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## Central Valley Regional Water Quality Control Board

1 May 2018

Paul Eblen  
Vintara Holdings, LLC  
3400 Douglas Boulevard, Suite 270  
Roseville, CA 95661

**CERTIFIED MAIL**  
91 7199 9991 7035 8421 2875

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; VINTARA HOLDINGS, LLC, SILVERADO VILLAGE PROJECT (WDID#5A34CR00247A2), SACRAMENTO COUNTY**

This Order responds to the 15 February 2018 request for an amendment of the Silverado Village Project (Project) Section 401 Water Quality Certification (5A34CR00247). The original Water Quality Certification (Certification) was issued on 23 October 2007 and amended on 9 November 2017. 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:**

Vintara Holdings, LLC (Permittee) is requesting an amendment to the existing 401 Water Quality Certification. The amendment request includes administrative corrections to the Permittee address and agency designations, correction to the Project description and impact amounts, correction to compensatory mitigation, and clarification regarding California Environmental Quality Act (CEQA) documentation.

#### Administrative Corrections

The Permittee address has been updated. The California Department of Fish and Game has been updated to reflect the agency name change to California Department of Fish and Wildlife. Certification Deviation language for authorization of minor modifications to the Project description and impacts has been added to the Certification.

#### Project Description and Impact Changes

Impact totals applicable to certain water body designations were corrected by the Permittee. Original impacts shown in Table 2 of the Certification were incorrectly categorized by water body. The correct impact totals and water body designations are shown in Table 2 of Attachment A.

Compensatory Mitigation Corrections

Compensatory mitigation types and locations have been clarified by the Permittee. Updates to compensatory mitigation authorized by the United States Army Corps of Engineers (USACE) have been included in the amendment. Mitigation ratios authorized by the USACE vary from 0.5:1 to 1:1. Mitigation credits will be purchased from Cosumnes Floodplain Mitigation Bank and permittee responsible on-site mitigation and preservation/creation at the Apple Road Mitigation Area has been authorized by the USACE.

CEQA Documentation

The Initial Study/Mitigation Negative Declaration approved by the City of Elk Grove on 22 February 2006 as CEQA lead agency, was challenged in court. As a result of the challenge, an Environmental Impact Report (EIR) was developed for the Project. The EIR and a Statement of Overriding Considerations was certified by the City of Elk Grove, as CEQA lead agency, on 23 July 2014. References to mitigation proposed by the IS/MND has been removed and only analysis of the EIR is considered for this Certification.

In addition, the Permittee is requesting a time extension through 1 April 2023. A time extension for in-water work was authorized by the United States Army Corps of Engineers Individual Permit (SPK-2001-00584).

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

**APPLICATION FEE RECEIVED:**

No fee was required for this amendment. Total fees of \$18,684.50 for the original Certification were received on 1 September 2005. 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

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Silverado Village Project (WDID#5A34CR00247A2). 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 Bryan Smith for:*

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

Enclosure (1): Attachment A - Action on Request for Clean Water Act §401 Water Quality Certification for Discharge of Dredged and/or Fill Materials for the Silverado Village Project, (WDID#5A34CR00247) Sacramento County

Distribution List, page 4

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

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# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Arnold  
Schwarzenegger  
Governor

## Sacramento Main Office

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23 October 2007

## ATTACHMENT A

Paul Eblen  
Vintara Holdings, LLC  
3700 3400 Douglas Boulevard, Suite 450 270  
Roseville, CA 95661

### ***ACTION ON REQUEST FOR CLEAN WATER ACT §401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE SILVERADO VILLAGE PROJECT, (WDID#5A34CR00247) SACRAMENTO COUNTY***

#### **ACTION:**

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

#### **WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 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 subsection 3855(b) 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 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. Vintara Holdings, LLC shall notify the Water Board in writing within 7 days of project completion.

