



General Permit 11

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

Sierra Vista Specific Plan Infrastructure Placer County, California

EFFECTIVE DATE: May 5, 2016

EXPIRATION DATE: May 5, 2021

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee.

ISSUING OFFICE: U.S. Army Corps of Engineers, Sacramento District

ACTION ID: SPK-2006-01050

PURPOSE: The purpose of the RGP is to provide a simple and expeditious means of providing Section 404 authorization for the construction of certain backbone infrastructure within the Sierra Vista Specific Plan (PVSP). The backbone infrastructure is expected to be built in phases as development on eight properties proceeds under the SVSP. It is comprised of major roadways and 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, fire station, and lift station. This RGP will ensure that (i) construction occurs in a coordinated manner; (ii) impacts to aquatic resources will be mitigated to the Corps' standards; and (iii) no more than minimal individual cumulative impacts will occur as a result of such activities.

LOCATION: This RGP is restricted to the SVSP project area, plus those areas in which an out-of-plan area component of the backbone infrastructure will be constructed. The 1,620-acre SVSP is located in the western portion of the City of Roseville, west of Fiddymont Road, and north of Baseline Road, in Placer County, California (see Figure 1).

AUTHORITY: This RGP authorizes activities within the SVSP project area incidental to construction of the backbone infrastructure that involve discharges of dredged or fill material into waters of the U.S. under Section 404 of the Clean Water Act.

ACTIVITIES AUTHORIZED BY THIS REGIONAL GENERAL PERMIT: The RGP would authorize permanent and temporary discharges of fill material into waters of the U.S. associated with construction of the backbone infrastructure associated with the SVSP project, as well as construction of permittee-responsible compensatory mitigation required for unavoidable direct and indirect adverse effects associated with construction of the backbone infrastructure. The RGP does not authorize any work other than construction of backbone infrastructure and permittee-responsible compensatory mitigation required for the backbone infrastructure and does not authorize any changes in the scope or nature of that backbone

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infrastructure. The structures and work authorized by the RGP are shown on the attached documents Exhibit A and Figure 3.

TERMS OF AUTHORIZATION:

1. Applying for RGP Authorization: Prior to commencing work on a proposed segment of backbone infrastructure requiring authorization by the RGP, you shall notify the Corps in accordance with RGP general condition number 1 (Notification). Within 30-days following receipt of the Notification, the Corps will notify you via letter or email if: (1) the Notification is complete; (2) any further consultation under Section 7 of the Endangered Species Act is required; and/or (3) the proposed activity does not comply with the terms and conditions of this RGP. If the Corps determines that the Notification is not complete, the Corps will specifically identify the additional information required to be submitted. Within 30 days following completion of any required consultations under Section 7 of the Endangered Species Act, or, if consultation is not required, within 60-days following receipt of a complete PCN, the Corps will notify you via letter if the proposed activity is authorized under this RGP, subject to the terms and conditions. You shall not commence any activity authorized by this RGP until receiving written approval from the Corps.
2. Impact Limitations for Waters of the U.S.: The discharge of dredged and/or fill material into waters of the U.S. resulting from this RGP shall not exceed 7.99 acres.
3. After-the-fact Projects: This RGP may not be used to resolve knowing violations of Section 404 of the Clean Water Act.
4. Special Conditions: The Corps may add special conditions to an authorization to ensure the activity complies with the terms and conditions of the RGP, and/or that adverse impacts on the aquatic environment or other aspects of the public interest are individually and cumulatively minimal.
5. Activity Completion: Any activity authorized by the Corps under the RGP must be completed by the expirations date of this particular RGP which is XXXXXXXX. The "authorization date" is the date the Corps verifies in writing that the activity meets the terms and conditions of the RGP. The Corps will review the use of the RGP every five years.
6. Discretionary Authority: The Corps has the discretion to suspend, modify, or revoke authorizations under this RGP. This discretionary authority may be used by the Corps to also further condition or restrict the applicability of the RGP for cases in which it has concerns associated with the Clean Water Act Section 404(b)(1) Guidelines, or regarding any public interest factor. Should the Corps determine that a proposed activity may have more than minimal individual or cumulative adverse impacts to aquatic resources or otherwise be contrary to the public interest, the Corps will modify the authorization to reduce or eliminate those adverse effects, or notify you that the proposed activity is not authorized by the RGP and

provide instructions on how to seek authorization under an individual permit. The Corps may restore authorization under the RGP at any time it determines that the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information. The Corps may also use its discretionary authority to modify, suspend, or revoke this RGP at any time.

