



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

14 November 2017

Ron Alvarado
Cordova Hills Ownership Group
5241 Arnold Avenue
McClellan, CA 95652

CERTIFIED MAIL
91 7199 9991 7035 8419 7820

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CORDOVA HILLS OWNERSHIP GROUP, CORDOVA HILLS PROJECT (WDID#5A34CR00632A1), SACRAMENTO COUNTY

This Order responds to the 3 March 2017 request for an amendment of the Cordova Hills Project (Project) Section 401 Water Quality Certification (WDID#5A34CR00632). The original Water Quality Certification (Certification) was issued on 29 June 2016. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Cordova Hills Ownership Group is requesting: (1) a reduction of impacts to waters of the United States from 34.60 acres to 31.960 acres; (2) the addition of vernal pool restoration that will permanently impact 13.728 acres of vernal pool habitat; (3) the update of the compensatory mitigation; and (4) the extension of the Certification expiration date to correspond with the United States Army Corps of Engineers (USACE) Section 404 Individual Permit for the Project. The reduction of impacts to waters of the United States, restoration of vernal pools, and updated compensatory mitigation are a result of Clean Water Act Section 404(b)(1) Alternatives Analysis negotiations with the USACE.

Reduced Impacts to Waters of the United States

The reduction of impacts to waters of the United States will be from the mixed-use development and off-site improvements portion of the Project. Approximately 31.960 acres of waters of the United States consisting of 13.421 acres of vernal pool, 2.318 acres of seasonal wetland, 10.940 acres of seasonal wetland swale, 0.012 acre of seep, 4.504 acres of intermittent drainage (stream channel), 0.077 acre of ditch (stream channel) , and 0.688 acres of stock pond.

Vernal Pool Creation

The Project will impact 13.728 acres of vernal pools on the Chester Drive property, to conduct rehabilitation of a degraded vernal pool which is required as compensatory mitigation. Activities associated with the rehabilitation of the vernal pool include grading of the vernal pool to match the elevation of the existing vernal pool off-site to the east, removal of an existing berm, and construction of a perimeter berm.

Updated Compensatory Mitigation

Compensatory mitigation will be accomplished through combination of on-site preservation, off-site preservation and creation at permittee-responsible mitigation sites, and purchase of mitigation credits from USACE approved mitigation banks. An additional off-site permittee-responsible mitigation site has been acquired by Cordova Hills Ownership Group, the Rooney Ranch Property, in addition to the Shehadeh and Chester Drive properties.

Certification Extension

Clean Water Act Section 404 Individual Permit dated 23 February 2017, United States Army Corps of Engineers (SPK#2004-00116) authorized in-water construction activities to continue until 28 February 2022. The Certification will now reflect an expiration date of 28 February 2022.

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

APPLICATION FEE RECEIVED:

No fees were submitted for this amendment. Total fees of \$90,000.00 for the original Certification were submitted to the Central Valley Regional Water Quality Control Board as required by Section 3833(b)(3)(A) and by Section 2200(a)(3) of the California Code of Regulations.

CENTRAL VALLEY WATER BOARD CONTACT:

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

PUBLIC NOTICE:

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 17 March 2017 to 7 April 2017. The Central Valley Water Board did not receive any comments during the comment period.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The County of Sacramento certified an Environmental Impact Report on 29 January 2013. The County of Sacramento filed a Notice of Determination with the State Clearinghouse on 31 January 2013 (SCH No. 2010062069).

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Cordova Hills Project (WDID#5A34CR00632A1). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed By Adam Laputz for:

Pamela C. Creedon
Executive Officer

Attachment A: Clean Water Act §401 Technically Conditioned Water Quality Certification;
Cordova Hills Ownership Group, Cordova Hills Project,
(WDID#5A34CR00632), Sacramento County, issued on 29 June 2016

cc: Distribution List, page 4

DISTRIBUTION LIST

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Central Valley Regional Water Quality Control Board

29 June 2016

ATTACHMENT A

Ron Alvarado
Cordova Hills Ownership Group 5241
Arnold Avenue
McClellan, CA 95652

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***CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY
CERTIFICATION; CORDOVA HILLS OWNERSHIP GROUP, CORDOVA HILLS PROJECT
(WDID#5A34CR00632), SACRAMENTO COUNTY***

This Order responds to the 6 May 2015 application submitted by Cordova Hills Ownership Group (Applicant) for the Water Quality Certification of the Cordova Hills Project (Project), permanently impacting ~~34.60~~31.960 acres of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK-2004-00116) under § 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 § 13330 of the California Water Code and § 3867 of the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to § 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 § 3860(c) of the California Code of Regulations.
4. This Certification is no longer valid if the Project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired. This Certification expires on 28 February 2022.

