
Central Valley Regional Water Quality Control Board

19 May 2017

Mike Mahoney
Penryn Development, LLC
3990 Ruffin Road, Suite 100
San Diego, CA 92123

CERTIFIED MAIL
91 7199 9991 7035 8421 9645

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; PENRYN DEVELOPMENT, LLC, ORCHARD AT PENRYN PROJECT (WDID#5A31CR00392A2), PLACER COUNTY

This Order responds to the 21 February 2017 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 and amended on 22 September 2016. The requested second 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 changes in permanent and temporary impacts to waters of the United States from the construction of a new all-weather access road required by the South Placer Municipal Utility District. The original Certification and Amendment 1 authorizes 0.270 acre of permanent impacts and 0.124 acre of temporary impacts. The total permanent impacts will increase to 0.375 acre and the total temporary impacts will decrease to 0.057 acre. The revised impacts are authorized by the United States Army Corps of Engineers (SPK-2007-00019) and the California Department of Fish and Wildlife (1600-2014-0162-R2).

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

16. To mitigate for the loss of ~~0.270~~ 0.342 acre of jurisdictional wetlands and 0.033 acre of stream channel habitat, the Applicant shall purchase a minimum of ~~0.270~~ 0.342 vernal pool creation credits and 0.033 floodplain mosaic 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~~ 0.057 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. Site improvements and grading activities will permanently impact 0.267 acre and temporarily impact 0.057 acre of waters of the United States.

The Project includes constructing an all-weather access road as required by the South Placer Municipal Utility District located within their on-site easement through the middle of the Project area, as shown on Figure 1. The all-weather access road will permanently impact 0.108 acre of waters of the United States.

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~~ 0.375 acre and temporarily impact ~~0.124~~ 0.057 acre of waters of the United States.

Fill/Excavation Area Project implementation will permanently impact 0.033 acre of stream channel and ~~0.270~~ 0.342 acre of jurisdictional wetland; and temporarily impact 0.014 acre of stream channel and ~~0.124~~ 0.043 acre of jurisdictional wetland.

Table 2: Impacts from Fill Excavation Activities

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
<u>Stream Channel</u>	<u>0.014</u>	-	-	<u>0.033</u>	-	-	-	-	-
<u>Wetland</u>	0.124 <u>0.043</u>	-	-	0.270 <u>0.342</u>	-	-	-	-	-
<u>Total</u>	<u>0.057</u>	-	-	<u>0.375</u>	-	-	-	-	-

Compensatory Mitigation: To mitigate for the loss of ~~0.270~~ 0.342 acre of jurisdictional wetlands and 0.033 acre of stream channel habitat, the Applicant shall purchase a minimum of ~~0.270~~ 0.342 vernal pool creation credits and 0.033 floodplain mosaic 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~~ 0.057 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

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Vernal Pool	-	X	-	0.270 <u>0.342</u>	-	X	-	-	-	-	-
Floodplain Mosaic (Steam Channel)	-	X	-	<u>0.033</u>	-	X	-	-	-	-	-
Stream Channel	-	-	X	<u>0.014</u>	-	-	X	-	-	-	-
Wetland	-	-	X	0.124 <u>0.043</u>	-	-	X	-	-	-	-
Total	-	-	-	0.390 <u>0.432</u>	-	-	-	-	-	-	-

APPLICATION FEE RECEIVED:

Fees of \$1,166.00 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:

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

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#5A31CR00392A2). 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 Location Map

cc: Distribution List, page 6

DISTRIBUTION LIST

Leah Fisher (SPK-2007-00019)
United States Army Corps of Engineers
Sacramento District Headquarters
1325 J Street, Room 1350
Sacramento, CA 95814-2922

Department of Fish and Wildlife, Region 2 (Electronic Copy Only)
R2LSA@wildlife.ca.gov

