelated or interdependent activities on the fairy shrimp; and (4) the *Cumulative Effects*, which evaluates the effects of future, non-federal activities in the action area on the fairy shrimp.

In accordance with policy and regulation, the jeopardy determination is made by evaluating the effects of the proposed federal action in the context of the fairy shrimp’s current status, taking into account any cumulative effects, to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of recovery of the fairy shrimp in the wild.

The jeopardy analysis in this biological opinion places an emphasis on consideration of the range-wide survival and recovery needs of the fairy shrimp and the role of the action area in the survival and recovery of the fairy shrimp as the context for evaluating the significance of the effects of the proposed federal action, taken together with cumulative effects, for purposes of making the jeopardy determination.

### **Status of the Species**

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 2007). 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 Western Placer County 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. The Service is in the process of finalizing its most current 5-year review for the species.

The range of the fairy shrimp extends from disjunct locations in Riverside County and the Coast Ranges, north through the Central Valley grasslands to Tehama County, and then to a disjunct area of remnant vernal pool habitat in the Agate Desert of Oregon. Within California, the fairy shrimp occurs within 12 of the 16 vernal pool regions identified in the Recovery Plan. Within these 12 vernal pool regions, the Service has identified 35 Core Recovery Areas. The proposed project occurs within the Southeastern Vernal Pool Region and is located within the Western Placer County Core Area which is one of four core areas located within this vernal pool region. These core areas support high concentrations of vernal pool species, are representative of a given species range, and are where recovery actions are focused.

Within western Placer County, the fairy shrimp is in decline due to a number of human-caused activities, primarily urban development and land conversion for agricultural use. Habitat loss occurs when vernal pools are filled, graded, or disked which alters the hydrology of the vernal pool complex. In addition to direct habitat loss, vernal pool habitat within the western Placer County continues to become highly fragmented due to both of these different types of land uses. In the most recent analysis of vernal pool loss, Holland found that from 2005 to 2012, 1,321 acres of habitat have been destroyed. This equates to a 5% loss over the last seven years (Witham, Holland, et al. 2014). In addition, 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 also all located within the Western Placer County Core Area. These projects, as proposed, will further reduce the available fairy shrimp habitat by destroying an additional 9,000 acres of vernal pool grassland.

### **Environmental Baseline**

The action area is located in the Southeastern Sacramento Valley Vernal Pool Region, as described in the Recovery Plan, which contains almost 15% of the remaining vernal pool grasslands in the State of California (Keeler-Wolf et al. 1998). The action area for the proposed project is located entirely within the Western Placer County Core Recovery Area. The Western Placer County Core Recovery Area was given a Zone 2 ranking in the Recovery Plan which outlines actions necessary to protect 85% of suitable habitat throughout the core area. There are numerous records for occurrences of the fairy shrimp within and around the proposed project. In addition to these occurrences, two years of successive wet season surveys were conducted between 2005/2006 and 2006/2007, and these surveys detected fairy shrimp within the action area.

### **Effects of the Proposed Action**

The construction of the proposed project will result in the loss of 24.40 acres of suitable fairy shrimp habitat. 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 fairy shrimp habitat and the death of an unknown number of cysts. The earthmoving equipment moves dirt and fills fairy shrimp habitat during construction activities and will likely crush or destroy the fairy shrimp cysts, or prevent the cysts from hatching.

With major ground disturbing projects like housing developments or specific plans, there is the potential to alter the hydrology of the surrounding vernal pool landscape such that vernal pool features within 250 feet of disturbance are likely to cease functioning over a period of time. This occurs over the course of at least several years, and because of this, we consider these impacts to be indirect effects of the action. As with this proposed project, there are nine separate parcel owners with plans to develop separate portions of the proposed project, with parcels being adjacent to one another within and outside of the footprint of the proposed project boundary. While eventually projects will be filling all of the pools within and outside the footprint of the 9 proposed developments, there is still a reasonable likelihood that temporal effects from construction related activities will affect the fairy shrimp habitat adjacent to these developments before they are actually filled by separate developments.

Some portions of the nine parcels and infrastructure segments are adjacent to planned avoidance areas (Federico and Curry Creeks), where no future development is planned. Where this occurs, the party responsible for the construction segment that breaks ground first will offset permanent indirect effects up to 250 feet within the avoidance areas. Each of the individual landowners will develop in accordance with the terms of their Corps permit.

In totality, the proposed project will adversely affect a total of 24.40 acres of fairy shrimp habitat. However, due to the phased construction schedule associated with the applicant's build-out plan, we are unable to determine specifically at what point in time the 24.40 acres will be adversely affected (direct/indirect) over the years of this development. Therefore, when each individual applicant is ready to build their portion of the proposed project, the applicant will provide to the Corps an analysis of their effects related to their specific portion of the proposed project. This will include the direct effects of their development footprint as well as the infrastructure segments. In addition, the applicant will provide an analysis of the indirect effects associated with the development footprints and associated infrastructure within the avoidance areas (Curry and Federico Creeks) extending out 250 feet. There will be no adverse effects to 0.41 acres of suitable habitat for the fairy shrimp located within the avoidance areas of the Conley. Therefore, with full-build out of the proposed project, the total permanent effects associated with the proposed project including the direct and indirect effects will equal 24.40 acres.

Therefore, based on this analysis, the Service has determined that all fairy shrimp cysts inhabiting all of the 24.40 total acres within the action area of the proposed project are going to be destroyed. All of the fairy shrimp cysts that will be affected as part of the project will be harmed, injured, or killed as a result of the effects associated with the construction of the proposed project.

In addition to the effects associated with the proposed project, the proposed project will also contribute to a local and range-wide trend of habitat loss and degradation, the principal reasons this species was listed as threatened. The proposed project will also contribute to the reduction of the acreage of the remaining vernal pool habitat for this species. Secondly, in instances where habitat is avoided or adjacent to surrounding urban uses such as development, the likelihood of edge effects will increase to the existing vernal pool complexes resulting in reduced ecological function due to changes in hydrologic conditions, invasion by nonnative plants and invertebrate species, and increased vegetation growth.

However, the applicants have proposed to minimize the impacts to fairy shrimp by preserving habitat at a Service-approved conservation bank within the service area of the proposed project.

Conservation banks benefit the species by providing large contiguous blocks of habitat that are managed in perpetuity for the species. Purchasing credits at a bank within the service area furthers the conservation of the species. If those lands occur within the Western Placer Core Area, it would further contribute to the conservation of the fairy shrimp.

### **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.

### **Conclusion**

After reviewing the current status of the fairy shrimp, the environmental baseline for the action area covered in this biological opinion, the effects of the proposed project, the cumulative effects, and the proposed conservation measures, it is the Service's biological opinion that the Sierra Vista Specific Plan Project, as proposed, is not likely to jeopardize the continued existence of this species. The Service reached this conclusion because the project-related effects to the species, when added to the environmental baseline and analyzed in consideration of the cumulative effects, is not likely to rise to the level of precluding recovery of the species or reduce the likelihood of survival of the species. The adverse effects to the fairy shrimp (loss of 24.40 acres of wetlands occupied by the species) will be, in part, offset by the long-term preservation of the habitat 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 the Service 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 applicants 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 fairy 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 project, for a total of 24.40 acres of fairy shrimp habitat. The life stage affected by this action will be the fairy 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. Therefore, the Service anticipates take incidental to this project as the 24.40 acres of fairy shrimp habitat that will be destroyed and/or altered by grading activities.

### **Effect of the Take**

The Service has determined that this level of anticipated take is not likely to result in jeopardy to the fairy shrimp.

### **Reasonable and Prudent Measure**

The Service has determined that the following reasonable and prudent measure is necessary and appropriate to minimize the effects of the proposed project on the fairy shrimp:

1. All conservation measures proposed in the biological assessment, and as re-stated in the project description section of this biological opinion, must 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 terms and conditions, which implement 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 in the biological assessment and restated in this biological opinion as a condition of any permit issued for the proposed project.

