
Central Valley Regional Water Quality Control Board

22 September 2016

Mike Mahoney
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ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; PENRYN DEVELOPMENT, LLC, ORCHARD AT PENRYN PROJECT (WDID#5A31CR00392), PLACER COUNTY

This Order responds to the 11 August 2016 request for an amendment of the Orchard at Penryn Project Section 401 Water Quality Certification (WDID#5A31CR00392). The original Water Quality Certification (Certification) was issued on 24 October 2014. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Penryn Development, LLC has requested an amendment to the original Certification to reflect a redesign of the Project, which reduces the impacts to waters of the United States. The original Certification authorizes 0.414 acre of permanent impacts and 0.117 acre of temporary impacts to jurisdictional wetlands. Penryn Development, LLC submitted a revised impacts map identifying revised impacts of 0.270 acre of permanent impacts and 0.124 acre of temporary impacts to jurisdictional wetlands. In a letter dated 16 May 2016, the United States Army Corps of Engineers (SPK-2007-00019) authorized 0.270 acre of permanent impacts and 0.124 acre of temporary impacts to waters of the United States.

The Certification is amended to include Technical Condition 16 as shown below in underline format:

16. To mitigate for the loss of 0.270 acre of jurisdictional wetlands, the Applicant shall purchase a minimum of 0.270 vernal pool creation credits from Locust Road Mitigation Bank, as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. Additionally, the Applicant will restore 0.124 acre of temporarily impacted waters of the United States and adjacent upland areas within 50 feet of waters of the United States to pre-Project conditions, as required by the

United States Army Corps of Engineers. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of the mitigation credit purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

The Project Information Sheet is amended as shown below in strikeout and underline format:

Project Description: The Orchard at Penryn Project consists of developing 150 multi-family residential units and a recreation center on ±15.1 acres in the community of Penryn. The project would consist of three or six units per building with parking for a total of 375 vehicles (2.5 parking spaces per unit). The project applicant also proposes to create commonly held open space in the central portion of the project site and build recreational facilities onsite. The primary site entrance is proposed as a gated entrance from Penryn Road. A secondary exit-only gated access point is proposed for Taylor Road. The proposed project also includes a 30-foot wide landscape easement along Penryn Road, onsite landscaping, an onsite circulation system, and placement of utilities. A small portion of fencing and landscaping associated with the property to the south encroach on the project site. These features would be removed with development of the proposed project.

Placer County will require the project applicant to construct improvements along the project site's frontage on Penryn Road consistent with the road cross-sections for Penryn Parkway provided in the Community Plan. The applicant is required to provide 44 feet of right-of-way, which is one-half of the full roadway width. This would include widening the road to provide two southbound 12-foot travel lanes, a Class II bike lane, and curb, gutter, and sidewalk. The project would also be required to provide one-half of a center two-way left turn lane.

The actions necessary to complete site remediation are documented in the project's Revised Draft Removal Action Workplan (RAW) (Wallace-Kuhl & Associates 2008), which is provided as Appendix C to this Draft EIR. The RAW recommends removal of 11,600 cubic yards of contaminated soil from ±7.11 acres of the project site. Soil excavations would generally be between 12 and 18 inches deep, although in three locations excavations may reach 24 inches in depth. The soil within and surrounding the eastern drainage swale and the southern portion of the central drainage swale is contaminated and would be excavated. This would destroy the affected portions of the swales and remove the associated riparian and woodland vegetation.

Drainage originating from offsite properties that currently flows through the onsite drainage swales is proposed to be conveyed across the project site in storm drains. Drainage that originates within the project site would be conveyed through storm drain pipes and onsite bioswales to the center of the project site and to a detention basin.

Valley Elderberry Longhorn Beetle (VELB) has been known to occur in or near the Project area and may be impacted as a result of construction activities. If VELB are discovered within the Project area, the Applicant will follow the United States Fish and Wildlife Conservation Guidelines for the Valley Elderberry Longhorn Beetle dated 9 July 1999.

