

Central Valley Regional Water Quality Control Board

30 May 2018

William Ness
U.S. Army Corps of Engineers, California North Branch
1325 J Street, Room 1350
Sacramento, CA 95814-2922

Reg. Meas. ID:	399300
Place ID:	811766
WDID:	5A31CR00404A1
USACE No.:	SPK-1999-00737

CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; UNITED STATES ARMY CORPS OF ENGINEERS, REGIONAL GENERAL PERMIT **14** FOR PLACER VINEYARDS SPECIFIC PLAN INFRASTRUCTURE (WDID #5A31CR00404**A1**), PLACER COUNTY

ACTION:

1. Order for Standard Certification
2. Order for Technically-conditioned Certification
3. Order for Denial of Certification

This Order responds to the 18 December 2014 application submitted by the United States Army Corps of Engineers (Applicant) for the Programmatic Water Quality Certification (Certification) of Placer Vineyards Project Regional General Permit (RGP) for the development of the Placer Vineyards Specific Plan Infrastructure in Placer County. This Certification and RGP provide coverage of the backbone infrastructure areas shown in Attachment A and Development Projects listed in Attachment B, including permanent impacts to 36.520 acres of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Regional General Permit (SPK-1999-00737) under Section 401 of the Clean Water Act and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

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 (CCR).

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 23 CCR 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 § 3833 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."

PROGRAMMATIC CERTIFICATION CONDITIONS:

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

1. The Enrollee shall submit a Notice of Intent (NOI) form (Attachment C) to obtain coverage under this Certification for any segment of the backbone infrastructure at least 90 days prior to initiating construction.

2. The Enrollee shall submit the entire fee with the NOI as required by section 3833(b)(3)(A) and section 2200(a)(3) of the California Code of Regulations.
3. The Enrollee shall obtain a separate Water Quality Certification for additional development projects not identified in Attachment B of this Certification.
4. The Central Valley Water Board staff will review the NOI and evaluate whether it meets the project description in this Certification. If the NOI meets the requirements, the Central Valley Water Board Executive Officer will issue a Notice of Applicability (NOA) within 90 days to provide coverage under this Certification. The Central Valley Water Board reserves the authority to request additional information or exclude any segments from coverage. The Enrollee must receive a NOA prior to in-water work.

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard and programmatic conditions, the Enrollee shall satisfy the following:

1. The Enrollee under the Regional General Permit (RGP) shall notify submit to the Central Valley Regional Water Quality Control Board (Central Valley Water Board) in writing at least seven (7) days ~~twenty-one (21) days~~ in advance of starting of any work on the project or work within waters of the United States and waters of the state. ~~a detailed description of the project. The Enrollee will receive a WDID number and authorization to proceed from the Central Valley Water Board.~~ The notification shall include the name of the project, the WDID number, the segments being constructed from Attachment B and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the U.S. Army Corps 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 Enrollee 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 Enrollee shall perform surface water sampling¹:
 - 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.

For work being conducted in a water body where there is an upstream or downstream location from the project area the monitoring requirements in Table 1 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the

¹ Sampling is not required in water bodies where the water body is being permanently filled, provided there is no outlet connecting the water body to surface water.

work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

For work is being conducted in a water body with no upstream or downstream location from the project area (i.e., lake, wetland, etc.) the monitoring requirements in Table 1 shall be conducted by taking a sample of the ambient conditions before work begins in the work area and sampling during work in the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1: Sample Type and Frequency Requirements

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

- (1) Grab samples shall be taken at mid-depth and 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.
- (3) Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
- (4) A hand-held field meter may be used, provided that the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Certification shall be maintained at the Project site.

As appropriate, surface water monitoring shall occur at mid-depth. 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 Enrollee 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 sampling monitoring is required conducted, the Enrollee shall submit a written statement to the Central Valley Water Board Contact indicated in the Certification stating, "No sampling monitoring was required" within two weeks of initiation of in-water work and every two weeks thereafter. ~~with the Notice of Completion.~~

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised April 2016* ~~October 2011~~ or *Water Quality Control Plan for the Tulare Lake Basin, 2nd Edition* (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 NTU;
 - 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;
 - 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 approximately 300 feet downstream of the Project.~~
 - c) Activities shall not cause pH to be depressed below 6.5 not raised above 8.5 in surface water.
6. The Enrollee shall notify the Central Valley Water Board immediately if the above criteria for turbidity, ~~or settleable matter~~, pH or other water quality objectives are exceeded.
 7. In-water work shall occur during periods of low flow (i.e. water level is below the construction area) 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 Enrollee 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 Enrollee 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. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Enrollee shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
11. ~~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 surface waters. Concrete must completely be cured before coming into contact with surface waters. 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. Concrete must be completely 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.
13. An effective combination of erosion and sediment control Best Management Practices (BMPs) shall be implemented and adequately working during all phases of construction.
14. All areas disturbed by Project activities shall be protected from washout or erosion.
15. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
16. If temporary surface water diversions and/or dewatering are anticipated, the Enrollee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities. The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.
17. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.
18. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

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 Enrollee shall notify the Central Valley Water Board as soon as practicable of any spill of petroleum products or other organic or earthen materials with written follow up within 5 days.~~
20. The Enrollee shall submit a signed copy of the Department of Fish and Wildlife's Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.
21. The Enrollee shall obtain coverage under the National Pollutant 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.
22. ~~The Enrollee shall obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water and/or shall obtain Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land from the Central Valley Water Board.~~
23. The Conditions in this water quality certification are based on the information contained in the Enrollee's application and in the attached "Project Information Sheet." If the actual ~~P~~project, as described in the application or and the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
24. The Enrollee shall implement each of the mitigation measures specified in the certified Placer Vineyard Specific Plan, Environmental Impact Report, and additional information required in the EIR Resolution 2012-211038 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.
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 the applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, 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 water quality standards and other pertinent requirements incorporated into this certification.
 - a) If the Enrollee or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, the Enrollee is subject to civil monetary liabilities, for each day of violation, or criminal liability.