2. In order to monitor whether the amount or extent of incidental take anticipated from implementation of the proposed project is approached, the Corps shall adhere to the following reporting requirement.
  - a. For those components of the action that will result in habitat degradation or modification whereby incidental take will occur, the Corps will provide updates to the Service after each parcel is built with a precise accounting of the total acreage of habitat affected. Updates shall also include any information about changes in project implementation.
3. The Corps will require each applicant to provide the following information to the Service for review prior to ground breaking on their individual parcel:
  - a. The applicant will provide, in a ledger table, the specific parcel number and the total acreage of each developer's portion of the proposed project. This will include the wetland acreage within the footprint of their proposed project plus the total wetland acreage being directly impacted by their portion of the project. In addition, the applicant will provide the wetland acreage that is within 250 feet of their boundary within the avoidance areas that will be indirectly impacted;
  - b. In addition, the applicants will also provide in a separate ledger, the specific infrastructure segments that are required for their portion of the proposed project. This will include all the wetland acreages within the footprint of the infrastructure segments. The applicants will provide the wetland acreages that fall within 250 feet of each infrastructure boundary within the avoidance areas. In the effects analysis, when calculating an impact to a specific feature that may cross property boundaries, the analysis should only include the areas within the footprint of the action or up to 250 feet within the avoidance area. Individual features can only be considered impacted once, and effects to wetland features will not overlap; and
  - c. The Corps will provide all of the above information in a letter which will include the ledgers that account for all of the impacts associated with each development footprint and the necessary infrastructure segments. Included in each ledger will be a running tally of the impacts that have already occurred. This ledger will include an itemized accounting of each feature that has been impacted that includes the wetland identification number, the size of each feature, whether it is directly or indirectly impacted, and whether it was impacted by infrastructure or by development. Enclosed are sample ledgers which depict the format for information to be submitted by each applicant.

### 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 that can be implemented to further the purposes of the Act, such as preservation of endangered species habitat, implementation of recovery actions, or development of information or data bases. The Service is providing the following conservation recommendation:

1. The Corps should work with the Service to assist us in meeting the goals of the Recovery Plan for the fairy shrimp as outlined in the *December 2005, Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (Service 2005).

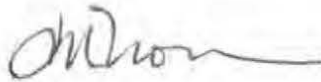
In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefiting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendation.

#### REINITIATION - CLOSING STATEMENT

This concludes formal consultation on the Sierra Vista Specific Plan Project in Placer County, California. As provided in 50 CFR §402.16, reinitiation of formal consultation is required 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 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.

If you have questions regarding the Sierra Vista Specific Plan Project, please contact Jason Hanni, Senior Fish and Wildlife Biologist, or Kellie Berry, Chief, Sacramento Valley Division at (916) 414-6600.

Sincerely,



Jennifer M. Norris  
Field Supervisor

Enclosures (2)

cc:

Leanna Rosetti, Environmental Protection Agency, San Francisco, California



## LITERATURE CITED

- California Natural Diversity Database (CNDDB). 2014. Biogeographic Data Branch, Department of Fish and Wildlife. Sacramento, California.
- Keeler-Wolf, T., D.R. Elam, K. Lewis, and S.A. Flint. 1998. California vernal pool assessment preliminary report. California Department of Fish and Game, Sacramento, California.
- U.S. Fish and Wildlife Service (Service). 2005. Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. Portland, Oregon. xxii + 574 pp.
- \_\_\_\_\_. 2007. Vernal Pool Fairy Shrimp (*Branchinecta lynchi*) 5-year Review: Summary and Evaluation. September 2007.
- Witham, C.W., R.F. Holland and J.E. Vollmar. 2014. Changes in the Distribution of Great Valley Vernal Pool Habitats from 2005-2012. Sacramento, California. Report prepared for the U.S. Fish and Wildlife Service and Bureau of Reclamation CVPIA Habitat Restoration Program under Grant Agreement No. F11AP00169 with the Service.

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## SIERRA VISTA - PLACER COUNTY

INFRASTRUCTURE SEGMENT IMPACTS - USFWS File #81420-2009-F-0774

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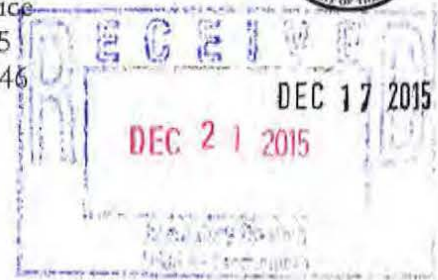


## United States Department of the Interior



In Reply Refer to:  
08ESMF00-  
2015-F-1243-1

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



Ms. Kathy Norton  
Senior Project Manager, California North Branch  
U.S. Army Corps of Engineers, Sacramento District  
1325 J Street, Room 1350  
Sacramento, California 95814-2922

Subject: Formal Consultation on the Federico Westpark Project, Placer County, California  
(Corps File Number SPK-2014-00026)

Dear Ms. Norton:

This letter is in response to the U.S. Army Corps of Engineers' (Corps), request for initiation of formal consultation with the U.S. Fish and Wildlife Service (Service) on the proposed Federico Westpark Project (proposed project), in Placer County, California. Your May 2, 2014 request, which included the March 2014, *Biological Assessment for the Federico Westpark Project* prepared by Gibson & Skordal, LLC (consultant), was received by the Service on May 6, 2014. In addition, the Service received your July 24, 2015, letter containing the revised July 16, 2015 *Biological Assessment for the Federico Westpark Project* (biological assessment). The biological assessment presents an evaluation of the proposed project's effects on species federally-listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act).

The federal action we are consulting on is the issuance of a Clean Water Act, Section 404 permit by the Corps to the Westpark Sierra Vista, LLC (applicant) for the fill of wetlands associated with the construction of the Federico Westpark residential and mixed-use development project. This response is provided under the authority of the Act, and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

The findings presented in the biological assessment conclude that the proposed project may affect, and is likely to adversely affect the federally-listed as threatened vernal pool fairy shrimp (*Branchinecta lynchi*) (fairy shrimp). In addition, the findings concluded that the proposed project may affect but is not likely to adversely affect the endangered vernal pool tadpole shrimp (*Lepidurus packardii*) (tadpole shrimp).

The proposed project reaches the 'may affect' level for the tadpole shrimp, and the subsequent requirement for a biological assessment, due to the fact that the proposed project will occur in suitable vernal pool habitat within the known range of this species, and tadpole shrimp may be present in the action area. The proposed project was one of the original properties within the Sierra Vista Specific Plan Project (SVSPP). Surveys occurred within the proposed project at the time surveys were completed for the SVSPP. ECORP Consulting conducted those surveys, which included two successive wet season surveys during the 2005/2006 and 2006/2007 wet seasons. Tadpole shrimp were not detected in any of the surveys during those years. We accept the survey

findings, and acknowledge that the vernal pool wetland features within the proposed project did not contain tadpole shrimp at the time of the surveys. Also, according to the California Natural Diversity Database (CNDDDB), there are only three known occurrences within all of western Placer County (CNDDDB 2015). In addition to the limited distribution of the tadpole shrimp in western Placer County, the wetland features within the proposed project have been “smeared” by historical farming practices, thereby reducing the inundation time necessary for the tadpole shrimp to complete their life cycle. The fairy shrimp and the tadpole shrimp are known to move throughout vernal pool ecosystems, from a variety of potential transportation mechanisms (e.g., overland surface flow; carried on avian and grazing mammal vectors). However, due to the reasons listed above, the likelihood of finding tadpole shrimp on-site is low and therefore, potential effects to the tadpole shrimp can be considered discountable for the purposes of this consultation. After reviewing all the available information, the Service concurs with your determination that the proposed project may affect, but is not likely to adversely affect the tadpole shrimp. The proposed project is not within designated or proposed critical habitat for any federally-listed species.

The remainder of this document provides our biological opinion on the effects of the proposed project on the vernal pool fairy shrimp.

We based our evaluation of the biological assessment’s findings on the following: (1) your May 2, 2014, letter initiating consultation; (2) the March 2014, *Biological Assessment for the Federico Westpark Project*; (3) your July 24, 2015, letter containing the revised July 16, 2015 *Biological Assessment for the Federico Westpark Project*; (4) email and telephone correspondence between the Service, the Corps, the applicants, and their consultant; and (5) other information available to the Service.