**ADDITIONAL CONDITIONS:**

In addition to the four standard conditions, the applicant shall satisfy the following:

1. Vintara Holdings, LLC shall notify the Water Board in writing of the start of any in-water activities.
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The discharge of petroleum products or other excavated materials to surface waters is prohibited.
4. 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 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:
  - a) Activities shall not cause turbidity increases in surface water to exceed:
    - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
    - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
    - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
    - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
    - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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 permission of the Central Valley Water Board Executive Officer.

- b) Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the work site or 300 feet from the work site for impoundments.
- c) Activities shall not cause visible grease, oil, or foam in the work area or downstream.
- d) All areas disturbed by project activities shall be protected from washout or erosion.

- e) In the event that the project activities result in the deposition of soil materials or creation of a visible plum in surface waters, the following monitoring shall be conducted immediately upstream and 300 feet downstream of the work site, or 300 feet from the work site for impoundments, and the results reported to this office within two weeks.

<b>Parameter</b>	<b>Unit</b>	<b>Type of Sample</b>	<b>Frequency of Sample</b>
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/l	Grab	Same as above.

5. Vintara Holdings, LLC shall notify the Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
6. Vintara Holdings, LLC shall notify the Water Board immediately of any spill of petroleum products or other organic or earthen materials.
7. Vintara Holdings, LLC shall comply with all Department of Fish and Game Wildlife 1600 requirements for the project.
8. Vintara Holdings, LLC must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities issued by the State Water Resources Control Board.
9. The attached Project Information is an integral and enforceable part of this certification. Should the project scope change significantly from that described in the Project Information and the Application for Water Quality Certification, the applicant must obtain an amendment to the water quality certification.
10. The mitigations described in the attached Project Information are included as conditions of this certification.
11. Compensatory mitigation for the fill or loss of state waters required at a minimum 1:1 replacement ratio. Compensatory mitigation for this project that has been agreed upon by the U.S. Army Corps of Engineers (Corps), U.S. Fish and Wildlife Service (USFWS), and the project applicant is acceptable, provided that mitigation occurs at a minimum 1:1 replacement ratio. Vintara Holdings, LLC will provide Water Board staff a copy of the long-term management plan for the on-site preserve/mitigation area required by the Corps and a copy of the final mitigation plans for the project approved by the Corps and USFWS. Vintara Holdings, LLC will provide Water Board staff copies of executable documents (including bill of sale documents) verifying that compensatory mitigation for the project has been purchased and implemented through the Corps and the USFWS (the Project Information sheet attached to this certification contains the tentative

mitigation plan for the project). The mitigation documents should include: type and number of acres of wetlands that are being created; indication of whether the wetlands are being created, restored, enhanced, or preserved; purchase cost of the mitigation; exact location of mitigation sites; implementation schedule for compensatory mitigation; success criteria for mitigation; contingencies if success criteria for mitigation are not met; and monitoring and reporting schedules for mitigation.

**ADDITIONAL STORM WATER QUALITY CONDITIONS:**

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

1. During the construction phase, Vintara Holdings, LLC must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - a) The Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparation and implementation of a Storm Water Pollution Prevention Plan; 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. During the post-construction phase, Vintara Holdings, LLC must minimize the short and long-term impacts on receiving water quality from the future Silverado Village development by doing the following:
  - a) minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment and use on-site infiltration of runoff in areas with appropriate soils where the infiltration of storm water would not pose a potential threat to groundwater quality.
  - b) implement pollution prevention methods supplemented by pollutant source controls and/or treatment controls.
  - c) ensure existing waters of the State (i.e. wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls. Any discharges from the Vintara Park development must be treated prior to being discharged into the surrounding wetlands and/or Whitehouse Creek.
  - d) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones.
  - e) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges).
  - f) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural Best Management Practices (BMPs) to mitigate the projected increases in pollutant loads in runoff.
  - g) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion and sediment loss.

