



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

29 May 2018

Phil Rodriguez
Lincoln Land Holdings, LLC
9216 Keifer Boulevard
Sacramento, CA 95827

CERTIFIED MAIL
91 7199 9991 7035 8419 7561

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; LINCOLN LAND HOLDINGS, LLC, LEWIS PROPERTY PROJECT (WDID#5A31CR00334A1), PLACER COUNTY

This Order responds to the 6 July 2017 request for an amendment of the Lewis Property Project (Project) Section 401 Water Quality Certification (WDID#5A31CR00334). The original Water Quality Certification (Certification) was issued on 29 July 2013. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Lincoln Land Holdings, LLC is requesting a time extension and a modification in impacts to waters of the United States as a result of an updated wetland delineation and preliminary jurisdictional determination by the United States Army Corps of Engineers (USACE). An updated wetland delineation was completed on 29 October 2015 and on 19 November 2015, the USACE issued a revised preliminary jurisdictional determination. The Project impacts have increased from 13.385 acres to 15.110 acres of impact to wetlands as a result of the updated wetland delineation and preliminary jurisdictional determination (SPK-2000-00386), an increase of 1.725 acres of impact.

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

APPLICATION FEE RECEIVED:

Fees in the amount of \$21,387.00 for this amendment were received on 21 December 2017. Total fees of \$59,000.00 were submitted for the original Certification. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

Stephanie Tadlock, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-8114
Stephanie.Tadlock@waterboards.ca.gov
(916) 464-4644

PUBLIC NOTICE:

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 7 July 2017 to 4 August 2017. The Central Valley Water Board did not receive any comments during the comment period.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The City of Lincoln is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Lewis Property Project pursuant to § 21000 et seq. of the Public Resources Code. The City of Lincoln certified the Programmatic Environmental Impact Report with the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program on 8 June 2010. (State Clearinghouse Number 2005062001). Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to water quality. Impact analysis was provided at a programmatic level throughout the Programmatic Environmental Impact Report for the Village 7 developments, with the exception of the Lewis Property Project which was project specific.

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Programmatic Environmental Impact Report, with the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program are in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the significant and potentially significant impacts to water quality identified in the Programmatic Environmental Impact Report. With the exception of significant impacts, the proposed mitigation measures discussed in the Programmatic Environmental Impact Report were adopted to avoid and minimize project impacts to state waters and are required by this Certification

With regard to the remaining impacts identified in the Programmatic Environmental Impact Report the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Lewis Property Project (WDID#5A31CR00334A1). 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 Adam Laputz for:

Patrick Pulupa, Incoming Executive Officer for
Pamela C. Creedon, Executive Officer

Attachments: *Attachment A – Amended Clean Water Act Section 401 Technically Conditioned Water Quality Certification, Lincoln Land Holdings, LLC, Lewis Property Project (WDID#5A31CR00334), Placer County*

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

Will Ness (SPK-2011-00057)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

CWA Section 401 WQC Program
Division of Water Quality
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cc: (w/enclosure)

Bill Jennings
CA Sportfishing Protection Alliance
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Stockton, CA 95204

California Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

Central Valley Regional Water Quality Control Board

29 July 2013

ATTACHMENT A

Phil Rodriguez
Lincoln Land Holdings, LLC
9216 Keifer Boulevard
Sacramento, CA 95827

CERTIFIED MAIL
7012 1640 0000 4750 8975

CLEAN WATER ACT SECTION §§ 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; LINCOLN LAND HOLDINGS, LLC, LEWIS PROPERTY PROJECT (WDID#5A31CR00334), PLACER COUNTY

This Order responds to the 28 November 2012 application submitted by the Lincoln Land Holdings, LLC (Applicant) for the Water Quality Certification of a housing development project permanently impacting ~~6.440~~ 15.110 acres and temporarily impacting ~~0.522~~ acre of waters of the United States and permanently impacting ~~5.365~~ acres and temporarily impacting ~~1.058~~ acres of waters of the State.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK# 2000-00386, SPK-2011-00057) under § section 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 § section 13330 of the California Water Code and § section 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 § section 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 § section 3860(c) of the California Code of Regulations.