5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

6. Any person signing a document under Standard Condition number 5 shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

TECHNICAL CERTIFICATION CONDITIONS:

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

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.
2. Except for activities permitted by the United States Army Corps of Engineers 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 Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.

4. The Applicant shall perform surface water 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.

The sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, within ambient conditions in the Project area, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water	(2,4)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water	(2)
Visible construction related pollutants	Observation	Visual Inspection	Continuous throughout the construction period	-

- (1) Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.
- (2) Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.
- (3) Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
- (4) A hand-held field meter may be used, provided 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 shall be maintained onsite.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

¹ Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

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 (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.

Appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within the work area or in surface waters within 300 feet downstream of the Project
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, or other water quality objectives are exceeded.
7. In-water work shall occur during periods of no flow and no precipitation. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if any of the following conditions occur: 1) in-water work is conducted during an unanticipated flow event; 2) Project activities result in any materials reaching surface waters; or 3) Project activities result in the creation of a visible plume in surface waters.
8. Activities shall not cause visible oil, grease, or foam in the receiving water.
9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.
11. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
12. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the Project.
13. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.
14. All areas disturbed by Project activities shall be protected from washout and erosion.
15. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
16. Hydroseeding shall be performed with California native seed mix.
17. All materials resulting from the Project shall be removed from the site and disposed of properly.
18. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
19. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
20. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Individual Permit, the United States Fish and Wildlife Service decision document, or the California Department of Fish and Wildlife Streambed Alteration Agreement.
21. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in Streambed Alteration Agreement No. 1600-2015-0110-R2.

22. The Applicant shall submit a copy of the Biological Opinion to the Central Valley Water Board Contact within 14 days of issuance by the United States Fish and Wildlife Service.
23. The Applicant shall comply with all United States Fish and Wildlife Service requirements, including those requirements described in the Biological Opinion.
24. The Applicant 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.
25. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
26. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and § 15097 of the California Code of Regulations.
27. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
 - (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) The Applicant shall allow the staff 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.
28. ~~Prior to commencing construction, the Applicant shall provide evidence of all on-site and off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes~~

~~purchasing 4.90 acres of floodplain wetland mosaic credits and 24.66 acres of stream channel credits, and 16.57 acres of vernal pool credits for a total of 46.13 acres created to mitigate for impacts to waters of the United States. Additionally, the Applicant will preserve 0.84 acre of lake/pond habitat, 20.28 acres of stream channel habitat, 48.24 acres of vernal pool habitat, and 14.71 acres of wetland habitat for a total of 84.07 acres preserved to mitigate for impacts to waters of the United States. The total amount of proposed compensatory mitigation is 130.20 acres and is required by the United States Army Corps of Engineers and United States Fish and Wildlife Service.~~

At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. The Applicant shall purchase 22.85 acres of floodplain wetland mosaic credits, 5.50 acres of stream channel credits, 0.03 acre of seep credits, and 1.04 acres of lake/pond credits for a total of 29.42 acres created to mitigate for impacts to waters of the United States.

The Applicant shall preserve 12.57 acres of stream channel habitat, 33.50 acres of vernal pool habitat, and 9.52 acres of wetland habitat on-site. Additionally, the Applicant will preserve the following:

- 7.635 acre and 0.354 acre of stream channel habitat at the Shehadeh and Rooney mitigation sites, respectively;
- 12.76 acres, 2.68 acres, and 0.539 acres of vernal pool habitat at the Chester, Shehadeh, and Rooney mitigation sites, respectively; and
- 5.893 acres and 5.359 acres of wetland habitat at the Shehadeh and Rooney mitigation sites, respectively.