- h) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. Vintara Holdings, LLC must ensure that all development within Silverado Village 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 maintenance of structural or treatment control BMPs.
  4. Staff of the Regional Water Board has prepared total maximum daily load (TMDL) allocations that, if approved, would limit methylmercury in storm water discharges to the Sacramento-San Joaquin Delta. These proposed allocations are scheduled to be considered by the Regional Water Board for adoption. Should they be adopted by the Regional Water Board and eventually approved by the Environmental Protection Agency, they may limit the discharge of methylmercury from the proposed project. The purpose of this condition is to provide notice to the applicant that methylmercury discharge limitations and monitoring requirements may apply to this project at some time in the future and also to provide notice of the Regional Water Board's TMDL process and that elements of the planned construction may be subject to the proposed TMDL allocation.

**REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:**

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(916) 464-4644  
Stephanie.Tadlock@waterboards.ca.gov

**CERTIFICATION DEVIATION**

Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to

reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

#### **WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that any discharge from the Vintara Holdings, LLC Silverado Village Project (WDID #5A34CR00247) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under Regional Board Resolution No. R5-2003-0008 "*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge: Type 12 Projects for which Water Quality Certification is issued by the Regional Board,*" which requires compliance with all conditions of this Water Quality Certification.

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 strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).

*Original Signed by:*

PAMELA C. CREEDON  
Executive Officer

Enclosure: Project Information

Distribution List, page 7

cc: (w/enclosure)

U.S. Army Corps of Engineers, Regulatory Branch, Sacramento (SPK-2001-00584)  
Mr. Dave Smith, Wetlands Section Chief (WTR-8), U.S. Environmental Protection Agency,  
Region 9, San Francisco  
U.S. Fish & Wildlife Service, Sacramento  
Mr. Bill Orme, 401 Certification and Wetlands Unit, State Water Resources Control Board,  
Sacramento  
Mr. Bill Jennings, California Sportfishing Protection Alliance, Stockton  
CA Dept. of Fish and ~~Game~~Wildlife, SV-CS Region, Rancho Cordova  
Mr. Michael Kashiwagi, City of Elk Grove, Development Services, Public Works, Elk Grove  
Mr. Bruce De Terra, Caltrans District 3, Transportation Planning, Sacramento  
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Mr. Donald B. Mooney, Attorney at Law, Davis  
Mr. Don Somers, Fallbrook Neighborhood Association, Elk Grove  
Ms. Shirley Peters, Greater Sheldon Road Estates, Elk Grove  
Mr. Steven Lee, Quail Ranch Estates Association, Elk Grove  
Mrs. Lynn Wheat, Elk Grove  
Mr. Nicholas and Angela Spallas, Elk Grove  
Mr. David and Robin Cole, Elk Grove  
Mr. Mike and Lori Deary, Elk Grove  
Mr. Edward and Rosemary Costa, Elk Grove  
Mr. Paul V. Holland, M.D., Elk Grove  
Mr. Bennie & Deborah Lee, Elk Grove  
Mr. Bruce and Bonnie McKinnie, Elk Grove  
Mr. Patrick Flannery, Elk Grove

## PROJECT INFORMATION

**Application Date:** 01 September 2005 (**Date Amended:** 9 November 2017)

**Applicant:** Paul Eblen  
Vintara Holdings, LLC  
37003400 Douglas Boulevard, Suite 450270  
Roseville, CA 95661

**Applicant Representatives:** Same as above

**Project Name:** Silverado Village Project

**Application Number:** WDID#5A34CR00247

**U.S. Army Corps File Number:** SPK-2001-00584

**Type of Project:** Residential development

**Approved Months of Project Implementation:** 23 October 2007 through 1 April ~~2018~~2023

**Project Location:** Section 30, Township 7N, Range 6E, MDB&M, Latitude: 38° 25' 45" N and Longitude: 121° 21' 28" W

**County:** Sacramento County

**Receiving Water(s) (hydrologic unit):** Whitehouse Creek is tributary to Laguna Creek which is tributary to the Sacramento River, Sacramento Hydrologic Basin, Valley-American Hydrologic Unit #519.11, Franklin HSA

**Water Body Type:** Wetlands, Streambed, Creek, Pond

**Designated Beneficial Uses:** The Basin Plan for the Central Valley Regional Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD).