4. This Certification is no longer valid if the project (as described) is modified, or coverage under § section 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."

TECHNICAL CERTIFICATION CONDITIONS:

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

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States and waters of the 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 § section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant 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. The Applicant shall perform surface water sampling:
 - a) when performing any in-water work;
 - b) in the event that project activities result in any materials reaching surface waters; or
 - c) when any activities result in the creation of a visible plume in surface waters. The 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 approval 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	—
pH	Standard Units	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)

⁽¹⁾ Grab samples 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, the 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, the Applicant 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, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no monitoring is conducted, the Applicant shall submit a written statement to the Central Valley Water Board Contact indicated in the Certification stating, "No monitoring was required."

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised ~~October 2011~~ April 2016 (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, settleable matter, and pH 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.
 - c) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, pH or other water quality objectives are exceeded.
7. In-water work shall occur during periods of no flow and no precipitation.

8. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant 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.
9. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the project. The Plan must detail the project elements, construction equipment types and location, access and staging and construction sequence. The Plan must also address the potential of responding to a spill or prevention of spills occurring within the project site.
10. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States and waters of the State.
11. Concrete must completely be cured before coming into contact with waters of the United States and waters of the State. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.
12. A method of containment must be used below the bridges to prevent debris from falling into the water body through the entire duration of the project.
13. 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 waters of the State through the entire duration of the project.
14. 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 1).
15. All areas disturbed by project activities shall be protected from washout or erosion.
16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
17. All materials resulting from the project shall be removed from the site and disposed of properly.

18. 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.
19. 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 receiving water. The Applicant shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
20. If unanticipated discharges to the waters of the United States, waters of the State, and/or soil occur, the Applicant shall notify the Central Valley Water Board Contact indicated in this Certification in writing within five (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.
21. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: (a) a change in the ownership or all or any portion of the Lewis Property Project; (b) any change in the project description; (c) any change involving discharge amounts, temporary impacts, and/or permanent impacts; and/or (d) amendments, modifications, revisions, extensions, and/or changes to the United States Army Corps of Engineers' Individual Permit, the United States Fish and Wildlife Service decision document(s), and/or the California Department of Fish and Wildlife Streambed Alteration Agreement.
22. The City of Lincoln is a Permittee under the National Pollution Discharge Elimination System General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, Order No. 2013-0001-DWQ (Small MS4 General Permit). The Applicant shall ensure that the Lewis Property Project is consistent with the City of Lincoln's Small MS4 General Permit addressing storm water quality.
23. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including but not limited to those requirements described in Lake or Streambed Alteration Agreement No. 1600-2012-0215-R2.
24. The Applicant shall comply with all United States Fish and Wildlife Service requirements, including but not limited to those requirements described in the Biological Opinion (1-1-05-0079), provided to the United States Army Corps of Engineers, dated 15 March 2006.
25. The Applicant shall obtain coverage under the National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of

one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

26. 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.
27. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report for the project, as they pertain to biology, hydrology and water quality impacts as required by § section 21081.6 of the Public Resource Code and § section 15097 of the California Code of Regulations.
28. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
 - (a) If the Applicant 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 the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) The Applicant 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.
29. The Applicant 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 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.

30. The Applicant shall provide the United States Army Corps of Engineers approved mitigation to the Central Valley Water Board contact prior to commencing construction.
31. The Applicant shall provide evidence of all on-site and off-site compensatory mitigation requirements including, but not limited to, the purchase of mitigation credits, the payment of in-lieu fees, and/or the recordation of a perpetual conservation easement grant as required by the United States Army Corps of Engineers prior to commencing construction to the Central Valley Water Board.

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.

If a conservation easement is recorded, the recorded executed conservation easement shall be consistent with §§ sections 815-816 of the California Civil Code

Evidence of compliance with compensatory mitigation requirements include providing a letter from the approved compensatory mitigation bank or in-lieu fee recipient. The letter must: (a) be on the compensatory mitigation bank's or in-lieu fee recipient's letterhead; (b) be signed by an authorized representative of the compensatory mitigation bank or in-lieu fee recipient; (c) indicate the United States Army Corps of Engineers' SPK number; (d) describe the project name and location; and (e) detail the type of compensatory mitigation credits purchased or in-lieu fees paid for the project's impacts.