7. **Expiration of RGP.** This RGP is valid for five (5) years from the date of issuance (or reissuance). At least sixty (60) calendar days prior to the expiration date of this RGP, the Corps will issue a public notice with an opportunity for public comment, describing the reasons for reissuing the RGP, reissuing the RGP with modifications, or not reissuing the RGP for another five years. The Corps may extend the RGP for six months beyond the expiration date if it is unable to reissue the RGP due to unresolved issues. If the Corps has not reissued or extended the RGP by the expiration date, the RGP will no longer be valid. This RGP, or any specific authorizations granted under this RGP, may also be modified, suspended or revoked by the Corps at any time deemed necessary. In such instance, the Corps will issue a public notice concerning the action.

GENERAL CONDITIONS:

The following conditions apply to all work authorized by this RGP.

1. You shall provide written notification requesting authorization under this RGP prior to commencing work. The Corps' receipt of the complete notification is the date when the Corps receives all required notification information (listed below). Written notification shall include all of the following:
 - a. A letter signed by you requesting authorization under the RGP including a complete description of the proposed work on the specific segment(s) of backbone infrastructure to be constructed, the area (in square feet and acres) of waters of the U.S. that will be impacted. For impacts to linear waters of the U.S. (i.e. streams and creeks), the notification shall also identify the length (in linear feet) of impacts.
 - b. The estimated start and completion date for the infrastructure segments to be constructed.
 - c. A vicinity map showing the infrastructure segments to be constructed in relation to the overall SVSP project and a plan drawing(s) showing the infrastructure segment(s) relative to existing waters of the U.S. Where the infrastructure would involve a crossing of waters of the U.S., the Notification shall include a cross-section drawing depicting the crossing relative to existing waters of the U.S.
 - d. A tabulation of the direct and indirect effects (both permanent and temporary) to waters of the U.S. associated with the infrastructure segment(s).

e. A compensatory mitigation proposal. If you propose permittee-responsible mitigation, the Notification shall include a draft mitigation and monitoring plan in accordance with the current Sacramento District and/or South Pacific Division Mitigation and Monitoring Guidelines. If you propose to purchase credits from a Corps-approved mitigation bank or in-lieu fee program, the Notification shall identify the proposed bank or in-lieu fee program, and type and number of credits.

f. A narrative discussion of the BMPs utilized to minimize impacts to waters of the U.S., in accordance with General Condition 3.

g. Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s) required in subpart c of this General Condition.

2. You shall submit a report to the Corps within 30 days of completion of the work authorized by this RGP. The completion report will contain the following:

a. The Department of the Army permit number.

b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings. The drawings should show all "earth disturbance," wetland impacts, structures, and the boundaries of any on-site and/or off-site mitigation or avoidance areas. The drawings shall contain, at a minimum, 1-foot topographic contours of the entire site.

c. Numbered and dated post-construction color photographs of the work conducted within a representative sample of the impacted waters of the U.S., and within all avoided waters of the U.S. on and immediately adjacent to the proposed project area. The compass angle and position of all photographs shall be similar (e.g. location and angle) to the pre-construction color photographs required in General Condition 1(g) and shall be identified on the plan-view drawing(s) required in subpart b of this General Condition. Ground and aerial photographs of the completed work. The camera positions and view-angles of the ground photographs shall be identified on a map, aerial photograph, or project drawing.

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

3. You shall employ best management practices (BMPs) during construction and in project design to protect water quality and minimize impacts of stormwater runoff on waters of the U.S. BMPs shall be appropriately located in or adjacent to waters of the U.S. (e.g., silt curtains). You shall employ the following BMPs, as appropriate and feasible, in designing and constructing the project.

- a. Minimization of new impervious surfaces in project design (through practices such as reducing road widths);
- b. Structural measures that provide water quality and quantity control, such as vegetated natural buffers, grassed swales, infiltration trenches, level spreaders and channel grade controls;
- c. Structural measures that provide quantity control and conveyance;
- d. Construction BMPs such as matting and filter fencing, or other barrier methods to intercept/capture sediment;
- e. Low impact development (LID) BMPs.