**Project Description (purpose/goal):** ~~The approximately 230-acre Silverado Village project site is proposed to be developed with 670 residential lots on 114.3 acres, a density consistent with the City of Elk Grove General Plan designations for the site.~~

The approximately 230-acre Silverado Villages Project (Project) proposes to grade the Project area to prepare land for mixed used construction; and create 81 acres of open space and wetland preservation area, 5.5 acres of parks, 3.4 acres of landscape corridors, a 14.8-acre storm water detention pond, and 5.5 acres of roads.

~~Storm Water Detention Pond:~~

The Project includes enlarging and modifying the existing approximately 14.64-acre storm water detention pond located at the western boundary of the Project site. The pond will function as a storm water detention basin. Water will be discharged from the pond through ~~two~~ one culverts under a newly constructed road and will flow through a shallow meandering swale before entering the existing Whitehouse Creek channel at the western property boundary. Tentatively, construction around the pond includes:

1. construction of a roadway crossing near the northern end of the pond ("A" Drive),
2. reconfiguration of the existing pond outfall moving it north approximately 100 feet, and
3. re-contouring of the perimeter of the pond.

The "A" Drive crossing includes constructing two 48-inch diameter culverts and cast-in-place or precast headwalls. Culvert installation and road crossing will impact 0.044 acres of ~~the pond habitat, and 0.010 acre of stream channel habitat.~~

~~Expanding~~ Recontouring the pond perimeter will result in permanent fill of approximately ~~1.836~~ 1.880 acres of pond habitat. Existing upland areas around the pond will be excavated to expand the pond by 0.200 acres. Re-contouring the pond perimeter will permanently impact 2.036 acres of waters of the United States.

As determined by the United States Army Corps of Engineers, ~~direct impacts will be mitigated for at a 1:1 ratio (2.08 acres) and indirect impacts will be mitigated for at a 0.5:1 ratio (0.01 acres),~~ 14.64 acres of pond and 0.01 acre of seasonal wetland habitat will be mitigated for through the purchase of floodplain mosaic habitat establishment credits at the Cosumnes Floodplain Mitigation Bank. In addition, 1.12 acres of wetland impacts, 0.02 acre of ephemeral drainage, and 0.01 acre of stream channel will be mitigated for through the purchase of floodplain mosaic habitat establishment credits at the Cosumnes Floodplain Mitigation Bank. Ratios established by the United States Army Corps of Engineers vary from 0.5:1 and 1:1. A total of 8.498 acres of floodplain mosaic habitat establishment credits will be purchased at the Cosumnes Floodplain Mitigation Bank to mitigate for direct and indirect impacts.

~~The roadway crossing and pond expansion will permanently impact a total of 2.090 acres of waters of the United States.~~

~~Open Space:~~

Approximately 73.9 acres in the north part of the project area will be permanently preserved as open space. ~~Open space creation will consist of grading and will result in 5.99 acres of impacts to waters of the United States.~~

Wet concrete will be placed into stream channel and pond habitat. No dewatering will occur on the Project site. Construction activities will occur between April –October, when the work area is naturally dry and when flows and water levels are minimal. The Project will permanently impact 8.08 acres of waters of the United States.

**Table 2: Impacts from Fill 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
Lake/Pond	--	--	--	1.88	--	--	--	--	--
Stream Channel	--	--	--	<del>0.04</del> 0.03	--	--	--	--	--
Vernal Pool	--	--	--	4.98	--	--	--	--	--
Wetland	--	--	--	<del>1.24</del> 1.19	--	--	--	--	--
<b>Total</b>	--	--	--	<b>8.08</b>	--	--	--	--	--

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

**Proposed Mitigation to Address Storm Water Concerns:** Vintara Holdings, LLC 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. Vintara Holdings, LLC will conduct turbidity and settleable matter testing during in water work, stopping work if Basin Plan criteria are exceeded or are observed.