STORM WATER QUALITY CONDITIONS:

The Applicant shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - (a) the Storm Water Pollution Prevention Plan must be prepared during the project planning and design phases and implemented, as appropriate, before construction; and
 - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. The Applicant must minimize the short and long-term impacts on receiving water quality from the Lewis Property Project by implementing the following post-construction stormwater management practices and as required by local agency permitting the project, as appropriate:
 - (a) minimize the amount of impervious surface;
 - (b) reduce peak runoff flows;
 - (c) provide treatment BMPs to reduce pollutants in runoff;
 - (d) ensure existing waters of the State (e.g., wetlands vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;

- (e) preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - (g) use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
 - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. The Applicant shall ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the project. Verification shall include one or more of the following, as applicable:
- (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - (c) written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - (d) any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

CENTRAL VALLEY WATER BOARD CONTACT:

~~Trevor Cleak~~ Stephanie Tadlock, Environmental Scientist
Central Valley Regional Water Quality Control Board
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Rancho Cordova, CA 95670-8114
~~tleak@waterboards.ca.gov~~ Stephanie Tadlock@waterboards.ca.gov
(916) 464-4684 4644

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The City of Lincoln is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Lewis Property Project pursuant to § section 21000 et seq. of the Public Resources Code. The City of Lincoln certified the Programmatic Environmental Impact Report with the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program on 8 June 2010. (State Clearinghouse Number 2005062001). Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to water quality. Impact analysis was provided at a programmatic level throughout the Programmatic Environmental Impact Report for the Village 7 developments, with the exception of the Lewis Property Project which was project specific.

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Programmatic Environmental Impact Report, with the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program are in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the significant and potentially impacts to water quality identified in the Programmatic Environmental Impact Report. With the exception of significant impacts, the proposed mitigation measures discussed in the Programmatic Environmental Impact Report were adopted to avoid and minimize project impacts. The mitigation measures as described in the final Programmatic Environmental Impact Report are required by this Certification, except as amended by the conditions contained within this Certification.

With regard to the remaining impacts identified in the Programmatic Environmental Impact Report the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the Lincoln Land Holdings, LLC, Lewis Property Project (WDID#5A31CR00334) will comply with the applicable provisions of § section 301 ("Effluent Limitations"), § section 302 ("Water Quality Related Effluent Limitations"), § section 303 ("Water Quality Standards and Implementation Plans"), § section 306 ("National Standards of Performance"), and § section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, the Lincoln Land Holdings, LLC's application package, 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*, Fourth Edition, revised October 2011.

Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Location Map

cc: Distribution List, page 16

PROJECT INFORMATION SHEET

Application Date: 28 November 2012

Applicant: Phil Rodriguez
Lincoln Land Holdings, LLC
9216 Keifer Boulevard
Sacramento, CA 95827

Applicant Representative: ~~Brian Mayerle~~ Kathleen Ports
ECORP Consulting
2525 Warren Drive
Rocklin, CA 95677

Project Name: Lewis Property Project

Application Number: WDID#5A31CR00334

Type of Project: Housing development

Timeframe of Project Implementation: 1 July 2013 through ~~4 July 2018~~ 11 January 2023

Project Location: Section 20, 28, and 29, Township 12 North, Range 6 East, MDB&M.
Latitude: 38°51'45"N and Longitude: 121°19'30" W

County: Placer County

Receiving Water(s) (hydrologic unit): Ingram Slough, unnamed vernal pools, and unnamed seasonal wetlands, Sacramento Hydrologic Basin, Valley-American Hydrologic Unit #519.22, Pleasant Grove HSA

Water Body Type: Wetland, ~~Streambed~~, Vernal Pools

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised ~~October 2014~~ April 2016 (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: ~~Ingram~~ Ingraham Slough, unnamed vernal pools, and unnamed seasonal wetlands are the receiving water for the Lewis Property Project. ~~Ingram~~ Ingraham Slough is not listed on the 303(d) list. This project does not impact an already impaired water body. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

Project Description: The 516-acre Lewis Property Project consists of constructing a housing development in Placer County. The project is located adjacent to Moore Road in Lincoln.