No dewatering will occur on the Project site. No wet concrete will be placed into waters of the United States. The Project will permanently impact 0.270 acre and temporarily impact 0.124 acre of waters of the United States.

Fill/Excavation Area Project implementation will permanently impact 0.414 0.270 acre of jurisdictional wetland and temporarily impact 0.417 0.124 acre of jurisdictional wetland.

Table 2: Impacts from Fill Excavation Activities

<u>Aquatic Resource Type</u>	<u>Temporary</u>			<u>Permanent</u>					
				<u>Physical Loss of Area</u>			<u>Degradation of Ecological Condition Only</u>		
	<u>Acres</u>	<u>Cubic-yards</u>	<u>Linear-feet</u>	<u>Acres</u>	<u>Cubic-yards</u>	<u>Linear-feet</u>	<u>Acres</u>	<u>Cubic-yards</u>	<u>Linear-feet</u>
<u>Wetland</u>	0.117 0.124	-	-	0.414 0.270	-	-	-	-	-

Compensatory Mitigation: Penryn Development, LLC will either purchase 0.5-acre of wetland mitigation credits from the Toad Hill Ranch Mitigation Bank or from the National Fish & Wildlife Foundation fund-in-lieu fee program fund, for the unavoidable impacts to jurisdictional waters. To mitigate for the loss of 0.270 acre of jurisdictional wetlands, the Applicant shall purchase a minimum of 0.270 vernal pool creation credits from Locust Road Mitigation Bank, as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. Additionally, the Applicant will restore 0.124 acre of temporarily impacted waters of the United States and adjacent upland areas within 50 feet of waters of the United States to pre-Project conditions, as required by the United States Army Corps of Engineers. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Evidence of the mitigation credit purchase shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

Table 3: Compensatory Mitigation for Permanent Physical Loss of Area and Temporary Impacts

<u>Aquatic Resource Type</u>	<u>Comp Mitigation Type</u>			<u>Units</u>		<u>Established</u>	<u>Re-established</u>	<u>Rehabilitated</u>	<u>Enhanced</u>	<u>Preserved</u>	<u>Unknown</u>
	<u>In-Lieu</u>	<u>Mit. Bank</u>	<u>Permittee Responsible</u>	<u>AC (Acres)</u>	<u>LF (Linear Feet)</u>						
<u>Wetland</u>	X	X	-	<u>0.500</u>	-	X	-	-	-	-	-
<u>Vernal Pool</u>	-	X	-	<u>0.270</u>	-	X	-	-	-	-	-
<u>Wetland</u>	-	-	X	<u>0.124</u>	-	-	X	-	-	-	-
<u>Total</u>	-	-	-	<u>0.500</u> <u>0.390</u>	-	-	-	-	-	-	-

APPLICATION FEE RECEIVED:

No fees were submitted for this amendment. Total fees of \$3,944.00 for the original Certification were submitted to the Central Valley Regional Water Quality Control Board as required by Section 3833(b)(3)(A) and by Section 2200(a)(3) of the California Code of Regulations.

CENTRAL VALLEY WATER BOARD CONTACT:

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CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Placer County certified an Environmental Impact Report on 11 December 2012 and filed a Notice of Determination with the State Clearinghouse on 21 December 2012 (SCH No. 2010032070). Placer County certified an Addendum to the Environmental Impact Report on 19 May 2015. Placer County filed a Notice of Determination with the State Clearinghouse on 26 May 2015 (SCH No. 2010032070).