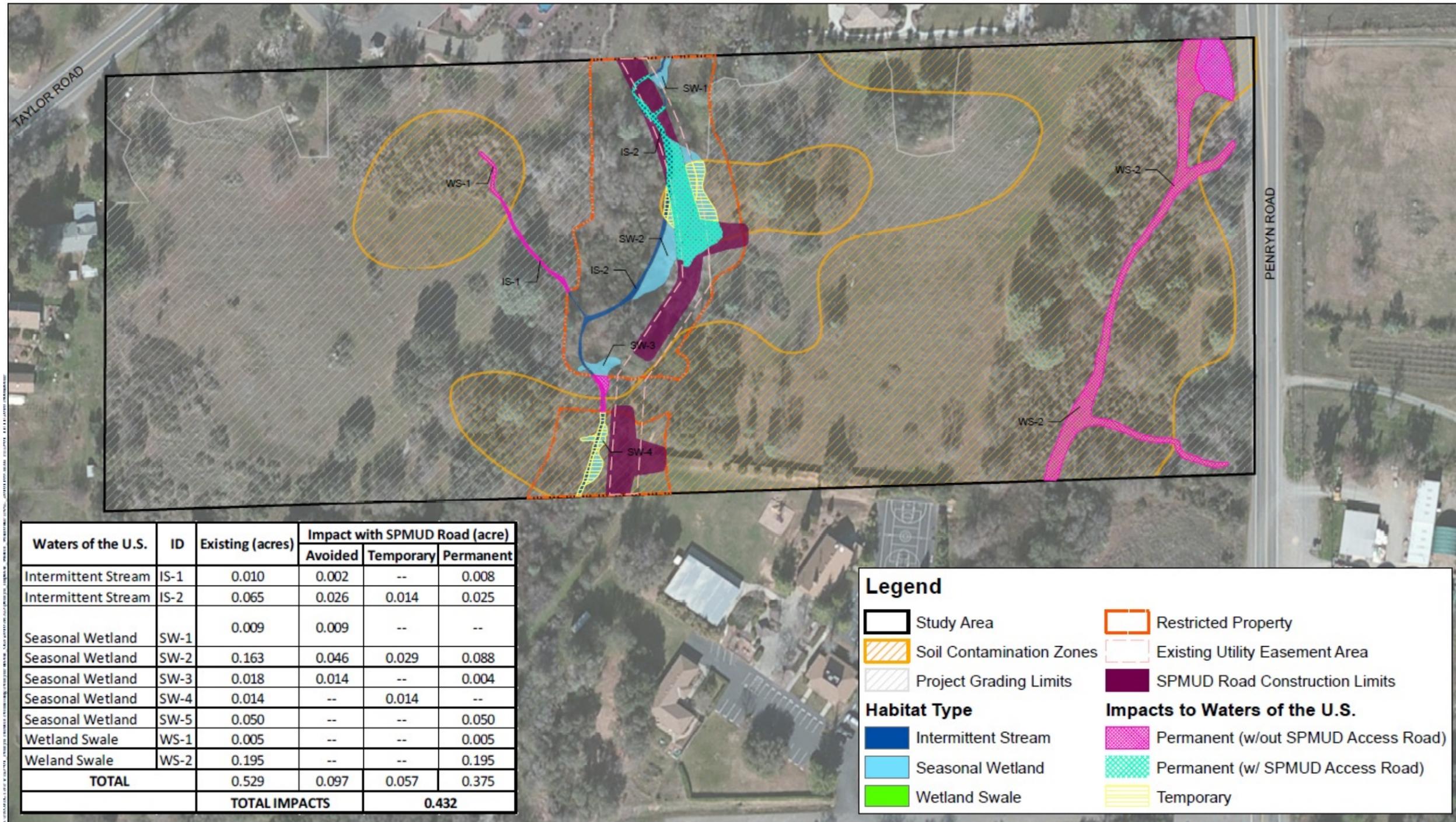
Bill Jennings
CA Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204

Bill Orme (Electronic copy only)
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

Joe Morgan (Electronic Copy Only)
United States Environmental Protection Agency
Morgan.Joseph@epa.gov

David Claycomb (Electronic Copy Only)
Helix Environmental Planning
DaveC@helixepi.com

Lesley Scheuber (Electronic Copy Only)
Helix Environmental Planning
LesleyS@helixepi.com



Potential Impacts to Waters of the U.S. with Additional SPMUD All-Weather Access Road

Figure 1 – Project Location Map