A total of 90.81 acres shall be preserved to mitigate for impacts to waters of the United States.

Additionally, the Applicant shall create 1.81 acres of vernal pool habitat at the Chester mitigation site, 15.23 acres of vernal pool habitat at the Shehadeh mitigation site, and 8.45 acres of vernal pool habitat at the Rooney mitigation site for a total of 25.49 acres preserved to mitigate for impacts to waters of the United States.

The total amount of proposed compensatory mitigation is ~~130.20~~ 145.72 acres and is required by the United States Army Corps of Engineers and United States Fish and Wildlife Service.

Evidence of mitigation credit purchases shall be provided to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification. Evidence of all on-site mitigation shall be provided to the Central Valley Water Board upon completion of construction and mitigation activities.

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.

NOTIFICATIONS AND REPORTS:

29. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any 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.

30. The Applicant shall submit to the Central Valley Water Board a plan for on-site restoration of impact areas prior to the initiation of any construction activities within waters of the United States. This plan shall include the following information:
- a) A description of and drawings showing the existing contours and existing vegetation of the impacted area(s). This information shall include site photographs taken of the impacted area(s). For linear projects, these photographs shall be taken from the alignment, in both directions and taken every 50 feet within waters of the United States for the length of the impacted area(s).
 - b) The methods used to restore the site to its original contour and conditions, as well as a plan for the re-vegetation of the site following construction activities.
 - c) The proposed schedule for the restoration activities.

The Applicant shall submit to the Central Valley Water Board a report that describes the restoration activities and includes photographs of the restored areas within 90 days following completion of restoration activities. The camera position and view angles of post- construction photographs shall be identical to pre-construction photographs.

31. The Applicant 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: centralvalleysacramento@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 Applicant shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - (a) the Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; and
 - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. The Applicant must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
 - (a) minimize the amount of impervious surface;

- (b) reduce peak runoff flows;
 - (c) provide treatment BMPs to reduce pollutants in runoff;
 - (d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - (e) preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - (g) use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
 - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. The Applicant shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
- (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - (c) written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - (d) any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

CENTRAL VALLEY WATER BOARD CONTACT:

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Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
Stephanie.Tadlock@waterboards.ca.gov
(916) 464-4644

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The County of Sacramento is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Cordova Hills Project pursuant to § 21000 et seq. of the Public Resources Code. The County of Sacramento certified the Environmental Impact Report and Statement of Overriding Considerations on 29 January 2013. The County of Sacramento filed a Notice of Determination with the State Clearinghouse on 31 January 2013 (SCH No.

2010062069). Significant and unavoidable impacts identified in the Statement of Overriding Considerations include impacts to biological resources and wetland water quality.

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that Environmental Impact Report is in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report. 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.

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

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the Cordova Hills Ownership Group, Cordova Hills Project (WDID#5A34CR00632) 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. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, Cordova Hills Ownership Group's application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016.

Original Signed by Adam Laputz for

Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet Attachment:

Figure 1 – Project Location Map

Figure 2 – Project Impacts Map

cc: Distribution List, page ~~46~~ 17

PROJECT INFORMATION SHEET

Application Date: 6 May 2015

Applicant: Ron Alvarado
Cordova Hills Ownership Group
5241 Arnold Avenue
McClellan, CA 95652

Applicant Representative: Ben Watson
ECORP Consulting
2525 Warren Drive
Rocklin, CA 95677

Project Name: Cordova Hills Project **Application**

Number: WDID#5A34CR00632 **Date on Public**

Notice: 8 May 2015

Date Application Deemed Complete: 7 August 2015

Type of Project: Development, Residential

Approved Months of Project Implementation: The Project will be constructed between 1 April and 31 October, or as otherwise directed by the Department of Fish and Wildlife.

