



Central Valley Regional Water Quality Control Board

17 April 2019

Jeff Pemstein
HBT of Riolo Vineyards, LLC
11060 White Rock Road, Suite 150
Rancho Cordova, CA 95670

CERTIFIED MAIL
7018 3090 0000 5203 5489

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; HBT OF RIOLO VINEYARDS, LLC, RIOLO VINEYARDS RESIDENTIAL DEVELOPMENT PROJECT (WDID#5A31CR00274A2), PLACER COUNTY

This Order responds to the 5 April 2019 request for an amendment of the Riolo Vineyards Residential Development Project (Project) Section 401 Water Quality Certification (WDID#5A31CR00274). The original Water Quality Certification (Certification) was issued on 29 August 2012. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

HBT of Riolo Vineyards, LLC is requesting a name change. The name change will allow JEN California 8 LLC to proceed with the Project described in the original Certification.

The Certification is amended as shown in underline/strikeout format in Attachment A.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

Jordan Hensley, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-8114
Jordan.Hensley@waterboards.ca.gov
(916) 464-4812

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Riolo Vineyards Residential Development Project (WDID#5A31CR00274A2). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed By Jim Marshall for:

Patrick Pulupa
Executive Officer

Enclosures: Attachment A: *Amendments to the Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Riolo Vineyards Residential Development Project*

cc: [Via email only] (w/enclosure)

William Ness (SPK-2005-01060)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
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Sam Ziegler
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California Department of Fish and Wildlife,
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CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

Clifton Taylor
JEN California 8 LLC
Clifton@Taylor-builders.com

Sarah VonderOhe
Madrone Ecological Consulting
svonderohe@MadroneEco.com

Central Valley Regional Water Quality Control Board

ATTACHMENT A

29 August 2012

Jeff Pemstein Clifton Taylor
~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC
~~11060 White Rock Road, Suite 150~~ 508 Gibson Drive, Suite 260
~~Rancho Cordova, CA 95670~~ Roseville, CA 95678

CERTIFIED MAIL
7011 2970 0003 8939 5253

***CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY
CERTIFICATION; ~~HBT OF RIOLO VINEYARDS LLC~~ JEN CALIFORNIA 8 LLC, ~~RIOLO
VINEYARDS RESIDENTIAL DEVELOPMENT PROJECT (WDID#5A31CR00274)~~, PLACER
COUNTY***

This Order responds to your 13 July 2009 application and submittal of subsequent information on 25 May 2012 for the Water Quality Certification of a residential development project permanently impacting 1.73 acres and temporarily impacting 0.32 acre of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK# 2005-01060) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 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 § 3833 of the California Code of Regulations, unless otherwise stated in writing by the certifying agency.

4. This Certification is valid for the duration of the described project. This Certification is no longer valid if the project (as currently 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."

ADDITIONAL TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC shall satisfy the following:

1. ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC shall notify the Central Valley Water Board in writing 7 days in advance of the start of any work within waters of the United States or State. The notification shall include the name of the project and the WDID number, 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. ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site

during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.

4. ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC shall perform surface water sampling: 1) when performing any in-water work; 2) in the event that project activities result in any materials reaching surface waters; or 3) when any activities result in the creation of a visible plume in surface waters. The monitoring 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 permission from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—

⁽¹⁾ Grab sample shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ 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, method shall be approved by Central Valley Water Board staff.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the project complies with Certification requirements. The report shall include surface water sampling results and visual observations, laboratory reports, chain of custody records, and identifications of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised July 2018 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed

through the plan. Turbidity 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 as measured in surface waters within 300 feet downstream of the project.
6. ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ shall notify the Central Valley Water Board immediately if the above criteria for turbidity and settleable matter are exceeded.
 7. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or 300 feet downstream of the work area. ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
 8. Activities shall not cause degradation of waters of the State.
 9. ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ shall comply with all California Department of Fish and Game requirements and recommendations, including, but not limited to, those requirements and recommendations described in Streambed Alteration Agreement No.1600-2009-0128-R2.
 10. ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ shall comply with all United States Fish and Wildlife Service requirements and recommendations, including, but not limited to, those requirements and recommendations described in Biological Opinion 81420-2009-F0190-2, provided to United States Army Corps of Engineers, dated 9 June 2009.
 11. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area, as indicated in the attached map (Figure 2).

12. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.
13. All areas disturbed by project activities shall be protected from washout or erosion.
14. In-stream work will occur during periods of no or low flow and no precipitation.
15. 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.
16. This Certification does not provide new water rights or modify existing water rights.
17. 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, strict 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. ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC 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.
18. Prior to commencement of in-water construction, ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC shall 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 the potential of responding to a spill or prevention of spills occurring within the project site.
19. During construction, 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 and/or waters of the State.
20. All materials resulting from the project shall be removed from the site and disposed of properly.
21. If unanticipated discharges to the waters of the State and/or waters of the United States and/or soil occur, ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC shall notify the Central Valley Water Board Contact indicated in this Certification in writing within 5 calendar days of occurrence. Unanticipated discharges may include, but are not limited to, 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.

22. ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ shall obtain coverage under the 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.
23. 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.
24. ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ shall implement each of the mitigation measures specified in the approved Environmental Impact Report for the project, as they pertain to biology, hydrology and water quality impacts, are included in this Certification, as required by § 21081.6 of the Public Resource Code and CEQA Guidelines, § 15097 of the California Code of Regulations.
25. 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 ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ 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) ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ shall allow the staff(s) 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.
26. ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ shall provide a Notice of Completion (NOC) no later than 30 days after the project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project's description in the Certification and in any amendments approved. 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.

27. To mitigate for the loss of 1.73 acre(s) of seasonal wetland, the ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC has submitted bills of sale for the purchase a total of 2.76 credits was purchased as required by the United States Army Corps of Engineers.

Compensatory mitigation must comply with the effective policy at the time of Certification, which ensures no overall net loss of wetlands for impacts to waters of the State.

CENTRAL VALLEY WATER BOARD CONTACT:

Jordan Hensley, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114
Jordan.Hensley@waterboards.ca.gov
(916) 464-4812

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Placer County is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Riolo Vineyards Residential Development Project pursuant to § 21000 et seq. of the Public Resources Code. Placer County certified the Environmental Impact Report on 13 May 2009 (State Clearinghouse Number 2005092041).

The Central Valley Water Board is a responsible agency for the project. In making the determinations and findings, the Central Valley Water Board has determined that the Environmental Impact Report is in accordance with the requirements of the California Environmental Quality Act and is valid pursuant § 21167.3(b) of the Public Resources Code. The Central Valley Water Board has reviewed and considered the environmental documents and all proposed mitigation measures.

The Central Valley Water Board has reviewed and evaluated the significant impacts to water quality identified in the Environmental Impact Report. The various mitigation measures discussed in the Environmental Impact Report were adopted to reduce and minimize project impacts. The mitigation measures are required by this Certification. The Central Valley Water Board finds that these mitigation measures, along with the conditions of this Certification, are adequate to reduce water quality impacts to less than significant levels.

With regard to the remaining significant impacts identified in the Environmental Impact Report, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies which can and should implement the proposed mitigation measures.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC, Riolo Vineyards Residential Development Project WDID#5A31CR00274 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, ~~HBT of Riolo Vineyards, LLC~~ JEN California 8 LLC's project description, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised July 2018.

Original Signed By Fredrick Moss For

Pamela C. Creedon
Executive Officer

Enclosure: Project Information

Attachment: Figure 1 - Project Location Map
Figure 2 – Project Area

cc: Distribution List, page 15

PROJECT INFORMATION SHEET

Application Date: 13 July 2009

Applicant: ~~Jeff Pemstein~~ Clifton Taylor
~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~
~~11060 White Rock Road, Suite 150~~ 508 Gibson Drive, Suite 260
~~Rancho Cordova, CA 95670~~ Roseville, CA 95678

Applicant Representatives: Sarah VonderOhe
Madrone Ecological Consulting, Inc.
8421 Auburn Boulevard, Suite #248
Citrus Heights, CA 95610

Project Name: Riolo Vineyard Residential Development Project (Project)

Application Number: WDID# 5A31CR00274

Type of Project: Development Project

Timeframe of Project Implementation: Construction will begin 1 July and will be completed by 31 October.