***Storm Water Mitigation During Construction Activities***

Grading and other ground-disturbing construction activities are proposed to occur during the dry season (approximately April-October) to minimize project construction related storm water quality impacts. Appropriate BMPs will be employed to prevent construction area storm water from entering the approximately 15-acre pond or other preserved habitat areas at the site. Project design will include the incorporation of standard BMPs such as hydroseeding of all constructed slopes adjacent to vernal pools; deposit and storage of excavated materials such that the materials cannot be washed into any water sources; location of staging areas so that any spills of oil, grease, or other petroleum by-products will not be discharged into any watercourse or sensitive habitat; and an environmental monitor will be employed to ensure compliance with construction-related BMPs and avoidance of preserved habitats.

***Storm Water Mitigation under Post-Construction Conditions***

Vintara Holdings, LLC, working with the City of Elk Grove, has prepared a Conceptual Post-Construction Storm Water Quality Plan (SWQ Plan). The “Stormwater Quality Design Manual for the Sacramento and South Placer Regions” (Design Manual) was used to select the appropriate Source Control Measures, Runoff Reduction Measures, and Treatment Controls for the project. The SWQ Plan includes a combination of source control and treatment control measures that would be incorporated into the project design. The City of Elk Grove has confirmed that the SWQ Plan is consistent with the requirements of the Design Manual and is

acceptable to the City (25 May 2007 letter from Leslie Pickett of the City of Elk Grove to Mara Bresnick of Centex Homes). The SWQ Plan is incorporated herein by reference.

~~In order to control and treat storm water under post-construction conditions, storm water discharge to the 15-acre pond will be treated through a variety of treatment methods designed to meet or exceed the standards provided in the Design Manual. The project includes provisions for separate treatment of storm water runoff and storm water detention. The design of drainage improvements will be based on the drainage report prepared by MacKay and Somps (dated 5 December 2005), which the City of Elk Grove indicated has fully analyzed project design for water quality, drainage, and storm water collection and discharge (based on 12 May 2006 letter from Douglas Gault of the City of Elk Grove to Bill Marshall of the Regional Water Board). A storm drain master plan, prepared concurrently with the final design, will be submitted to the City with the project's Improvement Plans.~~

~~Based on the information contained in the 26 February 2007 letter from Centex Homes to the City and the 12 December 2006 letter from Centex Homes to the Regional Water Board, which also included an Updated Conceptual Storm Drainage Plan from MacKay and Somps (sent to Centex Homes, dated 20 January 2005), the project has been designed such that, except for a small area in the southwest corner of the site (this is discussed in the paragraph below), storm water runoff and nuisance flows from the site will be collected and discharged to the existing 15-acre pond via six storm drain outfalls (source: 26 Feb 2007 letter from Centex Homes to Ramy Kamel of the City of Elk Grove Development Services). Bio swales will be used above the planned outfall locations and above the ordinary high-water mark of the 15-acre pond, allowing for settling and removal of sediment and potential pollutants associated with runoff, prior to discharge into the 15-acre pond. The bioswale systems are generally comprised of an elongated and relatively flat grassy drainage course. A rock-filled energy dissipation area will be located at the terminus of the drain outlets that flow into the bioswales. The bioswale systems will be designed to treat the first flush rainfall events and to prevent the addition of summer nuisance flows into the 15-acre pond from the proposed development, as well as from the residential development north of the site. The energy dissipation areas will be designed to slow the small amounts of surface runoff leaving the outfalls and, through infiltration and evapotranspiration, will prevent warm-season runoff from entering the pond. While not yet calculated, it is anticipated that significant portions of the storm/irrigation runoff entering the bio swale systems will dissipate by infiltration and evaporation, minimizing the amount of water entering the 15-acre pond. Bioswales will be designed to treat storm water flows up to the 2-year event.~~