Project Location: Sections 13, 14, 23, 24, & 18, Township 8 North, Ranges 7 & 8 East, MDB&M.
Latitude: 38°32'30" N and Longitude: 121°10'30" W

County: Sacramento County

Receiving Water(s) (hydrologic unit): Laguna, Deer, Carson, and Morrison Creeks,
Sacramento Hydrologic Basin, Valley-American Hydrologic Unit #519.12, Florin HSA

Water Body Type: Wetland, Streambed, Vernal Pools, Lake/Pond

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or

Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: Laguna Creek, Deer Creek, Carson Creek, and Morrison Creek are the receiving waters for the Cordova Hills Project. Laguna Creek is not listed on the 303(d) list. Deer Creek is on the 303(d) list for Iron. Carson Creek is on the 303(d) list for Aluminum and Manganese. Morrison Creek is on the 303(d) list for Pentachlorophenol (PCP), Pyrethroids, and Sediment Toxicity. This project, as conditioned with mitigation measures to prevent transport of sediment due to project activities, will minimize impacts to Deer Creek, Carson Creek, and Morrison Creek.

The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

Project Description: The Cordova Hills Project (Project) is located on the east side of Grant Line Road and south of Douglas Road in Sacramento County. The Project consists of grading activities in preparation for constructing residential units, a senior living facility, a university campus, recreational parks, and open space preserves. The grading activities will permanently fill 34.60 ~~31.96 acres of wetlands, vernal pools, stock ponds, and intermittent drainages~~ 13.421 acres of vernal pool, 2.318 acres of seasonal wetland, 10.940 acres of seasonal wetland swale, 0.012 acre of seep, 4.504 acres of intermittent drainage (stream channel), 0.077 acre of ditch (stream channel), and 0.688 acre of stock pond, as shown in Figure 2.

No dewatering will occur within the Project area. No wet concrete will be placed into waters of the United States. The Project will permanently impact ~~34.60~~ 31.960 acres of waters of the United States.

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

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. This Certification requires all work to be conducted during periods of no flow. In the event that project activities result in any materials reaching surface waters or unanticipated in-water work occurs, the Applicant will conduct turbidity and settleable matter testing. During this testing, the Applicant will stop work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Fill Area: Approximately 127,000 cubic yards of native soil will be placed into ~~34.60~~ 45.74 acres of waters of the United States.

Dredge Volume: None

California Integrated Water Quality System Impact Data: The Project will permanently impact ~~4.65~~ 4.593 acres of stream bed, ~~13.88~~ 13.258 acres of wetland, ~~15.38~~ 13.421 acres of vernal pool, and ~~0.69~~ 0.688 acre of lake habitat from fill activities.

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
Creek	--	--	--	0.11	--	--	--	--	--
Intermittent Drainage	--	--	--	4.43 <u>4.504</u>	--	--	--	--	--
Roadside Ditch	--	--	--	0.10 <u>0.077</u>	--	--	--	--	--
Seep	--	--	--	0.01 <u>0.012</u>	--	--	--	--	--
Stream Channel Total	--	--	--	4.65 <u>4.593</u>	--	--	--	--	--
Vernal Pool	--	--	--	15.38 <u>13.421</u>	--	--	--	--	--
Lake/Pond	--	--	--	0.69 <u>0.688</u>	--	--	--	--	--
Wetland	--	--	--	13.88 <u>13.258</u>	--	--	--	--	--
TOTAL	--	--	--	34.60 <u>31.960</u>	--	--	--	--	--

United States Army Corps of Engineers File Number: SPK-2004-00116

United States Army Corps of Engineers Permit Type: Individual Permit

California Department of Fish and Wildlife Streambed Alteration Agreement:
1600-2015-0110-R2

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

Status of CEQA Compliance: The County of Sacramento certified an Environmental Impact Report on 29 January 2013. The County of Sacramento filed a Notice of Determination with the State Clearinghouse on 31 January 2013 (SCH No. 2010062069).

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

Compensatory Mitigation: Prior to commencing construction, the Applicant shall provide evidence of all off-site compensatory mitigation and mitigation credit purchases to the Central Valley Water Board prior to proceeding with the activity authorized by this Certification.

Evidence of all on-site mitigation shall be provided to the Central Valley Water Board upon completion of construction and mitigation activities.