- b) In response to a suspected violation of any condition of this certification, Central Valley Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (California Water Code, sections §-1051, 13165, 13267 and 13383) In response to any violation of the conditions of this certification, the Central Valley Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
- c) The Enrollee shall allow the staff 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. Staff of the Central Valley Water Board have has prepared total maximum daily load (TMDL) allocations that, once approved, would limit methylmercury in storm water discharges to the Sacramento-San Joaquin Delta. The Central Valley Water Board has scheduled these proposed allocations to be considered for adoption. When the Central Valley Water Board adopts the TMDL and once approved by the Environmental Protection Agency, the discharge of methylmercury may be limited from the proposed project. The purpose of this condition is to provide notice to ~~(The~~ Enrollee) that methylmercury discharge limitations and monitoring requirements may apply to this project in the future and also to provide notice of the Central Valley Water Board's TMDL process and that elements of the planned construction may be subject to a TMDL allocation.
27. Prior to commencing construction, the Enrollee shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site mitigation shall be submitted with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, purchase of mitigation credits, on-site habitat creation, and/or off-site habitat preservation, as required by the United States Army Corps of Engineers.

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

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved compensatory mitigation bank. The letter must: a) be on the compensatory mitigation bank's letterhead; b) be signed by an authorized representative of the compensatory mitigation bank; 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 for the project's impacts.

NOTIFICATIONS AND REPORTS:

28. The Enrollee shall provide a Notice of Completion (NOC) no later than 30 days after the individual segment is completed. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any approved amendments. 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.
29. The Enrollee shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleyredding@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

STORM WATER QUALITY CONDITIONS:

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

30. During the construction phase, the Enrollee 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 (SWPPP) must be prepared during the project planning and design phases and before construction;
 - 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.
31. Post-Construction Storm Water Management
- The Enrollee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices:
- 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 ~~estimate increases in pollutant loads and flows resulting from projected future development and require~~ 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;
 - i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
32. The Enrollee must ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs. 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 BMP maintenance.
- ~~1. The Enrollee shall provide the Central Valley Water Board Contact indicated in this Certification 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~~

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Daniel Warner, Water Resource Control Engineer
364 Knollcrest Drive, Suite 205
Redding, California 96002
dwarner@waterboards.ca.gov
(530) 224-4848

~~George Day, Senior Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205, Redding, California 96002
gday@waterboards.ca.gov
(530) 224-484859~~

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from Placer Vineyards Specific Plan Infrastructure Project, (WDID No. 5A31CR00404), will comply with the applicable provisions of Clean Water Act sections §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 pursuant to under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.). ~~"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 conditions of this Certification, the 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 April 2016 ~~October 2014~~ (Basin Plan).

Any person aggrieved by this action may petition the State Water Resources Control Board to reconsider this Order in accordance with California Code of Regulations, Title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.



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

DLW:

Enclosure: ~~Water Quality Order No. 2003-0017 DWQ~~

cc w/e William Ness ~~Ms. Mary Pakenham Walsh~~, U.S. Army Corps of Engineers,
enclosures: Sacramento
Department of Fish and Wildlife, Region 2, Rancho Cordova
U.S. Fish and Wildlife Service, Sacramento
Mr. Bill Jennings, CALSPA, Stockton

cc w/e
enclosures
by email: U.S. EPA, Region 9, San Francisco
Water Quality Certification Program, ~~Mr. Bill Orme~~, SWRCB, Certification Unit,
Sacramento

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PROJECT INFORMATION

Application Date: 18 December 2014

Application Complete Date: 20 July 2015

Applicant: William Ness
United States Army Corps of Engineers, California North Branch
1325 J Street, Room 1350
Sacramento, CA 95814-2922

Project Name: Regional General Permit for Placer Vineyards Specific Plan Infrastructure Project

Application Number: WDID No. 5A31CR00404

U.S. Army Corps File Number: Regional Permit No(s): TBD
ACOE Permit Reference Number: SPK-1999-00737

Type of Project: Planned Community Infrastructure. Total project size is approximately 670 acres of infrastructure related activities.

Project Location: Section 1, Township 10 North, Range 4 East
Section 1-14, Township 10 North, Range 5 East
Section 6-10, Township 10 North, Range 6 East
Section 16-18, Township 10 North, Range 6 East
Section 35-36, Township 11 North, Range 4 East
Section 31-36, Township 11 North, Range 5 East
Section 31, Township 11 North, Range 6 East

Latitude: 38.742° and Longitude: -121.408°

County: Placer County

Receiving Water(s) (hydrologic unit): Dry Creek, Natomas East Canal, Steelhead Creek, Curry Creek, and unnamed tributaries, which are tributary to the Sacramento River. Valley American Hydrologic Unit No.519.22 – Coon-American HA

Water Body Type: Unnamed tributaries, associated wetlands, drainages, streambed, riparian, and other waters of the United States and state.

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 ~~October 2014~~ (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); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); 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.

Project Description (purpose/goal): The Regional General Permit for Placer Vineyards Specific Plan Infrastructure is a 5,230-acre development in unincorporated southwestern Placer County, including approximately 3,746 acres of 23 participating properties, and the preservation of 675 acres of open space. The proposed Regional General Permit (RGP, Project), requiring certification, would be applicable to the infrastructure-related activities required by the participating properties (owners) as a group. These activities include 1) On-site infrastructure elements such as: trail systems, flood control, and drainage improvements within the open space corridors: major roadway, trunk sewers, water lines crossing properties within the Plan, and storage tanks. 2) Off-site infrastructure elements include: two sewer lines, a potable water line (including pump stations and storage facilities), a recycle water line (including pump stations and recycled water storage facilities), road improvements (i.e. widening of lanes and the addition of intersection controls), and transmission lines. Regarding off-site infrastructure improvements, where possible utility lines would be placed within existing roadways or other disturbed areas, in order to minimize environmental impacts.