### Consultation History

- |                          |   |
|--------------------------|---|
| <i>November 7, 2013:</i> | Site visit attended by representatives of the Service, Corps, and consultant, to discuss potential conservation measures.   |
| <i>January 15, 2014:</i> | Meeting attended by representatives of the Service, Corps, and applicant to discuss the preparation of a separate biological assessment for the proposed project after Federico Westpark was separated from the SVSPP and decided to pursue its own permit for their project. |
| <i>May 6, 2014:</i>      | The Service received the May 2, 2014, request for formal consultation on the proposed project.  |
| <i>May 20, 2015:</i>     | Meeting between the Service, the applicant, and the consultant to discuss revisions to the biological assessment.   |
| <i>June 4, 2015:</i>     | The Service received an email from the consultant regarding a revised impact map for the proposed project.  |
| <i>July 29, 2015:</i>    | The Service received the July 24, 2015, letter from the Corps with the revised biological assessment for the proposed project.  |

## BIOLOGICAL OPINION

### Description of the Proposed Action

The proposed project is located in the northwestern portion of the City of Roseville, Placer County, California. It is situated north of Baseline Road and west of Fiddymment Road. The proposed project is an approximately 231-acre mixed-use residential development consisting of residential, commercial, and public/quasi-public uses. Table 1 provides a summary of the proposed land uses which comprise the proposed project and their respective areas.

Table 1. Summary of Proposed Land Uses

LAND USE	GROSS AREA (AC)	DWELLING UNITS
Low Density Residential	85.8	429
Medium Density Residential	39.5	355
High Density Residential	8.3	166
Community Commercial	7.5	
Public/Quasi-Public	14.5	-
Major Roads	14.6	
Parks	2.8	-
Open Space	49.6	
Landscape Corridors	8.4	
TOTALS	231	950

### Consultations on Adjacent Parcels

The proposed project is located in the northern central portion of the SVSPP. Originally, the Federico Westpark parcel was 1 of the 10 individual properties included in the SVSPP. However, since that time, the applicant has requested to split from the SVSPP and now the proposed project is being permitted separately by the Corps as a single and complete project. However, effects of all infrastructure associated with the proposed project, as well as effects to the fairy shrimp and their habitat within the action area of the proposed project, have been analyzed on adjacent projects (see Environmental Baseline). In addition, some of the habitat within the action area of the proposed project has already been analyzed and in some instances compensation already fulfilled by the Westbrook Project (Service File Number 08ESMF00-2012-F-0374-1) and the Sierra Vista Project (Service File Number 81420-F-2009-0774-2) (Figure 1). The Corps has determined that the proposed project will adversely affect 6.00 acres of suitable fairy shrimp habitat within the action area (Tables 2a and 2b). After consideration of completed biological opinions on adjacent projects in which the action area overlapped with the action area of the proposed project (See Tables 2a and 2b and Environmental Baseline), we have determined that the proposed project will directly affect 1.29 acres and indirectly affect 0.69 acre of suitable fairy shrimp habitat (Table 2b). The applicant has proposed to offset the loss of 1.98 acres (1.29 direct and 0.69 indirect) of vernal pool fairy shrimp habitat by purchasing 3.96 acres of preservation credits at a Service-approved conservation bank(s) with a service area covering the proposed project.



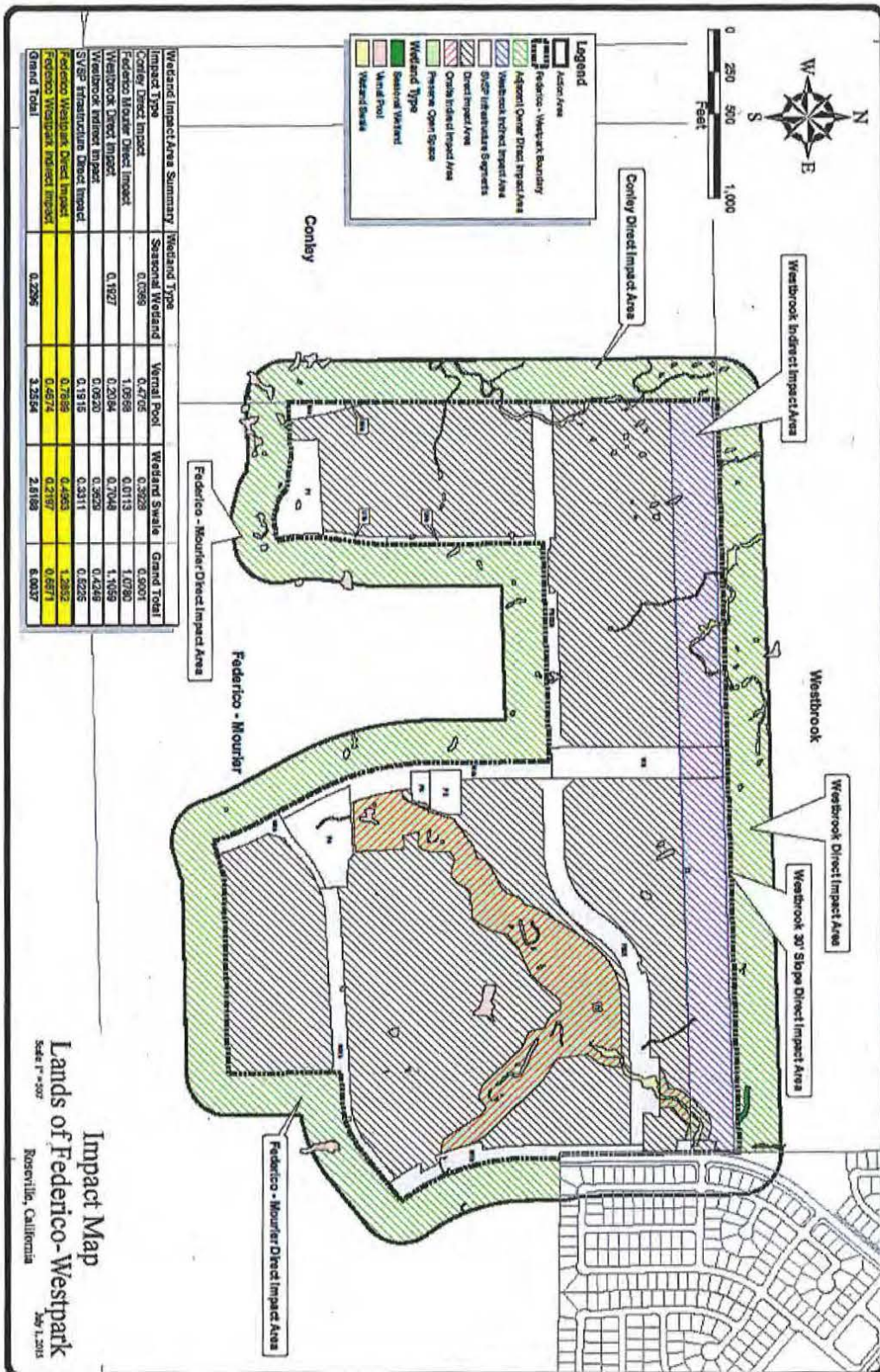


Figure 1. Map of effects to the fairy shrimp from the proposed project.

Table 2a: Summary of Suitable Habitat and Effects to Fairy Shrimp Habitat from other projects that Overlap the Action Area of the Federico Westpark Project

Effects from other Projects	Total
<b>SVSPP</b>	
SVSPP Effects	<b>1.97</b>
SVSPP Infrastructure	<b>0.52</b>
<b>Westbrook</b>	<b>1.53</b>
<b>SVSPP and Westbrook TOTALS</b>	<b>4.02</b>

Table 2b: Summary of Suitable Habitat and Effects to Fairy Shrimp on the Federico Westpark Project

<b>Federico Westpark Project</b>	
<i>Direct Impact</i>	<i>1.29</i>
<i>Indirect Impact</i>	<i>0.69</i>
<i>Federico Westpark Project Totals</i>	<i>1.98</i>

#### Fairy Shrimp Conservation Measure

The following is a summary of the conservation measure, as outlined in the biological assessment, to minimize effects on the fairy shrimp. The conservation measure proposed below is considered part of the proposed action evaluated by the Service in this biological opinion.