Impacts to waters of the United States consist of placing fill and constructing bridges. Approximately 39,760 cubic yards of cast-in-place concrete will be placed into Ingram Slough, a swale, and a seasonal wetland to construct Bridges A through F (Figure 1). Approximately 62,338 cubic yards of native soil will be placed into wetlands, and approximately 44,982 cubic yards of native soil will be placed into waters of the State to mass grade the site in preparation for construction of the development. Approximately ~~34.088~~ 42.2033 acres of waters of the United States and ~~0.041~~ 0.041 acre of waters of the State will be preserved.

A detailed summary of the impacts and preservation to all waters on the site is shown in Table 2.

Table 2:

Wetland Type	Existing as of 2012 (acres)	Permanent Impact (acres)	Temporary Impact (acres)	Preserved (acres)
Waters of the United States	41.50	6.440	0.522	34.088
Drainage Swale	3.622	0.091	0.000	3.531
Farmed Wetland	11.111	0.908	0.014	10.188
Ingram Slough	19.453	1.710	0.481	17.262
Intermittent Drainage	0.007	0.007	0.000	0.000
Pond	3.383	3.383	0.000	0.000
Seasonal Wetland	2.557	0.287	0.000	2.270
Vernal Pool	0.918	0.054	0.027	0.837
Waters of the State	6.465	5.365	1.058	0.041
Drainage Ditch	0.760	0.718	0.000	0.041
Stock Pond	5.705	4.647	1.058	0.000
Grand Total:	47.515	11.806	1.580	34.129

<u>Wetland Type</u>	<u>Permanent Impact (acres)</u>	<u>Preserved (acres)</u>	<u>Total Impacts to waters of the United States (acres)</u>
<u>Seasonal Wetland</u>	<u>0.924</u>	<u>2.479</u>	<u>3.404</u>
<u>Drainage Swale/Seasonal Wetland Swale</u>	<u>1.835</u>	<u>11.516</u>	<u>13.351</u>
<u>Marsh</u>	<u>0</u>	<u>9.519</u>	<u>9.519</u>
<u>Farmed Wetland</u>	<u>1.964</u>	<u>0.027</u>	<u>1.991</u>
<u>Pasture Wetland</u>	<u>5.102</u>	<u>3.579</u>	<u>8.681</u>
<u>Ingram Slough</u>	<u>1.128</u>	<u>12.654</u>	<u>13.888</u>
<u>Pond</u>	<u>3.998</u>	<u>0.966</u>	<u>4.964</u>
<u>Drainage Ditch</u>	<u>0.080</u>	<u>0.184</u>	<u>0.264</u>
<u>Wetland Total</u>	<u>15.031</u>	<u>40.8963</u>	<u>55.9273</u>
<u>Vernal Pool Total</u>	<u>0.079</u>	<u>1.307</u>	<u>1.386</u>
<u>Total Impacts</u>	<u>15.110</u>	<u>42.2033</u>	<u>57.3133</u>

A detailed summary of the bridge impacts is shown in Table 3.

Table 3:

Bridge	Construction Activities	Water Body Type	Type of Impact	Waters of the United States/Waters of the States
Bridge A - Collector Street Culvert Crossing	Streambed will be filled for construction of an approximately 245-foot long by 40-foot wide bridge and trail over a 24-inch drainage culvert.	Drainage Ditch	Permanent	State
Bridge B - Street 57 Bridge	An approximately 250-foot long by 45-foot wide bridge will be constructed with one row of piers in the streambed. Piers will be drilled.	Ingram Slough	Permanent	United States
Bridge C - Westerly Ped/Bike Bridge	An approximately 175-foot long by 15-foot wide pedestrian bridge will be constructed and will span the wetland. No streambed excavation will be required.	Ingram Slough	Temporary	United States
Bridge D - Easterly Ped/Bike Bridge	An approximately 185-foot long by 15-foot wide pedestrian bridge will be constructed and will span the wetland. No streambed excavation will be required.	Ingram Slough	Temporary	United States
Bridge E - Central Blvd. Bridge	An approximately 250-foot long by 55-foot wide bridge will be constructed with three rows of piers in the streambed. Piers will be drilled.	Ingram Slough	Permanent	United States
Bridge F - Ferrari Ranch Rd. Bridge	An approximately 160-foot long by 80-foot wide bridge will be constructed with two rows of piers in streambed. Piers will be drilled.	Seasonal Wetland	Permanent	United States