~~At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes purchasing 4.90 22.85 acres of floodplain wetland mosaic credits, 24.66 5.50 acres of stream channel credits, and 16.57 acres of vernal pool credits for a total of 46.13 acres created to mitigate for impacts to waters of the United States. Additionally, the Applicant will preserve 0.84 acre of lake/pond habitat, 20.28 acres of stream channel habitat, 48.24 acres of vernal pool habitat, and 14.71 acres of wetland habitat for a total of 84.07 acres preserved to mitigate for impacts to waters of the United States. The total amount of proposed compensatory mitigation is 130.20 acres and is required by the United States Army Corps of Engineers and United States Fish and Wildlife Service.~~

At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. The Applicant shall purchase 22.85 acres of floodplain wetland mosaic credits, 5.50 acres of stream channel credits, 0.03 acre of seep credits, and 1.04 acres of lake/pond credits for a total of 29.42 acres created to mitigate for impacts to waters of the United States.

The Applicant shall preserve 12.57 acres of stream channel habitat, 33.50 acres of vernal pool habitat, and 9.52 acres of wetland habitat on-site. Additionally, the Applicant will preserve the following:

- 7.635 acre and 0.354 acre of stream channel habitat at the Shehadeh and Rooney mitigation sites, respectively;
- 12.76 acres, 2.68 acres, and 0.539 acres of vernal pool habitat at the Chester, Shehadeh, and Rooney mitigation sites, respectively; and
- 5.893 acres and 5.359 acres of wetland habitat at the Shehadeh and Rooney mitigation sites, respectively.

A total of 90.81 acres shall be preserved to mitigate for impacts to waters of the United States.

Additionally, the Applicant shall create 1.81 acres of vernal pool habitat at the Chester mitigation site, 15.23 acres of vernal pool habitat at the Shehadeh mitigation site, and 8.45 acres of vernal pool habitat at the Rooney mitigation site for a total of 25.49 acres preserved to mitigate for impacts to waters of the United States.

The total amount of proposed compensatory mitigation is 130.20 145.72 acres and is required by the United States Army Corps of Engineers and United States Fish and Wildlife Service.

Table 3: Compensatory Mitigation for Permanent Physical Loss of Area

Aquatic Resource Type	Comp Mitigation Type				Units		Established	Re-established	Rehabilitated	Enhanced	Preserved
	In-Lieu	Mit. Bank	Permittee Responsible		AC (Acres)	LF (Linear Feet)					
			Onsite Preservation	Mitigation Site							
Lake/Pond	-	X	X	-	0.84 1.04	-	-	-	-	-	X
Stream Channel	-	-	-	-	44.94 26.06	-	X	-	-	-	X
Stream Channel - Onsite Preserve	-	-	X	-	12.65 <u>12.57</u>	-	-	-	-	-	X
Stream Channel - Preserves (7.635 ac Shehadeh/ 0.354 ac Rooney)	-	-	-	X	7.63 <u>7.99</u>	-	-	-	-	-	X
Stream Channel - Creation (Cosumnes)	-	X	-	-	24.66 <u>5.50</u>	-	X	-	-	-	-
Seep	-	X	-	-	0.03	-	X	-	-	-	-
Vernal Pools	-	-	-	-	64.81 74.97	-	X	-	-	-	X
Vernal Pool - Onsite Preserve	-	-	X	-	32.24 <u>33.50</u>	-	-	-	-	-	X
Vernal Pool – Preserves (13.35 <u>12.76</u> ac Chester/ 2.68 ac Shehadeh/ <u>0.539 ac</u> Rooney)	-	-	-	X	16.03 <u>15.98</u>	-	-	-	-	-	X
Vernal Pool -Creation (1.78 <u>1.81</u> ac Chester/ 44.79 <u>15.23</u> ac Shehadeh/ <u>8.45 ac</u> Rooney)	-	-	-	X	16.57 <u>25.49</u>	-	X	-	-	-	-
Wetland/Wetland Swale	-	-	-	-	19.64 43.62	-	X	-	-	-	X
Wetland – Onsite Preserve	-	-	X	-	8.79 <u>9.52</u>	-	-	-	-	-	X
Wetland – Preserves (5.893 ac Shehadeh <u>5.359 ac</u> Rooney)	-	-	-	X	5.92 <u>11.25</u>	-	-	-	-	-	X
Wetland – Creation (Cosumnes Bank)	-	X	-	-	4.90 <u>22.85</u>	-	X	-	-	-	-
TOTAL	-	-	-	-	130.20 145.72	-	-	-	-	-	-