The project will permanently impact 36.520 acre(s) of waters of the United States and/or permanently impact 0.186 acre(s) of waters of the state.

Preliminary Water Quality Concerns: Construction activities including soil disturbance, excavation, cutting/filling, and grading activities could result in increased erosion and sedimentation and may impact surface waters with increased turbidity and ~~settleable matter~~.

Proposed Mitigation to Address Concerns: The Enrollee will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The Enrollee will conduct turbidity and ~~settleable matter~~ testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill/Excavation Area: Approximately 7,700 cubic yards of native soil, rip rap, cobble, concrete, steel, corrugated metal, aggregate base, vitrified clay pipe, RCP pipe, PVC and plastic culverts will be placed into waters of the United States and waters of the state.

Dredge Volume: N/A

California Integrated Water Quality System Impact Data: The Project will permanently impact 36.520 acre(s) wetland/streambed/vernal pool from fill/excavation activities.

Table 1: Impacts from Fill and/or Excavation Activities (Federal Waters)

Fill Type	Permanent			Temporary		
	Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
Wetlands						
Wetlands Total	18.75 18.58	NA			NA	
Vernal Pool						
Vernal Pools Total	10.10	NA			NA	
Stream Channel						
Stream Total	7.33					
Riparian Area						
Riparian Area Total						
Open Water						
Pond	0.34 0.51					
Open Water Total	0.34 0.51					
Total Impacts	36.52					

Notes
NA Not Applicable

Table 2: Impacts from Fill and/or Excavation Activities (waters of the state)

Fill Type	Permanent			Temporary		
	Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
<u>Stream Channel</u>						
<u>Non-Jurisdictional Ditch</u>	0.186	NA			NA	
Total Impacts	0.186					

Notes
NA Not Applicable

United States Army Corps of Engineers Permit Type: Regional General Permit 14.

Department of Fish and Wildlife Lake or Streambed Alteration Agreement: The Enrollees will apply for a Lake or Streambed Alteration Agreement (LSAA).

Possible Listed Species: Vernal pool fairy shrimp (*Branchinecta lynchi*), Vernal pool tadpole shrimp (*Lepidurus packardii*), Conservancy fairy shrimp (*Branchinecta conservatio*), Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), Central Valley steelhead (*Oncorhynchus mykiss*), Giant garter snake (*Thamnophis gigas*), Swanson's hawk (*Buteo swainsoni*), Townsend's big-eared bat (*Corynorhinus townsendii*).

Status of CEQA Compliance: Placer County is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Placer Vineyards Specific Plan Project pursuant to **section** § 21000 et seq. of the Public Resources Code. The Placer County Board of Supervisors signed a final Notice of Determination certifying an Environmental Impact Report for Placer Vineyards Specific Plan on 16 July 2007. Placer County filed a Notice of Determination with the State Clearinghouse on 16 July 2007 (State Clearinghouse Number 1999062020).

Compensatory Mitigation: The Enrollee must comply with the U.S. Army Corps of Engineers' requirements for compensatory mitigation for the impacts to jurisdictional water. The Corps requires that Placer Vineyards Specific Plan consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. The Placer Vineyard Specific Plan will be required by the Corps to purchase compensatory mitigation credits from a Corps approved mitigation bank to offset impacts to ~~28.85~~ 28.68 acres of wetlands, including vernal pools, and swales, and ~~3.19~~ acres of seasonal marshes, and intermittent drainage, and ~~7.85~~ 4.64 acres of intermittent drainage, canals, ditches, creeks, and ponds. Mitigation ratios are listed as 1:1 for Preserved and 1.25:1 for established / re-established methods.

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

Application Fee Provided: The United States Army Corps of Engineers is not subject to permit fees as required by section 3833(b)(3)(A) and section 2200(a)(3) of the California Code of Regulations. Each Enrollee obtaining coverage under this Certification is required to submit fees as required by section 3833(b)(3)(A) and section 2200(a)(3) of the California Code of Regulations. No application fee is required. This is a Federal Agency Request.

Figure 1.