1. Prior to any earthmoving activities, the applicant will purchase fairy shrimp preservation credits at a 2:1 ratio for direct and indirect impacts (2 acres of fairy shrimp preservation credits to 1 acre of fairy shrimp habitat impacted). The acquisitions will occur at a Service-approved conservation bank(s) with a service area covering the proposed project site.

#### **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 footprint of the entire 231-acre project development area. In addition, all areas within 250 feet from the edge of all project disturbance, which includes all areas temporarily impacted by dust and noise during project activities.

#### **Analytical Framework for the Jeopardy Analysis**

In accordance with policy and regulation, the jeopardy analysis in this biological opinion relies on four components: (1) the *Status of the Species*, which evaluates the fairy shrimp's range-wide condition, the factors responsible for that condition, and their survival and recovery needs; (2) the *Environmental Baseline*, which evaluates the condition of the fairy shrimp in the action area, the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the fairy shrimp; (3) the *Effects of the Action*, which determines the direct and indirect effects of the proposed federal action and the effects of any interrelated or interdependent activities on the fairy shrimp; and (4) the *Cumulative Effects*, which evaluates the effects of future, non-federal activities in the action area on the fairy shrimp.



In accordance with policy and regulation, the jeopardy determination is made by evaluating the effects of the proposed federal action in the context of the fairy shrimp's current status, taking into account any cumulative effects, to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of recovery of the fairy shrimp in the wild.

The jeopardy analysis in this biological opinion places an emphasis on consideration of the range-wide survival and recovery needs of the fairy shrimp and the role of the action area in the survival and recovery of the fairy shrimp as the context for evaluating the significance of the effects of the proposed federal action, taken together with cumulative effects, for purposes of making the jeopardy determination.

### Status of the Species

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 2007). 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 Western Placer County 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. The Service is in the process of finalizing its most current 5-year review for the species.

The range of the fairy shrimp extends from disjunct locations in Riverside County and the Coast Ranges, north through the Central Valley grasslands to Tehama County, and then to a disjunct area of remnant vernal pool habitat in the Agate Desert of Oregon. Within California, the fairy shrimp occurs within 12 of the 16 vernal pool regions identified in the Recovery Plan. Within these 12 vernal pool regions, the Service has identified 35 Core Recovery Areas. The proposed project occurs within the Southeastern Vernal Pool Region and is located within the Western Placer County Core Area which is one of four core areas located within this vernal pool region. These core areas support high concentrations of vernal pool species, are representative of a given species range, and are where recovery actions are focused.

Within western Placer County, the fairy shrimp is in decline due to a number of human-caused activities, primarily urban development and land conversion for agricultural use. Habitat loss occurs when vernal pools are filled, graded, or disked which alters the hydrology of the vernal pool complex. In addition to direct habitat loss, vernal pool habitat within the western Placer County continues to become highly fragmented due to both of these different types of land uses.

In the most recent analysis of vernal pool loss, Holland found that from 2005 to 2012, 1,321 acres of habitat have been destroyed. This equates to a 5% loss over the last seven years (Witham, Holland, et al. 2014). In addition, 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 also all located within the Western Placer County Core Area. These projects, as proposed, will further reduce the available fairy shrimp habitat by destroying an additional 9,000 acres of vernal pool grassland.



## Environmental Baseline

The action area is located in the Southeastern Sacramento Valley Vernal Pool Region, as described in the Recovery Plan, which contains almost 15% of the remaining vernal pool grasslands in the State of California (Keeler-Wolf et al. 1998). The action area for the proposed project is located entirely within the Western Placer County Core Recovery Area. The Western Placer County Core Recovery Area was given a Zone 2 ranking in the Recovery Plan which outlines actions necessary to protect 85% of suitable habitat throughout the core area. There are numerous records for occurrences of the fairy shrimp within and around the proposed project. In addition to these occurrences, two years of successive wet season surveys were conducted between 2005/2006 and 2006/2007, and these surveys detected fairy shrimp within the action area.

### Other Projects within the Action Area

As described in the project description, some of the habitat within the action area of the proposed project has already been analyzed in other biological opinions. The Westbrook Project (Service File Number 08ESMF00-2012-F-0374-1), which is directly adjacent to the north of the proposed project, has already been mass graded. Effects to fairy shrimp habitat that occur within the action area of the proposed project have already been analyzed (Table 2a). In addition, the biological opinion for the SVSPP (Service File Number 81420-F-2009-0774-2) analyzed effects from infrastructure segments that also occur within the action area of the proposed project (Table 2a). Also, the SVSPP biological opinion analyzed direct effects to pools that would have been analyzed as indirect effects in this biological opinion. Therefore, while the Corps has determined that the proposed project will adversely affect 6.00 acres of suitable fairy shrimp habitat within the action area, some of those effects were previously analyzed and we have determined that the proposed project will directly affect 1.29 acres and indirectly affect 0.69 acre of suitable fairy shrimp habitat (Table 2b).

## Effects of the Proposed Action

The construction of the proposed project will result in the loss of 1.98 acres of suitable fairy shrimp habitat. 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 fairy shrimp habitat and the death of an unknown number of cysts. The earthmoving equipment moves dirt and fills fairy shrimp habitat during construction activities and will likely crush or destroy the fairy shrimp cysts, or prevent the cysts from hatching.

With major ground disturbing projects like housing developments or specific plans, there is the potential to alter the hydrology of the surrounding vernal pool landscape such that vernal pool features within 250 feet of disturbance are likely to experience changes in their inundation period over time. This occurs over the course of at least several years, and because of this, we consider these impacts to be indirect effects of the action. As with this proposed project, there are two other separate projects where the effects of those projects have already been analyzed in two previous biological opinions in our office. While there may be some potential temporal effects to these pools, the effects to the pools outside the proposed project area that will be affected by this action in some cases have already been analyzed in previous biological opinions. Therefore, the Service is only analyzing the effects of the action that are anticipated by the proposed project that were not already analyzed previously. The Service anticipates that a total of 0.69 acre of suitable fairy shrimp habitat will be indirectly affected by the proposed action.

Therefore, based on this analysis, the Service has determined that all fairy shrimp cysts inhabiting all of the 1.98 acres within the action area of the proposed project are going to be destroyed. All of the fairy shrimp cysts that will be affected as part of the proposed project will be harmed, injured, or killed as a result of the effects associated with the mass grading and filling of the fairy shrimp habitat.

In addition to the effects associated with the proposed project, the proposed project will also contribute to a local and range-wide trend of habitat loss and degradation, the principal reasons this species was listed as threatened. The proposed project will also contribute to the reduction of the acreage of the remaining vernal pool habitat for this species. Secondly, in instances where habitat is avoided or adjacent to surrounding urban uses such as development, the likelihood of edge effects will increase to the existing vernal pool complexes resulting in reduced ecological function due to changes in hydrologic conditions, invasion by nonnative plants and invertebrate species, and increased vegetation growth.

However, the applicants have proposed to minimize the impacts to fairy shrimp by preserving habitat at a Service-approved conservation bank within the service area of the proposed project. Purchasing credits at a bank within the service area furthers the conservation of the species. Conservation banks benefit the species by providing large contiguous blocks of habitat that are managed in perpetuity for the species. If those lands occur within the Western Placer Core Area, it would further contribute to the conservation of the fairy shrimp.

### **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.

### **Conclusion**

After reviewing the current status of the fairy shrimp, the environmental baseline for the action area covered in this biological opinion, the effects of the proposed project, the cumulative effects, and the proposed conservation measures, it is the Service's biological opinion that the Federico Westpark Project, as proposed, is not likely to jeopardize the continued existence of this species. The Service reached this conclusion because the project-related effects to the species, when added to the environmental baseline and analyzed in consideration of the cumulative effects, is not likely to rise to the level of precluding recovery of the species or reduce the likelihood of survival of the species. The adverse effects to the fairy shrimp (loss of 1.98 acres of wetlands occupied by the species) will be, in part, offset by the long-term preservation of the habitat 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 the Service 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 applicants 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 fairy 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 project, for a total of 1.98 acres of fairy shrimp habitat. The life stage affected by this action will be the fairy 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. Therefore, the Service anticipates take incidental to this project as the 1.98 acres of fairy shrimp habitat that will be destroyed and/or altered by grading activities.