Application Fee Provided: Total fees of \$90,000.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

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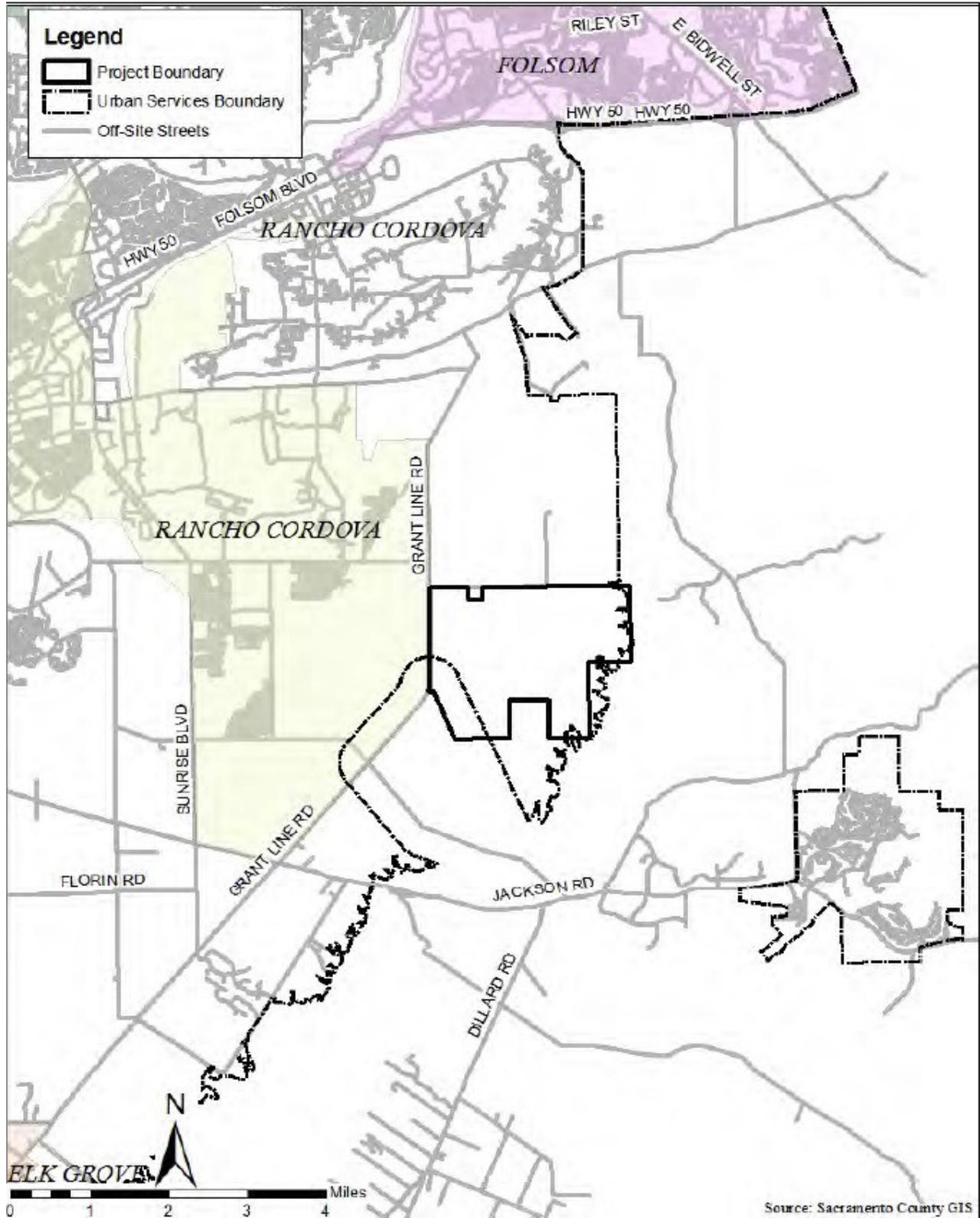