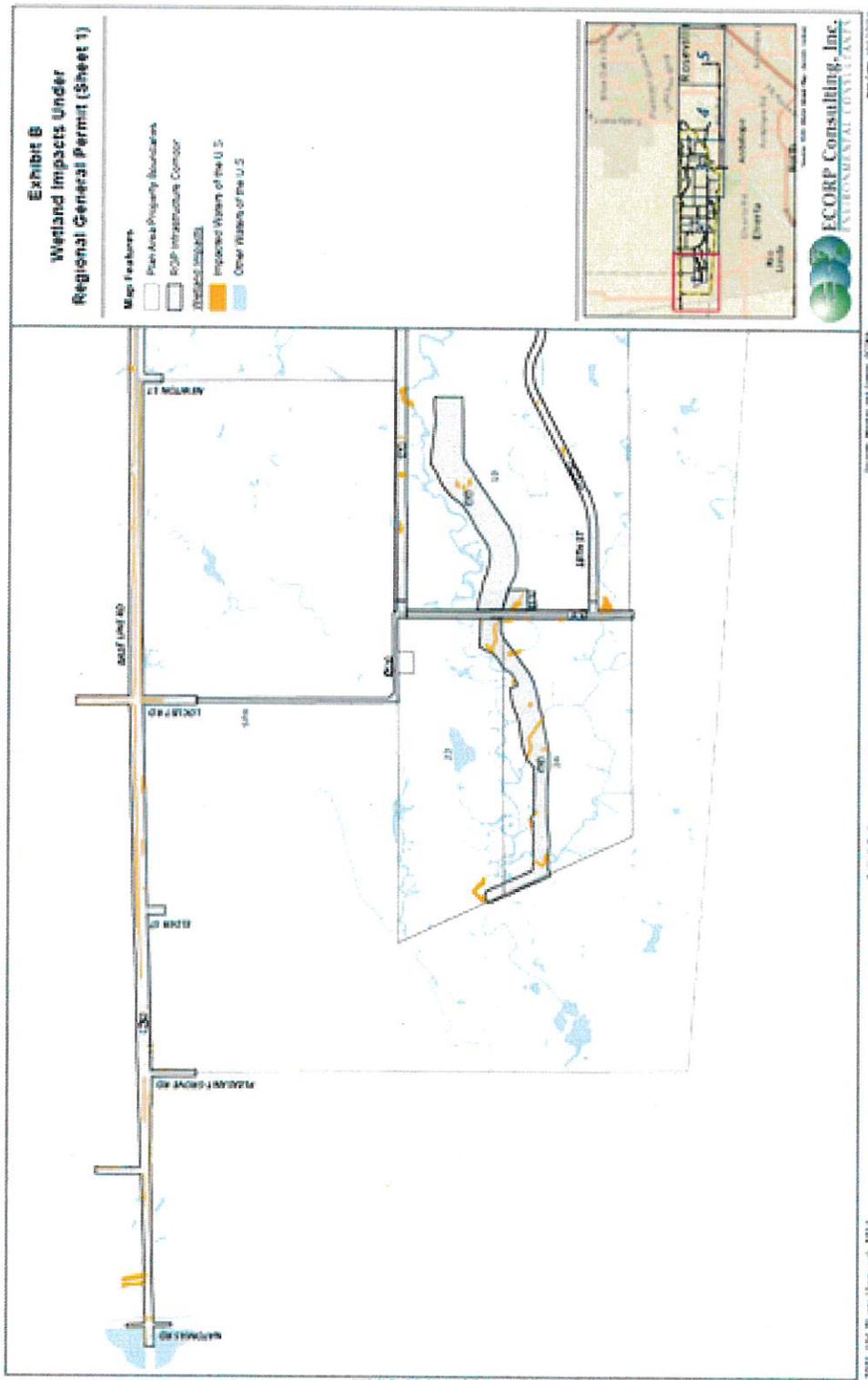


Figure 2.

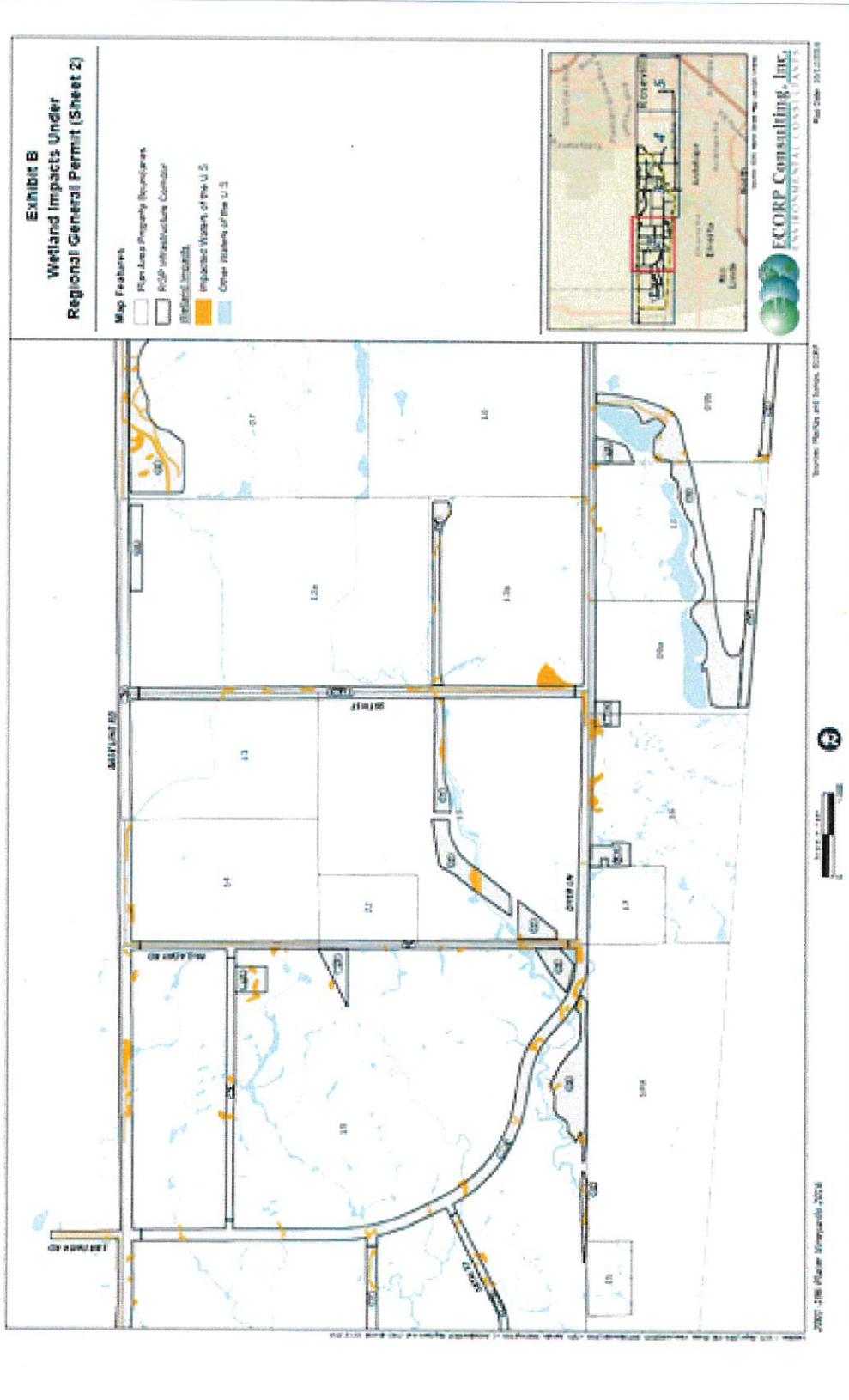


Figure 3.