#### **Effect of the Take**

The Service has determined that this level of anticipated take is not likely to result in jeopardy to the fairy shrimp.

#### **Reasonable and Prudent Measure**

The Service has determined that the following reasonable and prudent measure is necessary and appropriate to minimize the effects of the proposed project on the fairy shrimp:



1. All conservation measures proposed in the revised biological assessment, and as re-stated in the project description section of this biological opinion, must 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 terms and conditions, which implement 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 in the biological assessment and restated in this biological opinion as a condition of any permit issued for the project.
2. In order to monitor whether the amount or extent of incidental take anticipated from implementation of the proposed project is approached, the Corps shall adhere to the following reporting requirement.
  - a. For those components of the action that will result in habitat degradation or modification whereby incidental take in the form of harm will occur, the Corps will provide weekly updates to the Service with a precise accounting of the total acreage of habitat affected. Updates shall also include any information about changes in project implementation that result in habitat disturbance not described in the Project Description and not analyzed in this biological opinion.

### 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 that can be implemented to further the purposes of the Act, such as preservation of endangered species habitat, implementation of recovery actions, or development of information or data bases. The Service is providing the following conservation recommendation:

1. The Corps should work with the Service to assist us in meeting the goals of the Recovery Plan for the fairy shrimp as outlined in the *December 2005, Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (Service 2005).

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 recommendation.

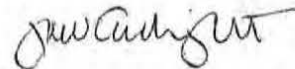
### REINITIATION - CLOSING STATEMENT

This concludes formal consultation on the Federico Westpark Project in Placer County, California. As provided in 50 CFR §402.16, reinitiation of formal consultation is required 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 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.

If you have questions regarding the Federico Westpark Project, please contact Jason Hanni, Senior Fish and Wildlife Biologist (jason\_hanni@fws.gov), or Kellie Berry, Chief, Sacramento Valley Division (kellie\_berry@fws.gov) by email or by phone at (916) 414-6631.

Sincerely,

  
6- Jennifer M. Norris  
Field Supervisor

cc:

Nancy A. Haley, U.S. Army Corps of Engineers, Sacramento, California  
Leanna Rosetti, Environmental Protection Agency, San Francisco, California  
Bill Falik, Westbrook Properties, Berkeley, California  
Jeff Jones, Westpark Associates, Roseville, California

## LITERATURE CITED

- California Natural Diversity Database (CNDDB). 2015. Biogeographic Data Branch, Department of Fish and Wildlife. Sacramento, California.
- Keeler-Wolf, T., D.R. Elam, K. Lewis, and S.A. Flint. 1998. California vernal pool assessment preliminary report. California Department of Fish and Game, Sacramento, California.
- U.S. Fish and Wildlife Service (Service). 2005. Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. Portland, Oregon. xxii + 574 pp.
- . 2007. Vernal Pool Fairy Shrimp (*Branchinecta lynchi*) 5-year Review: Summary and Evaluation. September 2007.
- Witham, C.W., R.F. Holland and J.E. Vollmar. 2014. Changes in the Distribution of Great Valley Vernal Pool Habitats from 2005-2012. Sacramento, California. Report prepared for the U.S. Fish and Wildlife Service and Bureau of Reclamation CVPIA Habitat Restoration Program under Grant Agreement No. F11AP00169 with the Service.



# APPENDIX D

## Central Valley Regional Water Quality Control Board

6 October 2015

Kathy Norton  
United States Army Corps of Engineers  
1325 J Street, Room 1350  
Sacramento, CA 95814

CERTIFIED MAIL  
7013 2250 000 3465 9403

***CLEAN WATER ACT §401 TECHNICALLY CONDITIONED PROGRAMMATIC WATER  
QUALITY CERTIFICATION; UNITED STATES ARMY CORPS OF ENGINEERS, SIERRA  
VISTA INFRASTRUCTURE PROJECT REGIONAL GENERAL PERMIT 4  
(WDID#5A31CR00364), PLACER COUNTY***

This Order responds to the 16 August 2013 application submitted by the United States Army Corps of Engineers (Applicant) for the Programmatic Water Quality Certification (Certification) of Sierra Vista Infrastructure Project Regional General Permit 4 (RGP 4) for the development of the Sierra Vista backbone infrastructure in the City of Roseville. This Certification and RGP 4 provides coverage for permanent impacts to 8.033 acres of waters of the United States.

RGP 4 covers backbone infrastructure in areas identified as the Chan, Baybrook, Baseline P&R, CGB, DF Properties, Wealth Properties, Bagley, Conley, Fredrico, and Westbrook Parcels as shown in Figure 1. Each Enrollee must submit a Notice of Intent (NOI) form (Attachment A) to obtain coverage under this Certification for any segment of the backbone infrastructure at least 90 days prior to initiating construction. Specific infrastructure, roadway, and utility dimensions must be provided with each NOI. Central Valley Water Board staff will review the NOI and evaluate whether it meets the conditions of this Certification. If the NOI meets the requirements, the Central Valley Water Board Executive Officer will issue a Notice of Applicability (NOA) within 90 days to provide coverage under this Certification. The Central Valley Water Board reserves the authority to request additional information or exclude any segments from coverage if it cannot determine that the work on the proposed segments are consistent with the impacts identified in the Tables 2 through 13 or is not sufficiently protective of water quality standards or beneficial uses. In such cases, the Central Valley Water Board Executive Officer will issue a Notice of Exclusion (NOE) within 90 days stating that the segment is not authorized or enrolled in this Certification.

This Order serves as certification of the United States Army Corps of Engineers' Regional General Permit 4 (SPK# 2006-01050) under § 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.

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

**WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This Order serves as a Water Quality Certification action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations.
2. 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 § 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.
3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under § 3860(c) of the California Code of Regulations.
4. This Certification is no longer valid if the project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (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.
6. Any person signing a document under Standard Condition number 5 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.”

**PROGRAMMATIC CERTIFICATION CONDITIONS:**

In addition to the above standard conditions, the Enrollee shall satisfy the following:

1. The Enrollee shall submit a Notice of Intent (NOI) form (Attachment A) to obtain coverage under this Certification for any segment of the backbone infrastructure at least 90 days prior to initiating construction.
2. The Enrollee shall submit the entire fee with the NOI as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.
3. The Enrollee shall obtain a separate Water Quality Certification for additional impacts not identified in Tables 2 through 13 of this Certification.
4. The Central Valley Water Board staff will review the NOI and evaluate whether it meets the project description in this Certification. If the NOI meets the requirements, the Central Valley Water Board Executive Officer will issue a Notice of Applicability (NOA) within 90 days to provide coverage under this Certification. The Central Valley Water Board reserves the authority to request additional information or exclude any segments from coverage if it cannot determine that the work on the proposed segments is consistent with the impacts identified in the Tables 2 through 13 or is not sufficiently protective of water quality standards or beneficial uses. In such cases, the Central Valley Water Board Executive Officer will issue a Notice of Exclusion (NOE) within 90 days stating that the segment is not authorized or enrolled in this Certification. The Enrollee must receive a NOA prior to in-water work.

**TECHNICAL CERTIFICATION CONDITIONS:**

In addition to the above standard and programmatic conditions, the Enrollee shall satisfy the following:

1. The Enrollee 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. The notification shall include the name of the project, the WDID number, the segments being constructed from Tables 2 through 13, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the United States Army Corps of Engineers under § 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 Enrollee shall maintain a copy of this Certification with project information sheet, Notice of Applicability, and supporting documentation 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 Enrollee 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 upstream out of the influence of the project, and 300 feet downstream 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)
Settleable Material	mL/L	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2)
Visible construction related pollutants <sup>(3)</sup>	Observations	Visual Inspections	Continuous throughout the construction period	—
pH	Standard Units	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)

<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 Enrollee 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

<sup>1</sup> Sampling is not required in water bodies, where the water body is being permanently filled; provided there is no outflow connecting the water body to surface waters.

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.

If no sampling is required, the Enrollee 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*, Fourth Edition, revised October 2011 (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 and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) 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.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. 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 approval of the Central Valley Water Board staff.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters.
  - c) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
6. The Enrollee shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, pH or other water quality objectives are exceeded.
  7. Activities shall not cause visible oil, grease, or foam in the receiving water.
  8. In-water work shall occur during periods of low flow (i.e., water level is below the construction area) and no precipitation.



