



Regional General Permit XX

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

Placer Vineyards Specific Plan Infrastructure Placer County, California

EFFECTIVE DATE: <<DATE>>

EXPIRATION DATE: <<DATE>>

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-1999-00737

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 Placer Vineyards Specific Plan (PVSP). The PVSP required backbone infrastructure is described in the enclosed Exhibit A, (the "backbone infrastructure"). The backbone infrastructure is expected to be constructed in phases as development proceeds under the PVSP. It is comprised of improvements to existing roadways and intersections, new major roadways and their attendant features, portions of pedestrian/bicycle trails, water transmission lines and storage tanks (both potable and recycled), stormwater management and conveyance systems, and sewer trunk lines, force mains, and lift stations. This RGP will ensure that (i) construction occurs in a coordinated manner; (ii) impacts to aquatic resources will be avoided, minimized, and compensated to the Corps' standards; and (iii) no more than minimal individual or cumulative impacts will occur as a result of such activities.

LOCATION: This RGP is restricted to the PVSP project area, plus those areas in which an out-of-plan area component of the backbone infrastructure will be constructed. The 5,230-acre PVSP is located in the southwestern portion of unincorporated Placer County, approximately 15 miles (24 kilometers) north of Sacramento, and southwest of the City of Roseville (see Figure 1).

AUTHORITY: This RGP authorizes activities within the PVSP 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: This RGP would authorize permanent and temporary discharges of fill material into waters of the U.S. associated with construction and/or maintenance of the backbone infrastructure for the PVSP 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. This RGP does not authorize any work other than that identified as a

component of the backbone infrastructure and permittee-responsible compensatory mitigation required for the backbone infrastructure. This RGP does not authorize any major changes in the scope or nature of that backbone infrastructure but does authorize minor deviations to identified infrastructure as a result of further planning or construction needs from those impacts identified in the Appendices provided that the cumulative impacts do not exceed the acreage limit of this RGP. The structures and work authorized by this RGP are shown in Exhibit A and shown on Figure 1.

TERMS OF AUTHORIZATION:

1. **Applying for RGP Authorization:** Prior to commencing work on a proposed portion 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; and/or (2) 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. If the Notification is complete and the activity complies with the terms and conditions of the RGP, the Corps will initiate any required consultation with the U.S. Fish and Wildlife Service in accordance with the April 1, 2016 programmatic biological opinion (PBO) for the PVSP and/or any required consultation with the State Historic Preservation Officer in accordance with the DATE Programmatic Agreement (PA). Within 30 days following completion of any required consultations under Section 7 of the Endangered Species Act or Section 106 of the National Historic Preservation 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 34.93 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 under contract, have commenced construction, or been completed by the expiration date of this particular RGP, which is XXXXXXXX. Activities authorized under this RGP that have commenced construction or that are under contract to commence construction, prior to the expiration date of the RGP, will remain authorized, provided the activity is completed within 12 months of the date of the RGP's expiration. 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 the applicant 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. If you commence or are under contract to commence activities authorized under this RGP before the date the RGP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance, or revocation to complete the authorized activities under the applicable terms and conditions. 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 the specific portions of backbone infrastructure to be constructed/maintained and the area (in square feet and acres) of waters of the U.S. where dredged and/or fill material will be discharged. 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 to be constructed.

c. A vicinity map showing the infrastructure to be constructed in relation to the overall PVSP project and plan drawing(s) showing the infrastructure 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) of each type of water of the U.S. associated with the infrastructure to be constructed/maintained.

e. A compensatory mitigation proposal. If you propose permittee-responsible compensatory 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 program, and type and number of credits.

f. A narrative discussion of the best management practices (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 of the U.S. 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.

h. A narrative description confirming that the proposed activity is consistent with the environmentally preferable alternative identified in the overall ROD for the PVSP and identifying how discharges of dredged and/or fill material into waters of the U.S. were avoided and minimized to the maximum extent practicable in the design of the proposed infrastructure, including any additional avoidance measures incorporated into the design of infrastructure that were not considered in the Draft or Final Environmental Impact Statement or overall ROD for the PVSP.