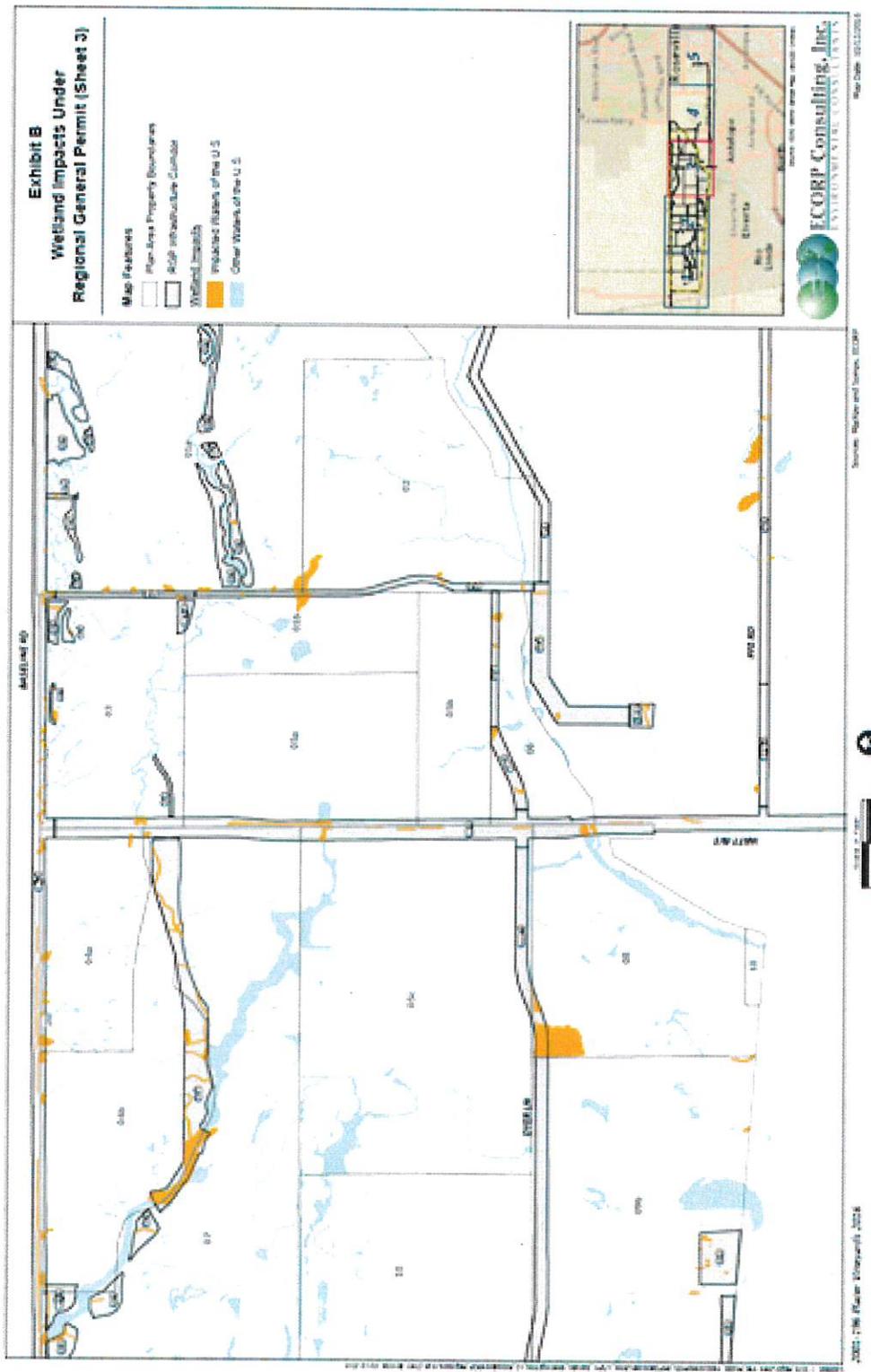


Figure 4.