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 Enrollee 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 Enrollee 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 also address spill response and prevention measures for potential spills that may occur within the project site.
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. Concrete must completely be cured before coming into contact with waters of the United States. 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.
13. A method of containment must be used below the bridge(s) and/or temporary crossing(s) to prevent debris from falling into the water body through the entire duration of the project.
14. 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.
15. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area.
16. All areas disturbed by project activities shall be protected from washout and erosion.
17. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
18. Hydroseeding shall be performed with California native seed mix.
19. All materials resulting from the project shall be removed from the site and disposed of properly.

20. 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.
21. If temporary surface water diversions and/or dewatering are anticipated, the Enrollee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities. The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.
22. 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 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.
23. Any temporary dam or other artificial obstruction constructed 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.
24. 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 Enrollee shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
25. The Enrollee shall submit a copy of the final, signed and dated individual 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.
26. The Enrollee shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the individual Lake or Streambed Alteration Agreement.
27. The Enrollee shall comply with all United States Fish and Wildlife Service requirements, including those requirements described in the Biological Opinion (81420-2009-F-0774-2), dated 5 May 2015, for the entire Sierra Vista Specific Plan.
28. The Enrollee 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, 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.

29. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the actual project, as described in the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
30. The Enrollee shall implement each of the mitigation measures specified in the certified Sierra Vista Specific Plan Environmental Impact Report and tiered Mitigated Negative Declaration, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 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 Enrollee 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 Enrollee 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 Enrollee 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 Enrollee 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. Prior to commencing construction, the Enrollee shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site mitigation shall be submitted with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, purchase of mitigation credits, on-site habitat creation, and/or off-site habitat preservation, as required by the United States Army Corps of Engineers.

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 Enrollee shall provide a Notice of Completion (NOC) no later than 30 days after the individual segments are completed. 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 Enrollee 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.

#### **CENTRAL VALLEY WATER BOARD CONTACT:**

Trevor Cleak, Environmental Scientist  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-8114  
[tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov)  
(916) 464-4684

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The City of Roseville is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Sierra Vista Specific Plan pursuant to § 21000 et seq. of the Public Resources Code. The City of Roseville certified an Environmental Impact Report for the Sierra Vista Specific Plan with Statement of Overriding Considerations on 6 May 2010. Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to water quality. The City of Roseville filed a Notice of Determination with the State Clearinghouse on 26 May 2010 (State Clearinghouse Number 2008032115).

The City of Roseville approved a tiered Mitigated Negative Declaration for the Westbrook Specific Plan Amendment to the Sierra Vista Specific Plan on 6 June 2012, which was prepared as an Amendment to the Sierra Vista Infrastructure Project. The City of Roseville filed a Notice of Determination with the State Clearinghouse on 15 June 2012 (State Clearinghouse Number 2008032115).

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 tiered Mitigated Negative Declaration are 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 tiered Mitigated Negative Declaration. With the exception of significant and unavoidable impacts, the proposed mitigation measures discussed in the Environmental Impact Report and tiered Mitigated Negative Declaration 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 tiered Mitigated Negative, 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 approved under the conditions of this Programmatic Certification and the United States Army Corps of Engineers', Sierra Vista Infrastructure Project Regional General Permit 4 (WDID#5A31CR00364) will comply with the applicable provisions of § 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") of the Clean Water Act. 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, the Enrollee's application package and Notice of Intent, the attached Project Information Sheet, and Notice of Applicability for the Project; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011.

*Original signed by Adam Laputz for*

Pamela C. Creedon  
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Location Map  
Attachment A – Notice of Intent (NOI) Form

cc: Distribution List, page 25

## PROJECT INFORMATION SHEET

**Application Date:** 16 August 2013

**Applicant:** Kathy Norton  
United States Army Corps of Engineers  
1325 J Street, Room 1350  
Sacramento, CA 95814

**Project Name:** Programmatic Certification for Sierra Vista Infrastructure Project Regional General Permit 4

**Application Number:** WDID#5A31CR00364

**Date Application Deemed Complete:** 16 July 2015

**Date on Public Notice:** 23 August 2013

**Type of Project:** Transportation – Roads and Highways

**Timeframe of Project Implementation:** The Project will be constructed 15 April through 31 October or as required by the Department of Fish and Wildlife.

**Project Location:** Section 26,27,34,35, and 36, Township 11 North, Range 5 East, MDB&M. Latitude: 38°45'41.9754"N and Longitude: 121°23'1.5354" W

**County:** Placer County

**Receiving Water(s) (hydrologic unit):** Curry Creek, unnamed wetlands, unnamed vernal pools, and unnamed drainages, Sacramento Hydrologic Basin, Valley-American Hydrologic Unit #519.21, Lower American HSA

**Water Body Type:** Wetland, Streambed, and Vernal Pools

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (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:** Curry Creek, unnamed wetlands, unnamed vernal pools, and unnamed drainages are the receiving waters for RGP 4. Curry Creek, is on the 303(d) list for pyrethroids and sediment toxicity. This project, as conditioned with mitigation measures to prevent transport of sediment due to project activities, will minimize impacts to Curry Creek. The most recent list of approved water quality limited segments is found at: [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml).

**Project Description:** This Certification provides coverage for individual Enrollees that will construct the backbone infrastructure for the entire Sierra Vista development located in the City of Roseville. The backbone infrastructure includes the construction of: 1) new public facilities, which include a water storage facility, electrical substation, recycling facility, fire station, and a sanitary sewer lift station; 2) four new trails; 3) new underground and surface utility lines; and 4) two new intersections (Santucci Boulevard and Baseline Road, Fiddymment Road and Baseline Road). RGP 4 will also cover the widening of the existing Baseline Road, and the construction of seven new roads: Federico Road, Market Street, Santucci Boulevard, Sierra Glen Drive, Upland Drive, Vista Grande Boulevard, and Westbrook Boulevard as shown in Figure 1. The widening of Fiddymment Road (Segment ID F1 and F2) will not impact waters of the United States.

To obtain coverage under this Certification, Enrollees must submit a NOI (Attachment A) for any segment of the backbone infrastructure at least 90 days prior to initiating construction. Specific infrastructure, roadway, and utility dimensions are required to be provided with each NOI. Central Valley Water Board staff will review the NOI and evaluate whether it meets the project description in this Certification. If the NOI meets the requirements, Central Valley Water Board staff will issue a Notice of Applicability (NOA) within 90 days to provide coverage under this Certification. The Central Valley Water Board reserves the authority to request additional information or exclude any segments from coverage if it cannot determine that the work on the proposed segments is consistent with the impacts identified in the Tables 2 through 13 or is not sufficiently protective of water quality standards or beneficial uses. In such cases, the Central Valley Water Board Executive Officer will issue a Notice of Exclusion (NOE) within 90 days stating that the segment is not authorized or enrolled in this Certification. The Enrolee cannot start in-water work until a NOA is issued.

This Certification and RGP 4 covers backbone infrastructure in areas identified as the Chan, Baybrook, Baseline P&R, CGB, DF Properties, Wealth Properties, Bagley, Conley, Federico, and Westbrook Parcels as shown in Figure 1. Specific infrastructure, roadway, and utility dimensions will be provided with each individual Notice of Intent (NOI).

Each activity will be constructed in segments by individual Enrollees applying for coverage under the Certification. Impacts to waters of the United States and the mitigation for those impacts are listed in the tables below. The segment ID in the tables correspond to Figure 1.