Figure 1: Project Location Map

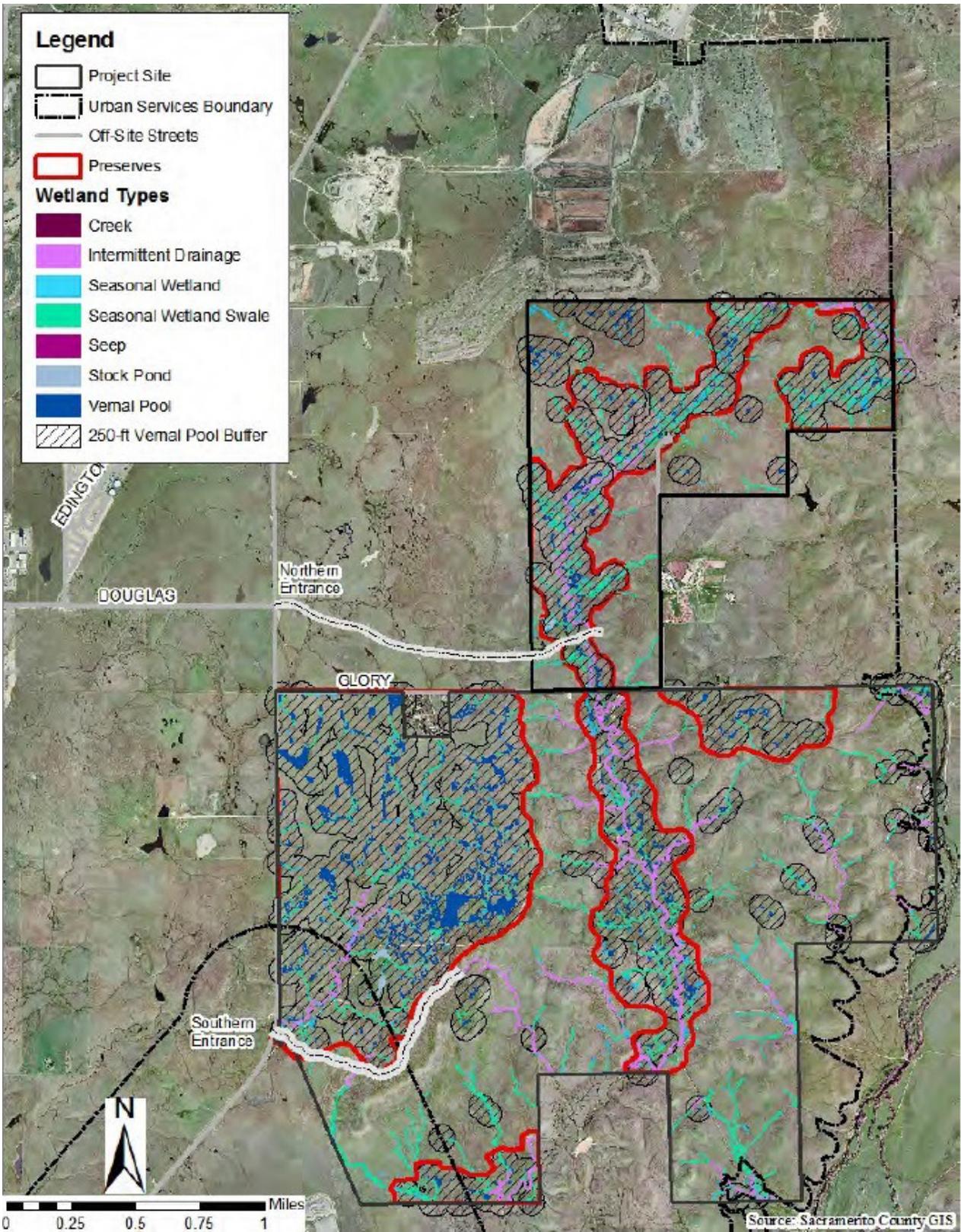


Figure 2 – Project Impacts Map