4. You shall ensure that any activities authorized under this RGP do not substantially disrupt the necessary life cycle movement of aquatic species indigenous to the water body, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.

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

6. You shall restore all temporary fill areas in waters of the U.S. to pre-construction contours and conditions. Temporary fill material in waters of the U.S. shall be removed within 30 days following completion of construction activities and shall remain in place for no more than 180 days following placement. In order to ensure compliance with this condition, you shall:

- a. Prior to the initiation of any temporary fill activities in waters of the U.S., submit to the Corps, review and approval, a final plan for the restoration of temporary impact areas. You shall include the following information in this plan:

- (1) A description of and drawings showing the existing contours (elevation) and existing vegetation of waters of the U.S. to be temporarily filled the adjacent upland areas. This information shall also include site photographs taken upstream and downstream of each temporary impact area.

(2) The methods used to restore the area and adjacent uplands to the original contour and condition, as well as a plan for the re-vegetation of the site following construction activities, if applicable.

(3) The proposed schedule for the restoration activities, and;

(4) A monitoring plan, to be approved by the Corps, for restoration of the temporary impact area to ensure success of the restoration. This plan shall include a proposal for monitoring of the restored area, including the proposed length of monitoring and appropriate performance standards. The plan shall be presented in the format of the Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for the South Pacific Division, which can be found online at <http://www.spd.usace.army.mil/Portals/13/docs/regulatory/mitigation/MitMon.pdf>, or appropriate updates.

b. Place a horizontal marker (e.g. fabric, certified weed free straw) beneath the fill material to delineate the existing ground elevations of the waters temporarily filled during construction.

c. Within 30 days following completion of restoration activities, submit to the Corps a report describing the restoration activities including color photographs of the restored area. The compass angle and position of all photographs shall be similar to the pre-construction photographs required in General Condition 1(g).

d. Submit to the Corps a Monitoring Report by December 1 of each year of the required monitoring period. This report shall be submitted in the format in the Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for the South Pacific Division, which can be found online at <http://www.spd.usace.army.mil/Portals/13/docs/regulatory/mitigation/MitMon.pdf>, or appropriate updates. Reports may be submitted in hard copy or electronically.

7. You shall ensure that utility lines do not adversely alter existing hydrology, including the draining of wetlands. In wetland areas, structures such as cut-off walls shall be used within utility trenches to ensure that the trench through which the utility line is installed does not drain waters of the U.S. Clay blocks, bentonite or other suitable material shall be used to seal the trench to prevent the utility line from draining waters of the U.S., including wetlands.

8. For any work occurring within waters of the U.S., including wetlands, you shall utilize equipment with a ground bearing weight of 5 pounds per square inch or less or work from mats or foundation pads.

9. For all crossings of waters of the U.S., where the upstream or downstream portions of the feature are intended to be avoided, you shall conduct construction activities when the project area is naturally dewatered, or is dewatered in accordance with a Corps approved dewatering plan. No work shall be conducted in flowing waters.

10. You shall ensure that road crossings are designed to maintain the pre-construction bankfull width of the stream and ensure fish passage, as well as accommodate reasonably foreseeable wildlife passage and expected high flows. This shall be accomplished by:

- a. Employing bridge designs that span the stream or river;
- b. Utilizing pier or pile supported structures, and/or;
- c. Utilizing large bottomless culverts with a natural streambed, where the substrate and streamflow conditions approximate existing channel conditions.

11. Compensatory mitigation for impacts to waters of the U.S. may be required by the Corps to compensate for unavoidable direct or indirect impacts to waters of the U.S. for any activity proposed under the RGP, to ensure no net loss of aquatic resource functions and services. The following conditions apply to all compensatory mitigation.

- a. Where the required compensatory mitigation involves purchase of credits from a Corps approved mitigation bank or in-lieu fee program you shall provide proof of purchase of these credits to the Corps prior to commencing the activity authorized by the RGP.
- b. If permittee-responsible compensatory mitigation, you shall prepare and submit a Final mitigation and monitoring plan to the Corps for review and approval, prior to receiving authorization under this RGP. Construction of the compensatory mitigation shall begin concurrently with or in advance of construction of the authorized infrastructure segment(s) and shall be completed within 90 days from initiation of construction.