**Table 2: Summary of Public Facilities Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct new public facilities such as: a new water storage facility P1, electrical substation P2, recycling facility P3, fire station P4, and lift station P5. The electrical substation will not impact waters of the United States.						
Water Storage Facility P1	Federico	Vernal Pool	0.023	-	-	0.023
Recycling Facility P3	Federico	Vernal Pool	0.034	-	-	0.034
Fire Station P4	Federico	Wetland Swale	0.046	0.076	-	-
Lift Station P5	Baybrook	Wetland Swale	0.003	0.005	-	-
Public Facilities Total			0.106	0.081	-	0.057

**Table 3: Summary of New Trails Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct four new trails						
T1	Federico	Wetland Swale	0.006	0.010	-	-
T2	Federico	Intermittent Stream	0.009	0.015	-	-
T3	Conley	Intermittent Stream	0.019	0.031	-	-
T4	Wealth and DF Properties	Perennial Stream	0.012	0.021	-	-
Trails Total			0.046	0.077	-	-

**Table 4: Summary of Utility Lines Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct new underground and surface utility lines						
U1	Federico	Intermittent Stream	0.038	0.064	-	-
U1	Federico	Vernal Pool	0.047	-	-	0.047
U1 Total			0.085	0.064	-	0.047
U2	Federico	Vernal Pool	0.009	-	-	0.009
U2	Federico	Wetland Swale	0.012	0.020	-	-
U2 Total			0.021	0.020	-	0.009
U3Total			-	-	-	-
U4	Wealth Properties	Intermittent Stream	0.007	-	-	-
U4	Wealth Properties	Seasonal Wetland	0.040	0.017	-	-
U4 Total			0.047	0.017	-	-
U5	Wealth and DF Properties	Seasonal Wetland	0.02	0.034	-	-
U5 Total			0.02	0.034	-	-
U6	Federico	Vernal Pool	0.078	-	0.156	0.078
U6 Total			0.078	-	0.156	0.078
U7	Federico	Intermittent Stream	0.095	0.159	-	-
U7	Federico	Vernal Pool	0.115	-	-	0.115
U7 Total			0.210	0.159	-	0.115
U8	Federico	Intermittent Stream	0.002	0.003	-	-
U8	Federico	Vernal Pool	0.069	-	-	0.069
U8 Total			0.071	0.003	-	0.069
U9	Wetland Swale	Wetland Swale	0.017	0.028	-	-
U9 Total			0.017	0.028	-	-
U10	Baseline P&R	Seasonal Wetland	0.001	0.001	-	-
U10 Total			0.001	0.001	-	-
U11	Baseline P&R	Perennial Stream	0.008	0.013	-	-
U11 Total			0.008	0.013	-	-
U12	Baybrook	Perennial Stream	0.020	0.033	-	-
U12	Baybrook	Wetland Swale	0.001	0.001	-	-
U12 Total			0.021	0.034	-	-
U14	Baybrook	Perennial Stream	0.023	0.039	-	-
U14 Total			0.023	0.039	-	-

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
U15	Computer Deductions	Seasonal Wetland	0.022	0.037	-	-
U15	Computer Deductions	Wetland Swale	0.001	0.001	-	-
<b>U15 Total</b>			<b>0.023</b>	<b>0.038</b>	<b>-</b>	<b>-</b>
U16	Westbrook 400 LLC	Seasonal Wetland	0.059	0.099	-	-
<b>U16 Total</b>			<b>0.059</b>	<b>0.099</b>	<b>-</b>	<b>-</b>
<b>Utility Lines Total</b>			<b>0.684</b>	<b>0.549</b>	<b>0.156</b>	<b>0.318</b>

**Table 5: Summary of New Intersections Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct two new intersections						
INT1 Total (Fiddymont Road and Baseline Road)			-	-	-	-
INT2	Baseline P&R	Perennial Marsh	0.005	0.008	-	-
INT2	Baseline P&R	Perennial Stream	0.130	0.219	-	-
INT2	Baseline P&R	Seasonal Wetland	0.124	-	0.247	0.124
INT2	Baseline P&R	Vernal Pool	0.022	-	0.031	0.022
INT2	Baseline P&R	Wetland Swale	0.239	0.400	-	-
INT2 Total (Santucci Boulevard and Baseline Road)			0.52	0.627	0.278	0.146
Intersections Total			0.52	0.627	0.278	0.146



**Table 6: Summary of Baseline Road Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Widen the existing Baseline Road						
B1	DF Properties	Seasonal Wetland	0.051	0.085	-	-
B1 Total			0.051	0.085	-	-
B2	DF Properties	Seasonal Wetland	0.186	0.312	-	-
B2 Total			0.186	0.312	-	-
B3	CGB	Vernal Pool	0.480	-	0.715	0.480
B3 Total			0.480	-	0.715	0.480
B4	CGB	Perennial Stream	0.088	0.148	-	-
B4	CGB	Vernal Pool	0.090	-	0.606	0.090
B4	CGB	Wetland Swale	0.001	0.002	-	-
B4 Total			0.179	0.150	0.606	0.090
B5	Baseline P&R	Vernal Pool	0.032	-	1.100	0.032
B5	Baseline P&R	Wetland Swale	0.105	0.177	-	-
B5 Total			0.137	0.177	1.100	0.032
B6	Baseline P&R	Vernal Pool	0.012	-	0.548	0.012
B6 Total			0.012	-	0.548	0.012
B7	Baseline P&R	Perennial Stream	0.189	0.316	-	-
B7	Baseline P&R	Vernal Pool	0.056	-	0.694	0.056
B7	Baseline P&R	Wetland Swale	0.022	0.038	-	-
B7 Total			0.267	0.354	0.694	0.056
B8	Baseline P&R	Seasonal Wetland	-	-	0.48	-
B8	Baseline P&R	Wetland Swale	0.014	0.024	-	-
B8 Total			0.014	0.024	0.48	-
B9	Baybrook	Seasonal Wetland	0.008	0.013	1.175	-
B9 Total			0.008	0.013	1.175	-
Baseline Road Total			1.334	1.115	5.318	0.670

**Table 7: Summary of Federico Road Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct the new Federico Road						
FED1	Federico	Wetland Swale	0.223	0.375	-	-
FED1 Total			0.223	0.375	-	-
FED2	Federico	Depressional Swale	0.005	-	0.010	0.005
FED2	Federico	Vernal Pool	0.070	-	0.140	0.070
FED2	Federico	Wetland Swale	0.057	0.096	-	-
FED2 Total			0.132	0.096	0.150	0.075
FED3	Federico	Seasonal Wetland	0.011	-	0.022	0.011
FED3	Federico	Wetland Swale	0.012	0.020	-	-
FED3 Total			0.023	0.020	0.022	0.011
Federico Road Total			0.378	0.491	0.172	0.086

**Table 8: Summary of Market Street Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct the new Market Street						
M1	Federico	Intermittent Stream	0.096	0.160	-	-
M1	Federico	Vernal Pool	0.027	-	-	0.027
M1	Federico	Wetland Swale	0.008	0.013	-	-
M1 Total			0.131	0.173	-	0.027
M2 Total			-	-	-	-
M3 Total			-	-	-	-
M4	CGB and DF Properties	Wetland Swale	0.106	0.178	-	-
M4 Total			0.106	0.178	-	-
M5	CGB and DF Properties	Perennial Stream	0.108	0.181	-	-
M5	CGB and DF Properties	Seasonal Wetland	0.030	0.051	-	-
M5	CGB and DF Properties	Vernal Pool	0.082	-	-	0.082
M5	CGB and DF Properties	Wetland Swale	0.054	0.091	-	-
M5 Total			0.274	0.323	-	0.082
Market Street Total			0.511	0.674	-	0.109

**Table 9: Summary of Santucci Boulevard Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct the new Santucci Boulevard						
S1 Total			-	-	-	-
S2 Total			-	-	-	-
S3 Total			-	-	-	-
S4	Conley and Federico	Intermittent Stream	0.134	0.225	-	-
S4	Conley and Federico	Seasonal Wetland	0.167	0.264	0.020	0.010
S4	Conley and Federico	Vernal Pool	0.453	-	0.891	0.453
S4	Conley and Federico	Wetland Swale	0.012	0.019	-	-
S4 Total			0.766	0.509	0.911	0.463
S5	Conley and Federico	Seasonal Wetland	0.004	-	0.008	0.004
S5	Conley and Federico	Depressional Swale	0.034	-	0.068	0.034
S5	Conley and Federico	Vernal Pool	0.035	-	0.241	0.035
S5	Conley and Federico	Wetland Swale	0.062	0.105	-	-
S5 Total			0.135	0.105	0.317	0.073
S6	Conley	Seasonal Wetland	0.024	-	0.048	0.024
S6	Conley	Vernal Pool	0.156	-	0.312	0.156
S6	Conley	Wetland Swale	0.014	0.024	-	-
S6 Total			0.194	0.024	0.360	0.180
Santucci Boulevard Total			1.095	0.638	1.588	0.716