Project Location: Section 7&12, Township 10 North, Range 6 & 5 East, MDB&M.
Latitude: 38°43'57"N and Longitude: 121°22'59" W

County: Placer County

Receiving Water(s) (hydrologic unit): Receiving Water(s) (hydrologic unit): Unnamed seasonal wetlands and unnamed tributaries to Dry Creek, Sacramento Hydrologic Basin, American River Hydrologic Unit #514.35, Kyburz HSA

Water Body Type: Wetland, Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised July 2018 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the Beneficial Uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: An unnamed tributary to Dry Creek is the receiving water for the Project. Dry Creek is not listed on the 303(d) list; the Project will not impact an already impaired water body. The most recent list of approved water quality limited segments can be found at:

http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Project Description: The Riolo Vineyard Specific Plan Area is a proposed residential community with open space, parks, agriculture and commercial components in an unincorporated area of Placer County. The Riolo Vineyard Specific Plan Area is located on a 525.8 acre site (Figure 2). This Certification only covers the following Parcels.

Assessor Parcel Number	Approximate Acreage
023-200-023	92.9
023-200-051	43.7
023-200-052	43.5
023-200-053	5.5
023-200-031	0.5
023-200-055	101.7
023-200-056	4.6
023-221-006	30.4
Total Acreage of Certified Parcels	322.8

The 323-acre Project is located in the southern portion of western Placer County, approximately 15 miles northeast of Sacramento. The Project site is bordered by Dry Creek to the north, on the west by Watt Avenue, on the south by PFE Road, and on the east by Walerga Road.

The proposed Project is a residential community with parks and open space within the Dry Creek West Placer Community Plan area. The Project will develop approximately 142 acres for residential uses and approximately 134 acres of parks and open space. The remaining 47 acres will be used to construct internal roads and road right-of-ways.

The Project includes construction of a roadway system that distributes traffic through the Project area and internally connects the land uses. A multitude of alternative transportation opportunities are available via an interconnected system of pedestrian, bicycle, and equestrian trails.

Approximately 10.74 acres of waters of the United States have been mapped on the project site. Approximately 82% of the waters of the United States will be avoided and not impacted. Avoided waters of the United States will be protected in perpetuity with a conservation easement held by a third party.

The proposed Project will result in 0.32 acre of temporary impacts to waters of the United States. Temporarily impacted waters of the United States will be restored to pre-project conditions and will take place within the wetland preserve area that is protected by a United States Army Corp of Engineers-approved conservation easement and management plan. Additionally, the proposed Project will result in 1.73 acres of permanent impacts to waters of the United States. Impacts will occur due to grading for residential development.

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

Proposed Mitigation to Address Concerns: ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ will implement Best Management Practices to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ will conduct turbidity and settleable matter testing during in-water work, stopping work if exceedance of Basin Plan criteria are exceeded or are observed.

Excavation/Fill Area: Approximately 2,900 cubic yards of native fill will be placed into 1.73 acres of waters of the United States.

Dredge Volume: None

United States Army Corps of Engineers File Number: SPK -2005-01060

United States Army Corps of Engineers Permit Type: Individual Permit

California Department of Fish and Game Streambed Alteration Agreement:
1600-2009-0128-R2

Possible Listed Species: Delta smelt, Giant garter snake, California black rail, Chinook salmon, Vernal pool fairy shrimp, Central Valley steelhead, Winter-run Chinook salmon, Valley elderberry longhorn beetle (VELB) and Vernal pool tadpole shrimp.

Status of CEQA Compliance: The County of Placer approved the Environmental Impact Report and filed a Notice of Determination with the State Clearinghouse on 13 May 2009 (State Clearinghouse Number 2005092041).

As a Responsible Agency under California Environmental Quality Act, the Central Valley Water Board reviewed the Environmental Impact Report and found that impacts to water quality were adequately addressed. Through implementation of mitigation at a minimum 1:1 ratio level, impacts to water quality will be mitigated to a less than significant level. Mitigation for impacts to

water quality is discussed in the “Proposed Mitigation to Address Concerns” section above, and the “Compensatory Mitigation” section below.