12. This Corps permit does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (*Branchinecta lynchi*) or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinions (Number 81420-2009-F-0774-2, dated May 5, 2015 and number 08ESMF00-2015-F-1243-1, dated December 17, 2015), contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinions. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached

Biological Opinion, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The U.S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its/their Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of these Biological Opinion, including those ascribed to the Corps.

13. Section 401 water quality certification is required for all activities to be authorized by this RGP. The Central Valley Regional Water Quality Control Board (CVRWQCB) has issued a programmatic water quality certification for the activities authorized by this RGP. Each permittee must submit a notice of intent (NOI) to the CVRWQCB and receive its approval to construct the infrastructure under the programmatic water quality certification prior to beginning work in waters of the U.S. authorized by this RGP. You shall comply with all terms and conditions of the Water Quality Certification.

14. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you shall suspend work within 100 feet of any discovered resource(s) and immediately notify the Corps of what you have found. The Corps will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

15. You shall maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement unless you make a good faith transfer to a third party. If you sell the property or otherwise wish to abandon the responsibilities associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to the Corps to validate the transfer of this authorization. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from the Corps, which may require restoration of the area.

16. You shall allow representatives from the Corps to inspect the authorized activity and any compensatory mitigation areas at any time deemed necessary to ensure the work is being or has been accomplished in accordance with the terms and conditions of this RGP. You will be notified in advance of any inspection.

17. You are responsible for all work authorized by this RGP and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of the Corps' authorization. You shall ensure that a copy of the RGP authorization and associated drawings are available for quick reference at the project site until all construction activities are completed.

18. Prior to the initiation of construction activities in waters of the U.S. associated with any backbone infrastructure segment authorized under this RGP, you shall conduct one of the following:

(a) Employ a wetland scientist to continuously monitor construction activities in the vicinity of waters of the U.S. to ensure against unauthorized activity during construction. The monitor shall be on-site during all construction activities within 100-feet of on-site and off-site preserved or avoided waters of the U.S., and for all work within preserve areas. If unauthorized impacts occur, you shall immediately cease all activities in waters of the U.S. No work in waters of the U.S. shall be resumed until notified in writing by the Corps.

(b) Install and maintain temporary construction fencing placed a minimum of 25 feet from the limits of all on-site and off-site avoided and preserved waters of the U.S. You shall ensure the temporary construction fencing is maintained in good condition and remains until all construction activities within 100 feet of on-site and off-site avoided and preserved waters of the U.S. is completed. You shall employ a wetland scientist to continuously monitor the installation and removal of the temporary construction fencing. In addition, you shall ensure the monitor conducts weekly inspections of the temporary construction fencing to ensure that all fencing remains in place, is in good condition, and no unauthorized impacts to waters of the U.S. have occurred. You shall ensure the monitor immediately notifies you of any necessary repairs or replacements of the temporary construction fencing. For areas in which construction activities are occurring within 100 feet of avoided and/or preserved waters of the U.S., you shall ensure that any necessary repairs to the temporary construction fencing are completed within 48 hours from notification by the monitor. For areas in which construction activities are occurring greater than 100 feet from avoided and/or preserved waters of the U.S., you shall ensure necessary repairs are completed within 7 days from notification by the monitor. If unauthorized impacts to waters of the U.S. occur, you shall immediately stop all work authorized by this permit and notify the Corps. No work in waters of the U.S. shall be resumed until notified in writing by the Corps.

LIMITATIONS AND RESTRICTIONS:

1. The Corps has authority to determine if an activity complies with the terms and conditions of the RGP.
2. This RGP does not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.
3. This RGP does not grant any property rights or exclusive privileges.
4. This RGP does not authorize any injury to the property or rights of others.

5. This RGP does not authorize interference with any existing or proposed Federal project.

CONTACTS AND ADDITIONAL INFORMATION:

For additional information, about RGP 11, please contact the U.S. Army Corps of Engineers, Sacramento District at the address below, phone number (916) 557-5250.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



Michael S. Jewell
Chief, Regulatory Division
Sacramento District

5 May 2016
Date

ATTACHMENTS:

Appendix A: Figures 1-5

Appendix B: Exhibit A

Appendix C: U.S. Fish and Wildlife Service Biological Opinions

Appendix D: Section 401 Water Quality Certification