~~The existing earthen berms surrounding the 15-acre pond will be improved such that surface ponding area will increase by about one acre during a major storm event. The proposed release structures (i.e., outfalls) from the pond will be set to approximate the existing release elevations for both minor and major runoff events, thereby also approximating the existing detention pond elevation. The Updated Conceptual Storm Drainage Plan also noted that the existing storm water drainage pipe system at the southwest corner of the site was designed by Sacramento County to accommodate developed conditions of the site and that no detention is required there. Runoff from the minor drainage shed in the southwest corner of the site will flow via pipe and connect with the existing drainage system located within Bond Road and flow westward from the site. A storm filter device will be used to treat the water quality flows from this drainage shed, prior to the connection with the existing drainage system in Bond Road. The device is proposed to be located within a landscape easement adjacent to "L Way." This connection will be designed in accordance with applicable City of Elk Grove requirements (5 April 2007 letter~~

from Mara Bresnick of Centex Homes to Leslie Pickett of City of Elk Grove Development Services).

Several key steps remain in the overall project approval process, including completion of design review, plan check, and issuance of grading and building permits. The specific combination of source control and treatment control measures will be designed and determined at that time to ensure compliance with applicable requirements. The conditions of approval adopted by the City Council include a condition that the project be designed to detain storm water runoff rates at or below existing conditions for the 2-, 10-, and 100-year design storm events; and the project is conditioned to satisfy all obligations under the City's Municipal Storm Water permit. Preparation and submittal of a comprehensive drainage study and plan, satisfying the City's Improvement Standards and compliance with City's Land Grading and Erosion Control Ordinance, will also be required.

**Fill/Excavation Area:** ~~13,598~~ 26,000 cubic yards of clean soil and/or rock/gravel from the site will be used to fill 8.08 acres of wetlands, vernal pools, stream channel, and lake habitat.

**Dredge Volume:** Not Applicable

**U.S. Army Corps Permit Number:** Individual Permit (SPK-2001-00584)

**Federal Public Notice:** Not Available

**Department of Fish & Game Wildlife Streambed Alteration Agreement:** Vintara Holdings, LLC applied for a Streambed Alteration Agreement on 22 March 2006.

**Possible Listed Species:** Vernal pool fairy shrimp, vernal pool tadpole shrimp, and Swainson's hawk.

**Status of CEQA Compliance:** On 22 February 2006, in accordance with the California Environmental Quality Act (CEQA)(Pub. Resources Code § 21000, et seq.), the City of Elk Grove adopted the Mitigated Negative Declaration/Initial Environmental Study for the Vintara Park project on 22 February 2006. The Notice of Determination was submitted to the Office of Planning and Research and the Sacramento County Clerk-Recorder on 24 February 2006.

The project site consists of approximately 230 acres and is at the northwest corner of Bond Road and Waterman Road. Land uses anticipated for the Silverado Village property include the grading and development of the 230-acre site in order to construct low and medium density residential housing, neighborhood parks, and open space. The residential portion of the Silverado Village project as currently proposed contains 670 single-family medium and low-density residential lots. In addition to the residential development, about 84 acres of the site are proposed to be preserved as open space, and would include a recreational trail, power line easement, and an on-site detention basin. The entire northern 84 acres of the project site would contain parks and open space, including the Vintara Park Preserve (Preserve) that would satisfy a portion of the wetland mitigation requirements. The proposed detention basin along the west side of the site would be constructed around the existing ponds currently located there and would be used for storm water detention and would also function as open space. The existing unstable earthen berms surrounding the proposed detention basin facilities would require removal and reconstruction to improve their integrity. Other infrastructure development includes roads, sewer mains, sewer trunk lines, gas and electric mains, and water mains. Road improvements associated with development of the project include the construction of local

streets, alleys and driveways, as well as frontage improvements to adjacent sections of Bond and Waterman roads.

~~As a result of a court challenge, the City of Elk Grove is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Silverado Villages Project pursuant to Section 21000 et seq. of the Public Resources Code. The City of Elk Grove developed and certified an Environmental Impact Report and Statement of Overriding Considerations on 23 July 2014 (SCH No. 2013012060). Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to biological resources. The proposed mitigation measures discussed in the Environmental Impact Report were adopted to avoid and minimize project impacts to State waters and are required by this Certification. The City of Elk Grove filed a Notice of Determination with the State Clearinghouse on 28 July 2014.~~

The Regional Water Board, as a responsible agency, has considered the ~~Mitigated Negative Declaration/Initial Environmental Study (MND/IES)~~ and Environmental Impact Report (EIR) prepared by the City of Elk Grove as required by California Code of Regulations, title 14, section 15096. The Regional Water Board has included mitigation measures and requirements described in the ~~MND/IES~~ and EIR, as conditions of this certification to address significant environmental impacts that are within the jurisdiction of the Regional Water Board.