With regard to the remaining impacts identified in the Environmental Impact Report the corresponding mitigation measures proposed are within the responsibility and jurisdiction of another public agency, and not within the jurisdiction of the Central Valley Water Board.

Compensatory Mitigation: To mitigate for the loss of 1.73 acre(s) of seasonal wetland, the ~~HBT of Riolo Vineyards, LLC JEN California 8 LLC~~ has submitted bills of sale for the purchase of A total of 2.76 credits was purchased as required by the United States Army Corps of Engineers.

Compensatory mitigation must comply with the effective policy at the time of Certification, which ensures no overall net loss of wetlands for impacts to waters of the State.

Application Fee Provided: Total fees of \$7,892.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

Figure 1- Project Location

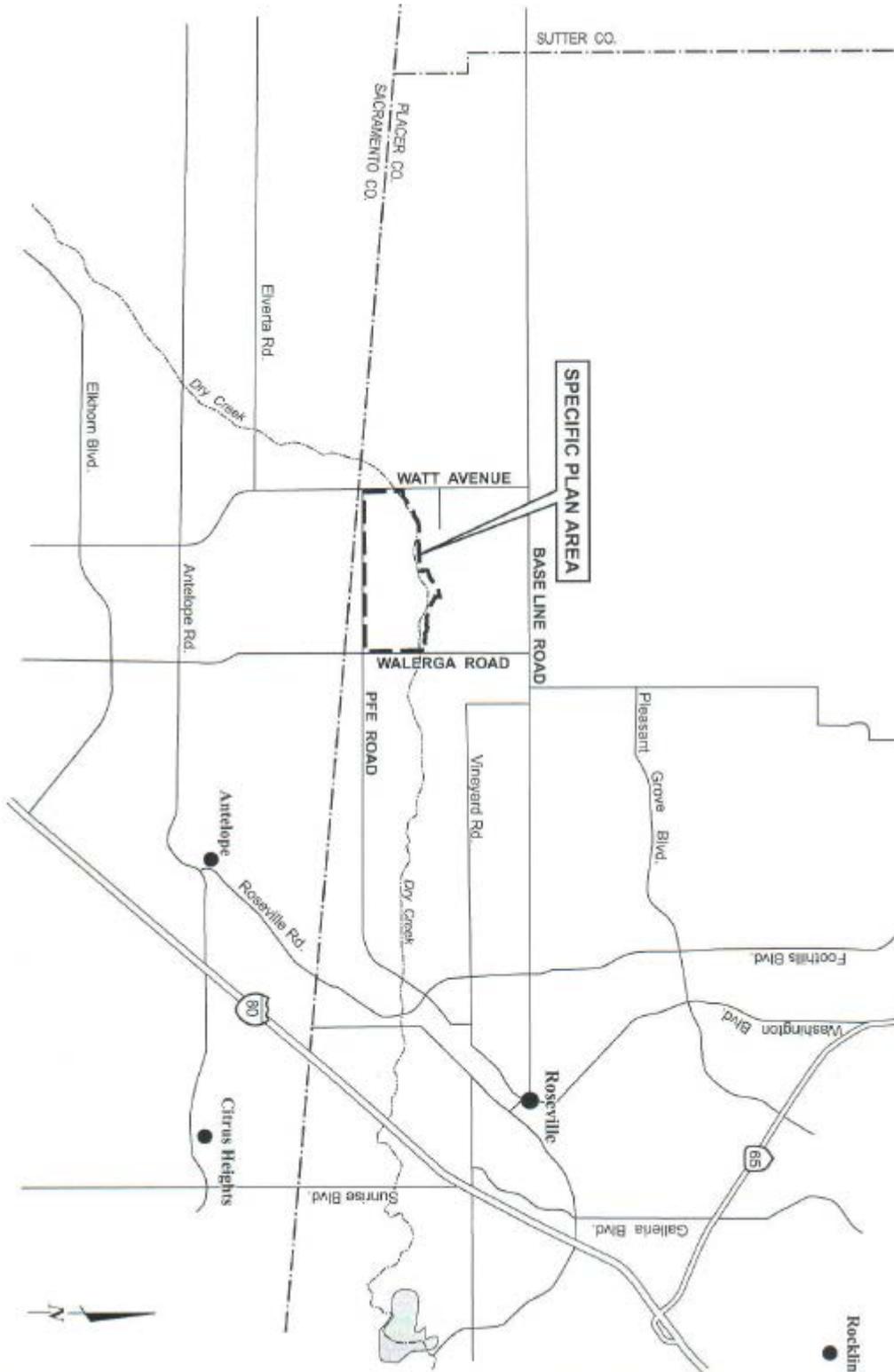
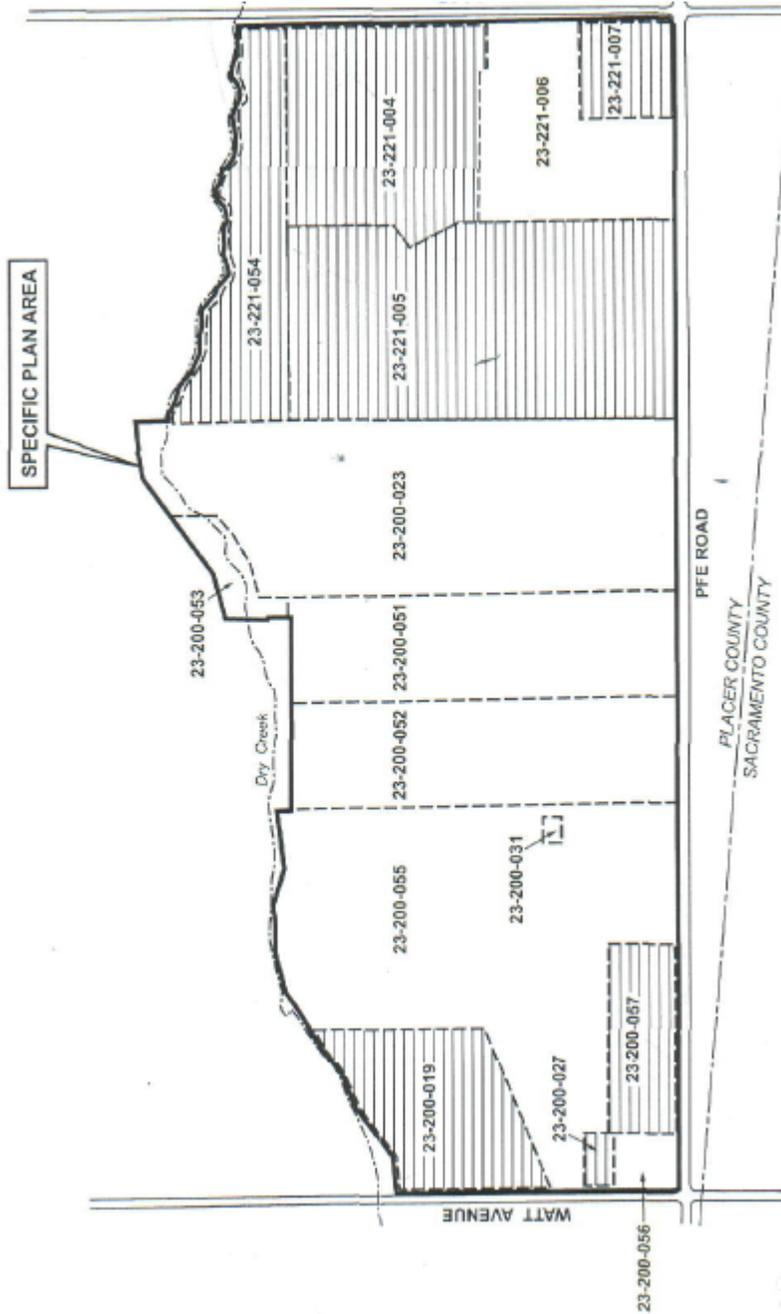


Figure 2 – Specific Plan Area



DISTRIBUTION LIST

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United States Fish & Wildlife Service
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Isabel Baer
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Rancho Cordova, CA 95670

Bill Jennings
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Bill Orme (Electronic copy only)
State Water Resources Control Board
401 Certification and Wetlands Unit Chief

Jason A. Brush (Electronic copy only)
Wetlands Office Supervisor (WTR-8)
United States Environmental Protection Agency