2. You shall submit a report to the Corps within 60 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 the project footprint for the specific portion of backbone infrastructure authorized under the RGP, any additional impacts to waters of the U.S. outside of the permitted project area, 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 partially-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. The camera positions and view-angles of the ground photograph 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. The location of any deviations that have been listed must be clearly indicated on the as-built drawings.

3. You shall employ BMPs during construction and in project design to protect water quality and minimize impacts of stormwater runoff on waters of the U.S. BMPs should 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 of 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, for 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 and 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 temporary work occurring within waters of the U.S. from November to May, including within wetlands, you shall utilize equipment with a ground bearing weight of 5 pounds per square inch or less or must 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 shall be 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,
- c. Utilizing large bottomless culverts with a natural streambed, where the substrate and streamflow conditions approximate existing channel conditions, and/or;
- d. Utilizing alternative road crossing designs that would maintain the pre-construction bankfull width of the stream, ensure fish passage, and accommodate reasonably foreseeable wildlife passage and expected high flows. The Notification shall include a description of the road crossing as well as a written justification for how the alternative road crossings would comply with this condition in the permit application.

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 is proposed, 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 and shall be completed within 90 days from initiation of construction or within the same construction season. If construction of the permittee-responsible mitigation would require more than 90 days following the initiation of construction, you must identify the reasons for the delay for Corps review and approval prior to initiating construction.

12. This RGP does not authorize you to take an endangered species, in particular vernal pool fairy shrimp (*Branchinecta lynchi*), giant garter snake (*Thamnophis gigas*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and the vernal pool tadpole shrimp

(*Lepidurus packardii*), or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service (FWS) Biological Opinion, dated April 1, 2016, contains mandatory terms and conditions to implement the reasonable and prudent measures that are specified in the Biological Opinion. The Biological Opinion does not include an incidental take statement. If take of an endangered species would occur as a result of the proposed project, take exemptions must be appended to the Biological Opinion and the applicant shall submit all information necessary for consultation with the FWS. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with 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 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 FWS is the appropriate authority to determine compliance with the terms and conditions of its Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

13. To ensure your project complies with the Federal Endangered Species Act, you must implement all of the mitigating measures proposed as part of your project description, which are identified in the enclosed National Marine Fisheries Service letter of concurrence NMFS No: WCR-2016-4669 dated May 31, 2016. If you are unable to implement any of the proposed measures, you must immediately notify the Corps and the National Marine Fisheries Service so we may consult as appropriate, prior to initiating the work, in accordance with Federal law.

14. 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. You 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 United States authorized by this RGP. You shall comply with all terms and conditions of the Water Quality Certification

15. You shall implement the attached Programmatic Agreement (PA), titled *Programmatic Agreement between the U.S. Army Corps of Engineers and the California State Historic Preservation Officer regarding the Placer Vineyards Specific Plan Project, Placer County, California*, and signed by these entities, in its entirety. The Corps has been designated the lead federal agency responsible for implementing and enforcing the PA as signed. If you fail to comply with the implementation and associated enforcement of the PA, the Corps may determine that you are out of compliance with the conditions of this RGP and suspend your permit verification. Suspension may result in modification or revocation of the authorized work.

16. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must suspend work within 100 feet of any discovered resource(s) and immediately notify this office of what you have found. As set forth in the PA described in Condition 14 above, 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.

17. 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 permittee 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 this office, which may require restoration of the area.

18. 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.

19. 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.

20. 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. are 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 this 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 XX, 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

Date

ATTACHMENTS:

- Appendix A: Exhibit A, Summary of Backbone Infrastructure
- Appendix B: Figure 1
- Appendix C: Programmatic Agreement
- Appendix D: U.S. Fish and Wildlife Service Biological Opinion
- Appendix E: National Marine Fisheries Service Concurrence Letter
- Appendix F: Section 401 Water Quality Certificate