Approximately ~~1.740~~ 1.128 acres of permanent impacts and ~~0.481 acre of temporary impacts~~ to Ingraham Slough will occur from the construction of bridges B through E. Bridges A, B, E, and F will involve the installation of precast concrete culverts, which consist of concrete footings and stem walls. Other project activities such as the placement of other infrastructure will not impact waters of the United States ~~or State~~. Construction equipment will be out of the ordinary high water mark to construct the bridges. No flows will be in ~~Ingram~~ Ingraham Slough at the time of construction. No dewatering will occur within the project area.

~~The project will permanently impact 6.440 acres and temporarily impact 0.522 acre of waters of the United States and permanently impact 5.365 acres and temporarily impact 1.058 acres of waters of the State. Mass grading in preparation for development and bridge construction over Ingraham Slough will permanently impact 15.110 acres of waters of the United States.~~

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

Proposed Mitigation to Address Concerns: The Applicant 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. The Applicant will conduct turbidity, settleable matter, and pH testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Excavation/Fill Area: Approximately 39,760 cubic yards of cast-in-place concrete, and ~~62,338~~ 107,320 cubic yards of native soil will be placed into ~~6.440~~ 15.110 acres of waters of the United States and approximately 44,982 cubic yards of native soil will be placed into 5.365 acres of waters of the State.

Dredge Volume: None

United States Army Corps of Engineers File Number: SPK-2000-00386/SPK-2011-00057

United States Army Corps of Engineers Permit Type: Individual Permit

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:
1600-2012-0215-R2

Possible Listed Species: Vernal pool fairy shrimp and Vernal pool tadpole shrimp.

Status of CEQA Compliance: The City of Lincoln certified the Programmatic Environmental Impact Report with the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program on 8 June 2010. (State Clearinghouse Number 2005062001).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

Compensatory Mitigation: The Applicant has submitted a mitigation proposal to the United States Army Corps of Engineers, which proposes a mitigation ratio of 1.3:1 to impacts to waters of the United States through the creation of habitat. In addition, preservation of 34.088 acres of waters of the United States and 0.041 acre of waters of the State is proposed through a perpetual conservation easement. The mitigation proposal has not been approved by the United States Army Corps of Engineers. Conditions included in this Certification require the submission of the approved mitigation by the United States Army Corps of Engineers and evidence of compliance with the United States Army Corps of Engineers mitigation requirements.

Since the proposed mitigation ratio for impacts to waters of the United States is approximately 5.29:1 through a perpetual conservation easement, no additional mitigation is required for the impacts to waters of the State.

The Applicant has agreed to provide compensatory mitigation for direct impacts to waters of the United States. A copy of the fully executed agreement for the purchase of mitigation credits from Toad Hill Mitigation Bank shall be provided to the Central Valley Water Board prior to start of construction.

The Permittee is required to provide compensatory mitigation for the authorized impact to wetlands and vernal pools by purchasing 2.0 wetland establishment credits from the Toad Hill Mitigation Bank, and preserving 42.233 acres of on-site open space and 24.346 acres of wetland preservation area at the off-site City of Lincoln Waste Water Treatment Reclamation Facility Mitigation Property.

Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4.

Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area								
<u>Aquatic Resource Type</u>	<u>Comp Mit. Type¹</u>	<u>Units</u>	<u>Method²</u>					
			<u>Est.</u>	<u>Re-est.</u>	<u>Reh.</u>	<u>Enh.</u>	<u>Pres.</u>	<u>Unknown</u>
<u>Wetland</u>	<u>MB</u>	<u>Acres</u>	<u>2.0</u>	-	-	-	-	-
<u>Wetland</u>	<u>PR</u>	<u>Acres</u>	-	-	-	-	<u>66.579</u>	-

Application Fee Provided: Total fees of \$59,000.00 have been submitted to the Central Valley Water Board as required by § section 3833(b)(3)(A) and § section 2200(a)(3) of the California Code of Regulations.

