



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman**

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Arnold
Schwarzenegger
Governor

August 2, 2007

Mr. Caletti
Shiloh Oaks Company LLC
P.O. Box K
Santa Rosa, CA 95402

Dear Mr. Caletti:

Subject: Amendment to the Clean Water Act Section 401 Certification (Water Quality Certification) Order for the Shiloh Oaks Federal Express Project

File: Shiloh Oaks Company LLC, Shiloh Oaks Federal Express Project
WDID No. 1B05156WNSO

On June 20, 2007, Mr. Douglas Spicher, on behalf of Shiloh Oaks Company LLC (Applicant), submitted a Request for an Amendment to the existing Clean Water Act Section 401 Certification (Water Quality Certification) Order for the Shiloh Oaks Federal Express Project. The project was originally permitted on October 17, 2006. The amendment request is the result of alternative requirements made by the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service for the applicant to provide mitigation credits for listed plants; the wetlands originally planned to be constructed on-site did not meet the habitat requirements for these plants. The project causes permanent impacts to 0.46 acres of seasonal wetlands and indirect impacts to 0.03 acres of seasonal wetlands, for a total of 0.49 acres of impacts.

Amended Project Description:

In the original permit, compensatory mitigation was to be conducted onsite by constructing 0.80 acres of seasonal wetlands in addition to purchasing 1.0 acres of preservation credits from an approved mitigation bank. In January 2007, the United States Fish and Wildlife Service determined that on-site creation of wetlands would not be acceptable to compensate for the projects impact to potential habitat for listed plant species. Therefore, all compensatory mitigation for impacts to wetlands will be through the purchase of mitigation credits, both for listed plant preservation and for wetland replacement.

The amendment for the permanent fill of 0.46 acres of seasonal wetlands and indirect impacts 0.03 acres of seasonal wetlands, for a total of 0.49 acres, will be the purchase of 0.50 acres (1:1 ratio) of wetland creation credits purchased in the Hazel Mitigation Bank. For the direct and indirect impacts to seasonal wetland habitat that is suitable

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habitat for listed plants, a total of 0.98 acres (2:1 ratio) of mitigation preservation credits will be purchased. This includes 0.10 acres of credits for Burke's goldfields (*Lasthenia burkei*) from Swift-Turner Preservation Bank and 0.88 acres of credit for Burke's goldfields from the Alton North Preservation Bank.

Further impacts to remaining onsite wetlands shall be avoided. Any disturbances to remaining onsite wetlands will be subject to additional Clean Water Act Section 401 Certification.

The Project will be constructed in two phases. Phase 1 will include the construction work within the channel and construction of the building pad, roadway and parking areas. Phase 1 is to be completed in 2007. Phase 2 will include the construction of the building and completing the balance of site work, utilities, and landscaping. Phase 2 is to be completed in 2008.

Receipts for the purchase of all mitigation credits must be provided to the North Coast Regional Water Quality Control Board (NCRWQCB) prior to the beginning of construction. Any and all construction of the Shiloh Oaks Federal Express Project may NOT proceed without further written authorization.

Amended Project Description:

The Town of Windsor, as the lead California Environmental Quality Act (CEQA) agency, has determined that the Project qualifies for a Mitigated Negative Declaration, Resolution No. 1960-06, adopted on September 20, 2006, pursuant to the CEQA guidelines. State Clearinghouse Number 2006052127, File No. ZC 05-23 & MJS/UP 05-24.

Expiration:

The authorization of this amendment for any dredge and fill activities expires on December 31, 2008. Conditions and monitoring requirements outlined in this amendment or the original certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

I hereby issue an amendment to the Shiloh Oaks Federal Express Project Water Quality Certification Order (WDID No. 1B05156WNSO) certifying that the Water Quality Certification section of the Order is still valid. If you have any questions or comments, please contact Stephen Bargsten at (707) 576-2653 or at sbargsten@waterboards.ca.gov.

Sincerely,

Catherine Kuhlman
Executive Officer

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cc:

Doug Spicher, WRA, Inc., 2169-G East Francisco Blvd., San Rafael, CA 94901

Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program

Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

Mr. Bill Cox, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599