**Table 10: Summary of Sierra Glen Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct the new Sierra Glen Drive						
SG1	Federico	Vernal Pool	0.028	-	-	0.028
SG1 Total			0.028	-	-	0.028
Sierra Glen Drive Total			0.028	-	-	0.028

**Table 11: Summary of Upland Drive Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct the new Upland Drive						
UP1 Total			-	-	-	-
UP2 Total			-	-	-	-
UP3	Bagley and Wealth Properties	Perennial Stream	0.017	0.029	-	-
UP3	Bagley and Wealth Properties	Seasonal Wetland	0.101	0.170	-	-
UP3	Bagley and Wealth Properties	Wetland Swale	0.011	0.018	-	-
UP3 Total			0.129	0.217	-	-
UP4	Wealth	Perennial Stream	0.117	0.197	-	-
UP4	Wealth	Seasonal Wetland	0.351	0.589	-	-
UP4 Total			0.468	0.786	-	-
UP5	DF Properties	Wetland Swale	0.072	0.120	-	-
UP5 Total			0.072	0.120	-	-
Upland Drive Total			0.669	1.123	-	-



**Table 12: Summary of Vista Grande Boulevard Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct the new Vista Grande Boulevard						
V1	Bagley	Wetland Swale	0.157	0.26	-	-
V1 Total			0.157	0.26	-	-
V2	Bagley and Wealth Properties	Seasonal Wetland	0.027	0.05	-	-
V2 Total			0.027	0.05	-	-
V3	Bagley and Wealth Properties	Seasonal Wetland	0.048	0.08	-	-
V3 Total			0.048	0.08	-	-
V4	CGB and Federico	Vernal Pool	0.067	-	-	0.067
V4	CGB and Federico	Wetland Swale	0.001	0.002	-	-
V4 Total			0.068	0.002	-	0.067
V5	Baseline P&R Federico	Seasonal Wetland	0.002	-	0.004	0.002
V5	Baseline P&R Federico	Vernal Pool	0.444	-	0.888	0.444
V5	Baseline P&R Federico	Wetland Swale	0.003	0.005	-	-
V5 Total			0.449	0.005	0.892	0.446
V6	Baseline P&R Federico	Seasonal Wetland	0.066	0.111	-	-
V6	Baseline P&R Federico	Wetland Swale	0.005	0.009	-	-
V6 Total			0.071	0.120	-	-
V7	Conley and Baybrook	Seasonal Wetland	0.080	0.134	-	-
V7	Conley and Baybrook	Vernal Pool	0.242	-	-	0.242
V7	Conley and Baybrook	Wetland Swale	0.016	0.027	-	-
V7 Total			0.338	0.161	-	0.242
V8	Baybrook	Ephemeral Stream	0.321	0.538	-	-
V8	Baybrook	Perennial Stream	0.159	0.266	-	-
V8	Baybrook	Seasonal Wetland	0.015	0.026	-	-
V8	Baybrook	Vernal Pool	0.049	-	-	0.049
V8	Baybrook	Wetland Swale	0.364	0.611	-	-
V8 Total			0.908	1.441	-	0.049
Vista Grande Boulevard Total			2.066	2.119	0.892	0.804

**Table 13: Summary of Westbrook Boulevard Impacts and Mitigation**

Segment ID	Segment Location (Parcel)	Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
				On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Activity Description: Construct the new Westbrook Boulevard						
W1 Total			-	-	-	-
W2	Baseline P&R	Vernal Pool	0.023	-	0.047	0.023
W2	Baseline P&R	Wetland Swale	0.013	0.022	-	-
W2 Total			0.036	0.022	0.047	0.023
W3 Total			-	-	-	-
W4	Federico	Intermittent Stream	0.125	0.210	-	-
W4	Federico	Vernal Pool	0.077	-	-	0.077
W4 Total			0.202	0.210	-	0.077
W5 Total			-	-	-	-
W6	Westbrook 400 LLC	Seasonal Wetland	0.06	-	0.219	0.06
W6	Westbrook 400 LLC	Depressional Swale	-	-	0.011	-
W6	Westbrook 400 LLC	Vernal Pool	0.153	-	0.379	0.153
W6	Westbrook 400 LLC	Wetland Swale	0.145	0.243	-	-
W6 Total			0.358	0.243	0.609	0.213
Westbrook Boulevard Total			0.596	0.475	0.656	0.313

**Table 14: Summary of Total Impacts for Programmatic Certification for Sierra Vista Infrastructure Project Regional General Permit 4**

Water Body Type	Permanent Impact (Acres)	Mitigation Requirements (Acres)		
		On-Site Creation	Off-Site Preservation	Off-Site Creation/Restoration
Vernal Pool	2.973	-	6.748	2.973
Wetland (Depressional Swale, Wetland Swale, Seasonal Wetland, and Perennial Marsh)	3.343	5.101	2.312	0.274
Streambed (Intermittent Stream, Perennial Stream, Ephemeral Stream)	1.717	2.867	-	-
<b>INFRASTRUCTURE TOTAL</b>	<b>8.033</b>	<b>7.968</b>	<b>9.060</b>	<b>3.247</b>

Dewatering will occur within the Project area. Construction equipment may enter dewatered areas of waters of the United States. Wet concrete will be placed into dewatered locations. An impermeable containment basin will be installed at the sanitary sewer lift station construction site to catch any remaining sewage (not expected to be present, as the lift station will be out of

service and sewage flushed from the lines) during construction to ensure no releases into surface waters. Any sewage captured will be disposed of in the sanitary sewer system. The Enrollee will maintain and implement a spill prevention plan to prevent any discharge from the Project from entering surface waters.

Projects covered under RGP 4 will permanently impact 8.033 acres of waters of the United States.

**Preliminary Water Quality Concerns:** Construction activities may impact surface waters with increased turbidity, settleable matter, and pH.

**Proposed Mitigation to Address Concerns:** The Enrollee will implement Best Management Practices to control sedimentation and erosion. The Enrollee will conduct turbidity, settleable matter, and pH 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:** The amount of fill and excavation of waters of the United States will be calculated and submitted with each individual NOI.

**Dredge Volume:** None

**United States Army Corps of Engineers File Number:** SPK #2006-01050

**United States Army Corps of Engineers Permit Type:** Regional General Permit 4

**California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:** The applications for the Lake or Streambed Alteration Agreements will be submitted with the NOI.

**Possible Listed Species:** Giant garter snake, California black rail, Conservancy fairy shrimp, Vernal pool fairy shrimp, Valley elderberry longhorn beetle, Vernal pool tadpole shrimp, California tiger salamander, California red-legged frog, Western spadefoot toad, Greater sandhill crane, Northern harrier, White tailed kite, Swainson's hawk, Ferruginous hawk, California black rail, Western burrowing owl, Tri-colored blackbird, and Loggerhead shrike.

**Status of CEQA Compliance:** The City of Roseville certified an Environmental Impact Report for the Sierra Vista Specific Plan with Statement of Overriding Considerations on 6 May 2010. Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to water quality. The City of Roseville filed a Notice of Determination with the State Clearinghouse on 26 May 2010 (State Clearinghouse Number 2008032115). The City of Roseville approved a tiered Mitigated Negative Declaration for the Westbrook Specific Plan Amendment to the Sierra Vista Specific Plan on June 6 2012, which was prepared as an Amendment to the Sierra Vista Infrastructure Project. The City of Roseville filed a Notice of

Determination with the State Clearinghouse on 15 June 2012 (State Clearinghouse Number 2008032115).

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:** Prior to commencing construction, the Enrollee shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site mitigation will be submitted with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, purchase of mitigation credits, on-site habitat creation, and/or off-site habitat preservation, as required by the United States Army Corps of Engineers.

**Application Fee Provided:** The United States Army Corps of Engineers are not subject to permit fees as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations. Each Enrollee obtaining coverage under this Certification is required to submit fees as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

## **DISTRIBUTION LIST**

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