~~The MND/IES identifies two potentially significant impacts on water quality that fall within the responsibility of the Regional Water Board's specialized jurisdiction. They are as follows:~~

#### *IV. Biological Resources*

- a) ~~**Potentially Significant Impact Unless Mitigation Incorporated.** The project site could potentially support the breeding, foraging, and sheltering for several listed and special-status wildlife species. Listed species include the federally threatened *vernal pool fairy shrimp* and the endangered *vernal pool tadpole shrimp*.~~

##### **Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp**

~~Although a focused survey was not conducted to confirm the presence of vernal pool fairy and tadpole shrimp, both species have a high potential to occur on the project site. The US Fish and Wildlife Service (USFWS) assumes presence since suitable vernal pool habitat is distributed throughout the site.~~

~~A Section 7 Biological Assessment was prepared and submitted to the U.S. Army Corps of Engineers to initiate consultation with the USFWS. The USFWS evaluated the proposed project's effects on federally protected vernal pool crustaceans, taking into consideration both the project-related impacts and conservation measures to be implemented to avoid, minimize and offset these impacts. A Biological Opinion for the project was received from the USFWS on April 1, 2005 (USFWS File # 1-1-05-F-0069).~~

~~The proposed project would fill approximately 8.08 acres of jurisdictional waters of the U.S., and a Clean Water Act Section 404 permit is required by the Corps of Engineers (Corps) for fill of these jurisdictional wetlands. The applicant has applied for an Individual Permit from the Corps (#200100584) which proposes that wetland impacts be mitigated through both on- and off-site preservation and creation of vernal pools and seasonal wetlands. In addition to the approximately 60 acres of annual grassland habitat that would be preserved, a total of 18.02 acres of wetland habitat is proposed for preservation~~

including 4.95 acres of vernal pools, 0.31 acres of seasonal wetlands, and the entire on-site portion of Whitehouse Creek (0.37 acres) would be preserved within the proposed ±84 acre on-site Preserve. An additional 8.5 acre of wetland habitat is proposed for preservation within the Preserve including 2.5 acres of seasonal marsh and 6.0 acres of vernal pools.

### **Mitigation Measure 11 (Biological Resources – Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp)**

The applicant shall implement the terms and conditions as provided in the Biological Opinion issued by the USFWS (USFWS File # 1-1-05-F-0069). The terms and conditions of this Biological Opinion are summarized below. In addition, the applicant shall fulfill the Elk Grove General Plan's Conservation Policy CAQ-9 which states "the City shall seek to ensure that no net loss of wetland areas shall occur, which may be accomplished by avoidance, re-vegetation and restoration onsite or creation of riparian habitat corridors" (City of Elk Grove, 2003b).

#### **Biological Opinion Terms and Conditions**

1. To compensate for adverse effects to listed vernal pool crustaceans the applicant would preserve existing vernal pool habitat at a 2:1 ratio (8.78 total acres of direct and indirect effects for a total of 17.56 acres of vernal pool crustacean habitat to be preserved). This would be conducted in a combination of both on- and off-site preservation. Offsite preservation will occur through the purchase of credits at a USFWS approved vernal pool conservation bank. Restoration and creation of vernal pool habitat at a 1:1 ratio will be satisfied through on-site preservation of 6.00 acres of on-site vernal pool creation. All on- and off-site preservation and creation components will be completed prior to any ground disturbing activities associated with the proposed project.
2. The project applicant shall ensure that all measures described in the November 15, 2004, *Wetland Mitigation Plan, Vintara Park, Elk Grove, California, Regulatory #200100584*, are completed.
3. The project applicant shall comply with the Reporting Requirements outlined in the Biological Opinion.