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Orchard at Penryn Project (WDID#5A31CR00392A1). 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:

Pamela C. Creedon
Executive Officer

Enclosure: Project Information

Attachment: Figure 1 – Project Impacts Map

cc: Distribution List, page 6

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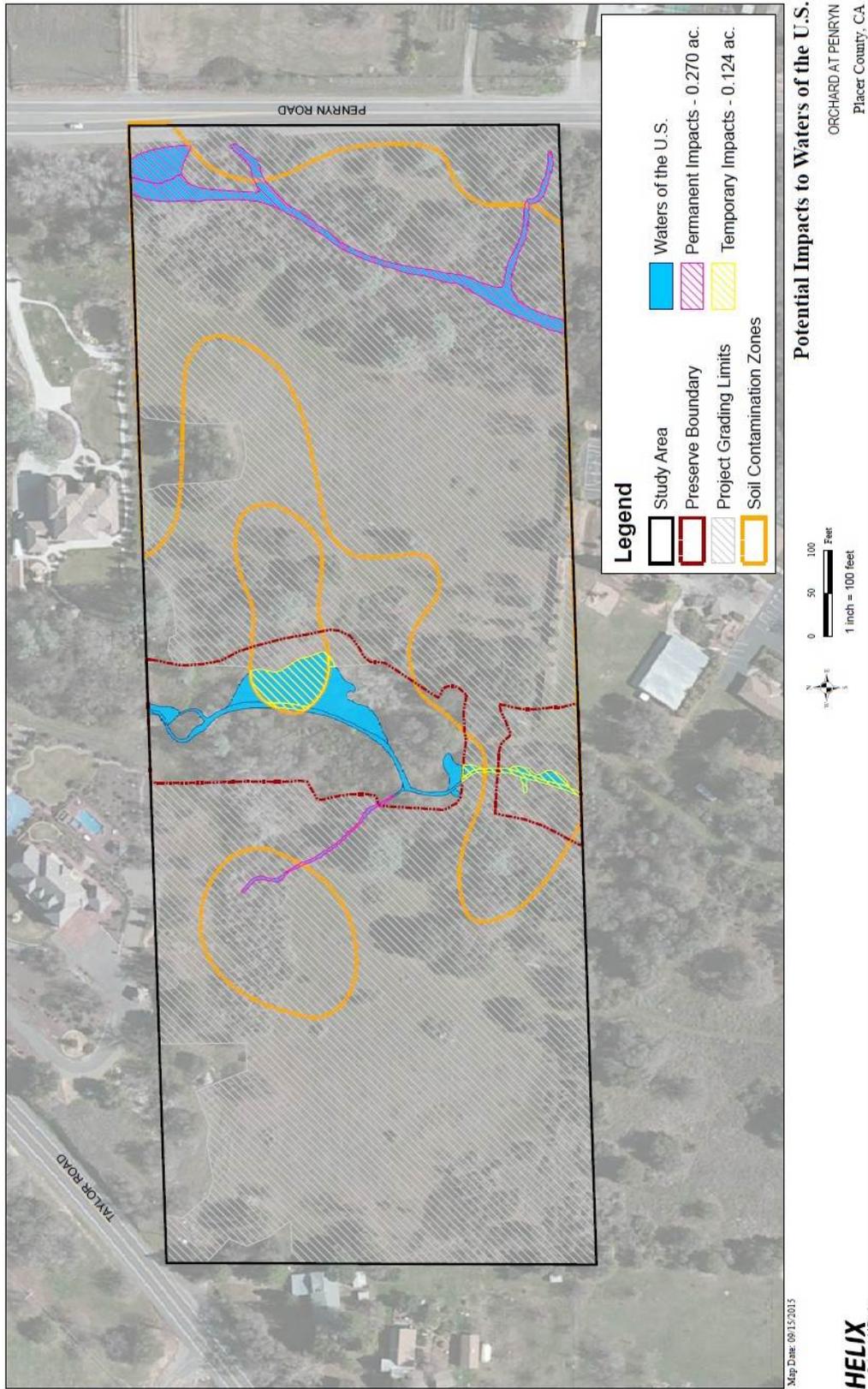


Figure 1 – Project Impacts Map