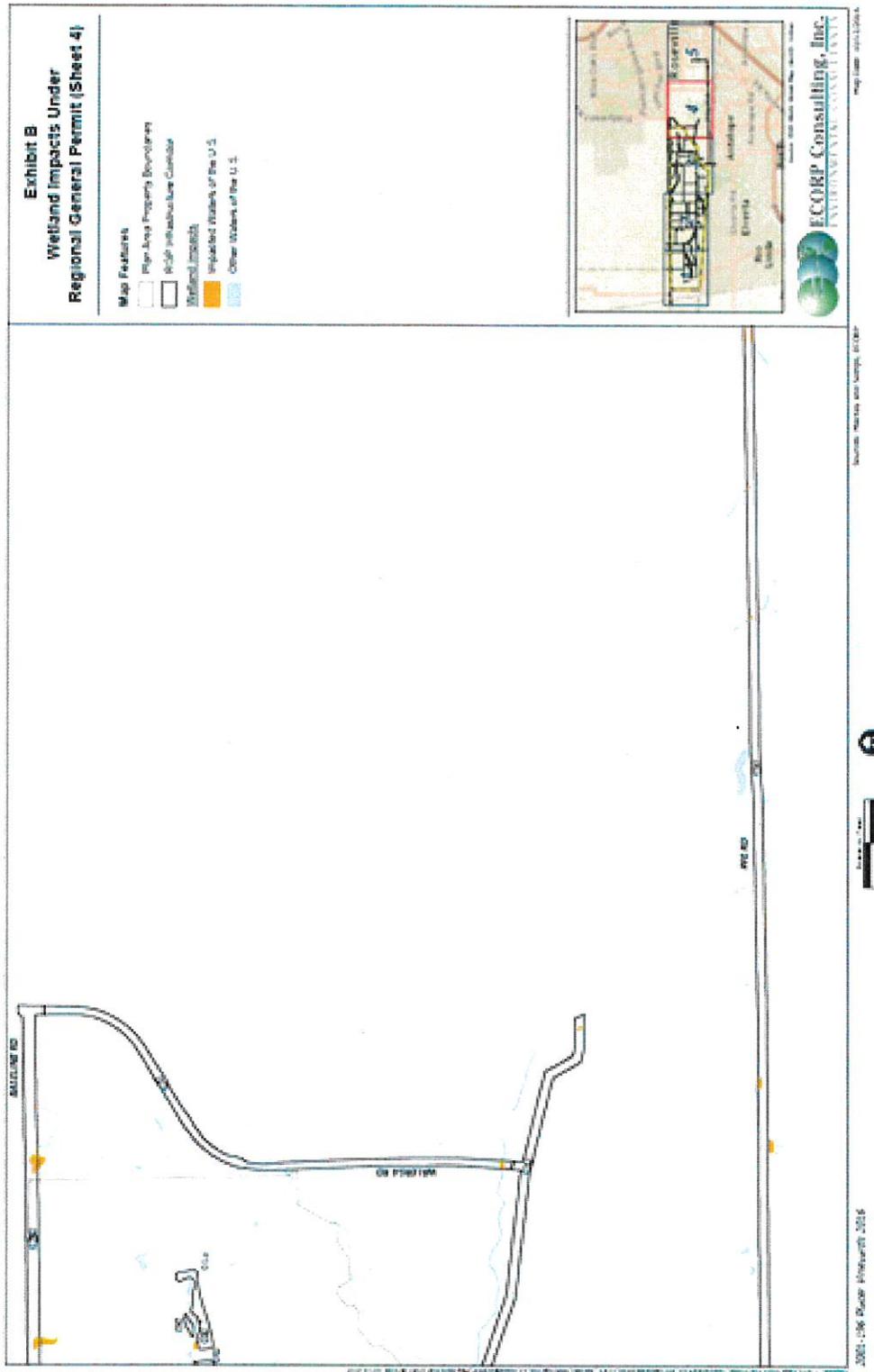


Figure 5.