¹ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

² Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

DISTRIBUTION LIST

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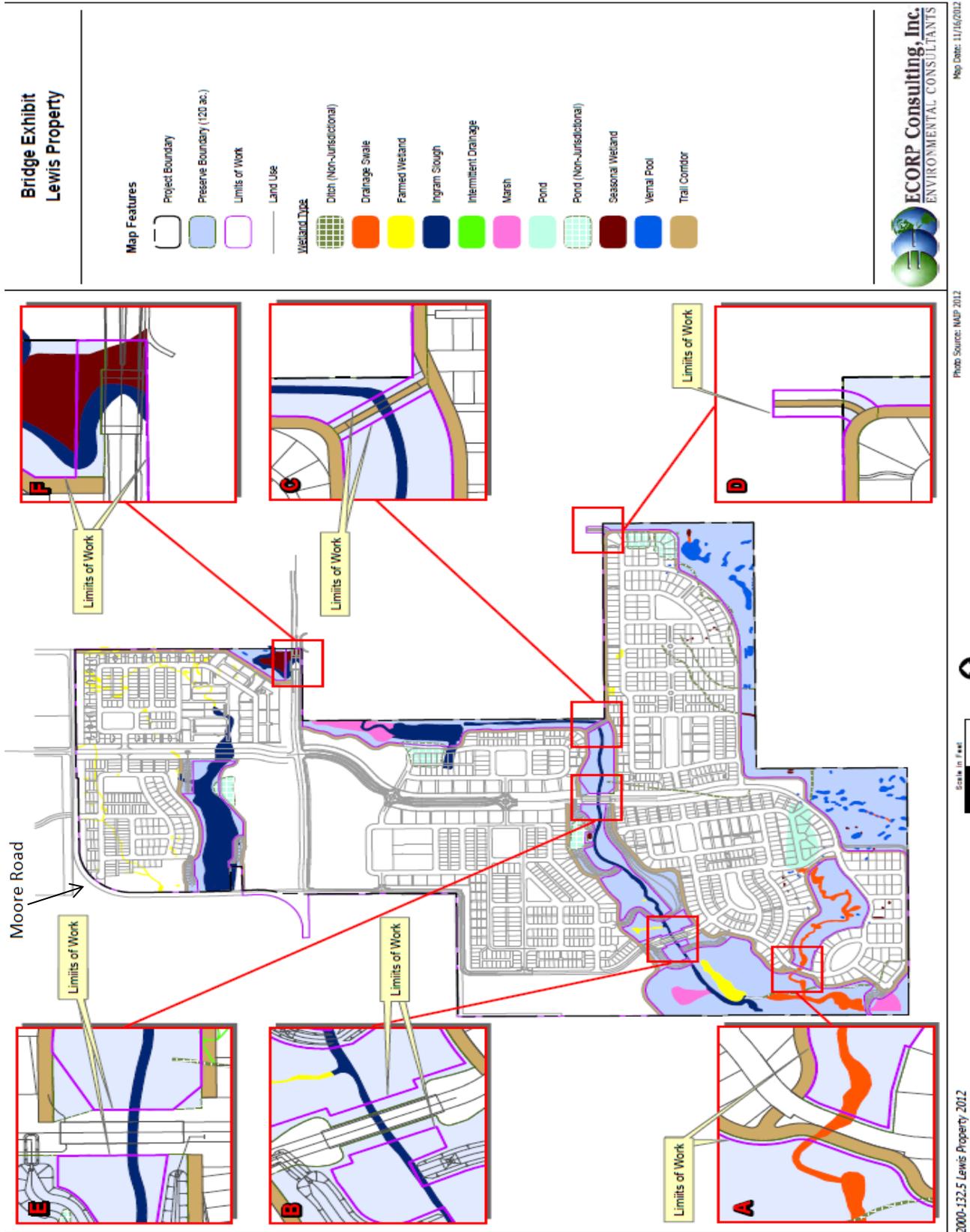


Figure 1 – Project Location Map