#### **City of Elk Grove CAQ-9**

The project proponent shall ensure that the project will result in no net loss of any wetland habitat found on the site. No net loss shall be achieved by the following methods:

1. Preserve and protect the existing 8.78 acres of wetlands.

OR, if any wetlands are to be disturbed:

2. The project applicant shall ensure that all measures described in the November 15, 2004, *Wetland Mitigation Plan, Vintara Park, Elk Grove, California, Regulatory #200100584*, are completed.

*Note: This mitigation measure may be satisfied in conjunction with the requirements of a United States Army Corps of Engineers 404 permit, if one is necessary.*

### **Monitoring Action**

- ~~The applicant will provide to the City of Elk Grove, Development Services Planning, a quarterly progress report in regards to the fulfillment of the Terms and Conditions of the Biological Opinion and CAQ-9 requirement.~~
- ~~*Enforcement/Monitoring:* City of Elk Grove Development Services Planning and USFWS. The incorporation of the above mitigation measure (MM-11) would reduce the impacts to the vernal pool fairy shrimp and vernal pool tadpole shrimp to a less than significant level.~~

- b) ~~**Potentially Significant Impact Unless Mitigation is Incorporated.** 8.08 acres of jurisdictional wetland habitat would be impacted by the project which is considered a potentially significant impact.~~

~~To mitigate for the fill of 8.08 acres of jurisdictional wetlands of the United States under the jurisdiction of the Corps, the project applicant is in the process of purchasing 2.5 acres of seasonal wetland creation credits at a Corps-approved mitigation bank as part of the Clean Water Act requirements of "no net loss of wetlands". A portion of the wetland mitigation requirements would be satisfied through the on-site preservation of 18.02 acres of pond and wetland habitat, as well as the creation of 8.5 acres of created wetland habitat proposed within the on-site Preserve. These wetland mitigation requirements would reduce potential impacts to federally protected wetlands under the Clean Water Act to a less than significant level.~~

**Compensatory Mitigation:** To mitigate for the loss of 8.08 acres of direct impacts to wetland, vernal pool, pond, and stream channel habitat, Vintara Holdings, LLC shall purchase a minimum of 8.4908 acres wetland floodplain mosaic creation and preservation mitigation credits from the Cosumnes Floodplain Mitigation Bank, preservation on-site, and preservation and creation at the Apple Road Mitigation Area, ~~prior to commencing construction, or as otherwise~~ authorized by the United States Army Corps of Engineers. Vintara Holdings, LLC shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification. 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.

~~Additionally, Vintara Holdings, LLC will preserve 5.02 acres of vernal pool, 0.21 acre of seasonal wetland, and 0.37 acre of stream channel habitat on-site. Evidence of all on-site mitigation must be submitted to the Central Valley Water Board within 90 days of Project completion.~~

~~A portion of the wetland mitigation requirements are satisfied through the on-site preservation of 18.02 acres of pond and wetland habitat, as well as the creation of 8.5 acres of created wetland habitat proposed within the on-site Preserve.~~

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.

**Table 3: Compensatory Mitigation for Permanent Physical Loss of Area**

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)						
Stream Channel	-	X	-	0.37 0.03	-	-	-	-	-	X	-
Vernal Pool	-	-	X	5.02	-	-	-	-	-	X	-
Vernal Pool	-	-	X	5.20	-	X	-	-	-	-	-
Vernal Pool	-	-	X	22.20	-	-	-	-	-	X	-
Wetland	-	X	-	8.49 1.13	-	X	-	-	-	-	-
Pond	-	X	-	7.32	-	X	-	-	-	-	-
Wetland Pond	-	-	X	0.21 2.08	-	X	-	-	-	X	-
<b>TOTAL</b>				<b>14.09</b> <b>42.98</b>							

**Application Fee Provided:** A fee of \$18,684.50 was submitted on 1 September 2005 as required by 23 CCR §3833b(2)(A) and by 23 CCR § 2200(e).