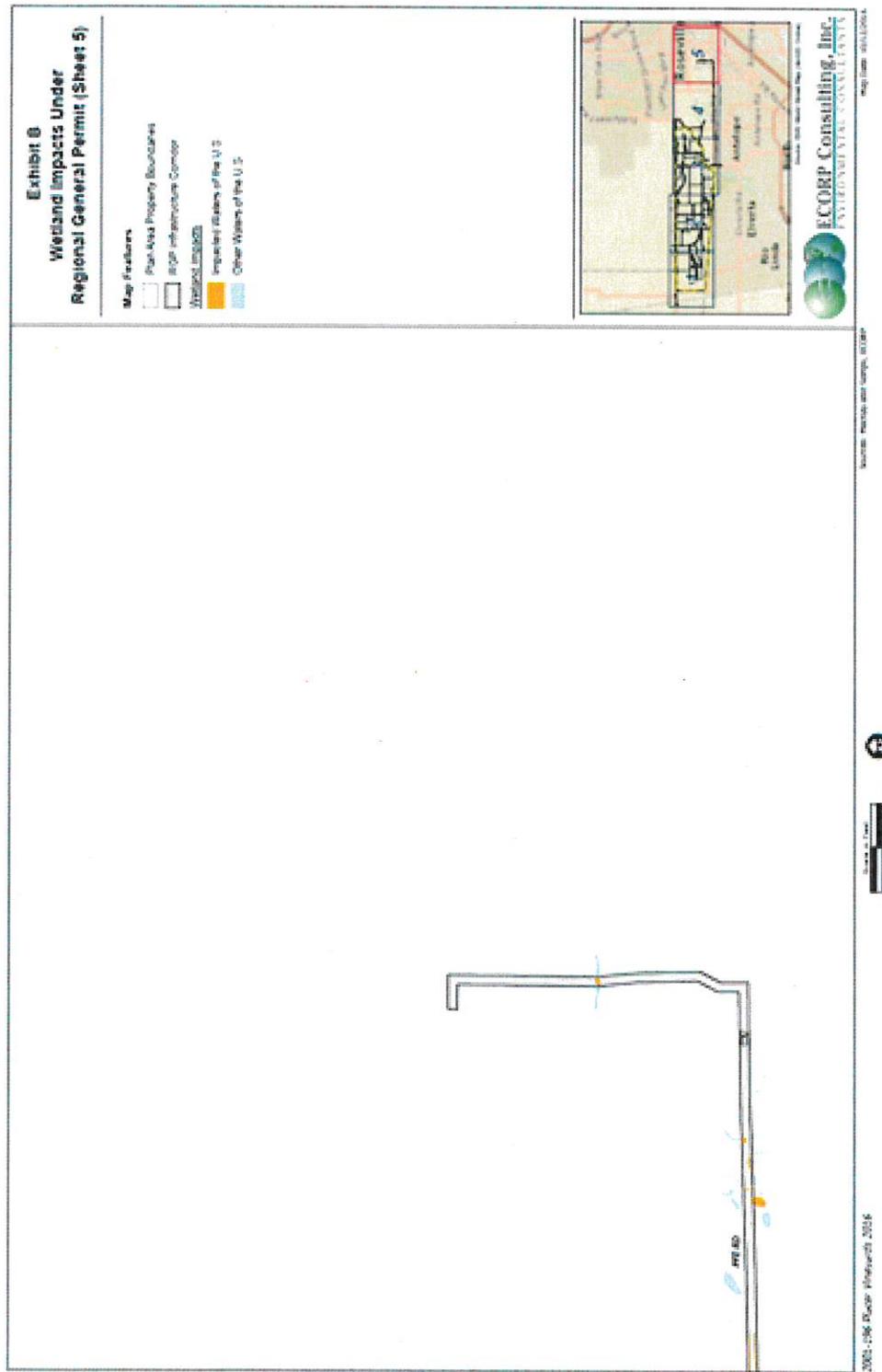


Table 1. Applicants

Development Projects	Applicants (Subject to Change)	USACE ID#
Infrastructure (will be subdivided into multiple permits)	Placer Vineyards Development Group, LLC. c/o: Kent MacDiarmid The MacDiarmid Company 1079 Sunrise Avenue, Suite B-317 Roseville, California 95661 Phone: 916-772-3680	PN 199900737
1A. Doyle	PLACER 400 INVESTORS, LLC, a California limited liability company c/o: Ron Bertolina, Esq. AKT Investments, Inc. 7700 College Town Drive, Suite 101 Sacramento, California 95826	200500090
1B. Hodel	Hodel Family Enterprises, LP., a California limited partnership c/o: Christine Jordon and Rebecca Beach Hodel Family Enterprises, LP 7314 Quail Road Fair Oaks, California 95628 Phone: 916-927-1126	200500089
2. Mourier 135	John L. Mourier III, a Trustee of the Mourier Family Revocable Lifetime Trust, UTA dated April 13, 1978 c/o: Steve Schnable John Mourier Construction, Inc. 1430 Blue Oaks Boulevard, Suite 190 Roseville, California 95747 Phone: 916-969-2842	200600578
3. Watt x Baseline	Baseline & Watt, LLC, a California limited liability company c/o: Phillip Harvey Petrovich Development 5046 Sunrise Boulevard, Suite 1 Fair Oaks, California 95628 Phone: 916-768-1238	200501181
4A. Placer Vineyards 179a	B and W 60, L.P., a California limited partnership c/o: Ted Messner Evergreen Commercial 1755 Creekside Oaks Drive, Suite 290 Sacramento, California 95833 Phone: 916-648-1100	200501073
4B. Placer Vineyards 179b	Placer 536, a California limited partnership c/o: Jack Sioukas and Sotiris Kolokotronis JAS Development 2277 Fair Oaks Boulevard, Suite 295 Sacramento, California 95825 Phone: 916-761-6431	200600578

6. Placer Vineyards C	<p>Frances E. Shadwick, a married woman as her sole and separate property; Ellen G. O'Looney and John P. O'Looney, as Trustees of the John P. O'Looney and Ellen G. O'Looney 1991 Living Trust, dated October 9, 1991; and Susan K. Pilarski, a married woman as her sole and separate property, each as to an undivided one-third (1/3) interest, as tenants in common c/o: Fran Shadwick 7811 Feldspar Court Citrus Heights, California 95610 Phone: 916-725-1807</p> <p>Susan Pilarski 1272 Palmerston Loop Roseville, California 95678</p>	200500598
7. Placer Vineyards 356	<p>BHT II NORTHERN CAL 1, a Delaware limited liability company c/o: Steven J. Kessler West Coast Housing Partners, LLC 3027 Townsgate Road, Suite 250 Thousand Oaks, California 91361</p> <p>BHT II Northern Cal 1, LLC c/o: Rick Langdon West Coast Housing Partners, LLC 3130 W. Main Street, Suite A-2 Visalia, California 93291</p>	200500088
8. Placer Vineyards B	<p>Spinelli Investments, LLC, a California limited liability company, as to an undivided 50% interest and c/o: Donna Miller 2250 Coronet Drive San Jose, California 95124</p> <p>Millspin Investments, LLC, a California limited liability company, as to an undivided 50% interest c/o: Joan Williams Millspin Investments 2318 Starbright Drive San Jose, California 95124 Phone: 408-371-2846</p>	200500597
9A. Placer Vineyards A(a)	<p>Placer 1 Owners' Receivership c/o: Elli M. A. Mills Court Appointed Receiver 5401 Longley Lane, Suite 42 Reno, Nevada 89511 Phone: 775-424-2805</p>	200500535
9B. Placer Vineyards A(b)	<p>Placer 1 Owners' Receivership c/o: Elli M. A. Mills Court Appointed Receiver 5401 Longley Lane, Suite 42 Reno, Nevada 89511 Phone: 775-424-2805</p>	200600582

19. Placer Vineyards 815	<p>Lennar Winncrest, LLC, a Delaware limited liability company c/o: Bob Shattuck Lennar Communities 1420 Rocky Ridge Drive, Suite 320 Roseville, California 95661 Phone:916-746-8500 Baseline A&B Holding, LLC, A California limited liability company c/o: Julie Hanson 1700 Eureka Road, Suite 150C Roseville, California 95667 Phone: 916-774-6622</p>	200300670
21. Pan de Leon	<p>John Petros Pandeleon and Nicholas Pandeleon and Contilo K. Pandeleon, as Joint Tenants c/o: Gus Galaxidas 7700 College Town Drive, Suite 201 Sacramento, California 95826 Phone: 916-425-6897</p>	200500754
23. Fong	<p>PMF5C, LLC Candace Fong 3009 65th Street Sacramento, California 95820</p>	200500042
24. Capri	<p>Nicolas Pandeleon and Contilo K. Pandeleon, as Trustees of the Pandeleon Family Trust dated May 18, 1999, as to an undivided 25% interest; Nick J. Pantis, as Trustee of the Nick J. Pantis Revocable Trust dated July 1, 2003, as to an undivided 25% interest; Nick Galaxidas, a married man as his sole and separate property, as to an undivided 12.5% interest; Constantino Galaxidas and Stelene D. Galaxidas, as Trustees of The Galaxidas Family Trust dated May 21, 2007, as to an undivided 25% interest; and Anna Galaxidas, as Trustee of the Anna Galaxidas Living Trust, UTA dated July 5, 2007, as to an undivided 12.5% interest. c/o: Gus Galaxidas 7700 College Town Drive, Suite 201 Sacramento, California 95826 Phone: 916-425-6897</p>	200500091

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

**NOTICE OF INTENT (NOI) FORM
FOR
REGIONAL GENERAL PERMIT (RGP 14) FOR THE PLACER
VINEYARDS SPECIFIC PLAN INFRASTRUCTURE
(WDID No. 5A31CR00404)**

Application Fees: Application fee shall be based on the current fee schedule in accordance with Title 23 CCR section 2200 (a)(3), and is required. To determine the total fee, please use the fee calculator at: http://www.waterboards.ca.gov/water_issues/programs/#wqcert. In order to process the application and issue a Notice of Applicability for the project within 90 days, the full payment must be received with the application. Please include a check payable to the **State Water Resources Control Board**.

Annual Fees: After the certification has become effective, annual fees will be based on the current fee schedule at time of billing.

Instructions for Notice of Intent (Attachment A)

The prospective Enrollee must submit the Notice of Intent to the Central Valley Water Board at least ninety (90) days prior to initiating any portion of the backbone infrastructure project. When submitting materials related to this application, please reference the project name and WDID number as shown in the subject line above. The materials must be converted to a searchable portable document in PDF format. Please submit the required materials electronically to centralvalleyredding@waterboards.ca.gov. Documents that are 50 MB or larger must be transferred to a disk and mailed to: 364 Knollcrest Drive, Suite 205, Redding, CA 96002.

Attach additional sheets as necessary. If any information is not applicable to the proposed project please indicate that as N/A.

1. ENROLLEE INFORMATION

2. AGENT INFORMATION*

Enrollee:	Agent*
Contact Name:	Contact Name:
Address:	Address:
Phone No:	Phone No:
Fax No:	Fax No:
E-mail Address:	E-mail Address:

*Complete only if applicable

3. PROJECT DESCRIPTION

a) Project Title:
b) Project Location: County: _____ Section: _____ Township: _____ Range: _____ Quadrangle Name: _____ Latitude: _____ Longitude: _____ *Attach site map with "waters" clearly indicated (e.g. USGS 7 1/2 quadrangle map)
c) Project Description (Please provide a detailed explanation of all project activities. Include applicable information such as: avoidance and minimization measures for project impacts; alternatives analysis; project activity impacts to water bodies and/or water quality; and implementation of Low Impact Development (LID) strategies. Attach additional pages as necessary):
d) Proposed Schedule (start date, and completion date):
e) Total Project Size (clearing, grading, other construction activities): _____ acres _____ linear feet (if appropriate)

4. IMPACTED WATER BODIES

a) Name(s) of Receiving Water Body(ies):
b) Anticipated potential stream flow during project activity:
c) Describe potential impacts to water quality:

6. OTHER ACTIONS/BEST MANAGEMENT PRACTICES (BMPs)

Briefly describe other actions/BMPs to be implemented to Avoid and/or Minimize impacts to waters of the United States, including preservations of habitats, erosion control measures, project scheduling, flow diversions, etc.

7. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LAKE OR STREAMBED ALTERATION AGREEMENT (LSAA)

Is a LSAA required? _____ Date of Application: _____

Have you attached a copy of the application? _____

Has a draft or final Agreement been issued? _____ If so, list Agreement No: _____

If issued, have you included a copy of the draft or final Agreement? _____

SIGNATORY REQUIREMENTS

All reports, notices, or other documents required by the Water Quality 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.

8. CERTIFICATION Any person signing or submitting a document, e.g. an application, a monitoring report, etc., to demonstrate compliance with the Water Quality Certification regulations shall make the following certification, whether written or implied

"I certify under penalty of law that this document, including all attachments and supplemental information, were prepared under my direction and 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, 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 that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name: _____ Title: _____

Signature: _____ Date: _____

STATEMENT OF AUTHORIZATION (if designating a specific agent)

I hereby authorize _____ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

X _____ DATE _____

ENROLLEE'S SIGNATURE (not the authorized agent)

All information on this application becomes part of the public record, and as such is subject to public records requests disclosure. In addition, the application will be posted for public review on the Regional Board's web site in accordance with California Code of Regulations Title 23 Section 3858.

DISTRIBUTION LIST

~~Mr. Matt Kelley
U.S. Army Corp of Engineers
Redding Regulatory Office
152 Hartnell Avenue
Redding, CA 96002-1842
(Tehama, Glenn, Shasta, Plumas, Glenn, Modoc and Lassen Counties)~~

~~Ms. Mary Pakenham Walsh,
William Ness
U.S. Army Corps of Engineers
Sacramento District Office
1325 J Street
Sacramento, CA 95814-2922~~

~~R9-WTR8-Mailbox@epa.gov
Wetlands Section Chief (W-3)
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105~~

~~United States Fish & Wildlife Service
Sacramento Fish & Wildlife Office
2800 Cottage Way
Sacramento, CA 95825~~

~~Ms. Donna Cobb
Department of Fish and Wildlife,
Region 1
601 Locust Street
Redding, CA 96001
(Shasta, Tehama, Lassen, Siskiyou and Modoc)~~

~~Department of Fish and Wildlife
Region II
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670~~

~~Water Quality Certification Program
WB-DWQ-Stateboard401@waterboards.ca.gov
State Water Resources Control Board, Certification Unit
P.O. Box 944213
Sacramento, CA 94244-2130~~

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