
Central Valley Regional Water Quality Control Board

1 June 2016

Milo Terzich
USA Properties Fund, Inc.
3200 Douglas Boulevard, Suite 200
Roseville, CA 95661

CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; USA PROPERTIES FUND, INC., BROADWAY PARKWAY APARTMENTS PROJECT (WDID #5A34CR00660), 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 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 (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 § 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 § 3833 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 This Certification is no longer valid if the project (as described) is modified, or coverage under § 404 of the Clean Water Act has expired. USA Properties, Inc. shall notify the Central Valley Water Board within 7 days of the project completion.

5. All reports, notices, or other documents required by this Certification or requested by the 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 No. 5 shall make the following certification, whether written or implied:

"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, USA Properties Fund, Inc. shall satisfy the following:

1. USA Properties Fund, Inc. shall notify the Central Valley Regional Water Quality Control Board (Central Valley Water Board) in writing at least **seven (7) days** in advance of the start of any work within waters of the United States. The notification shall include the name of the project and the WDID number, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the U.S. Army Corps under §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. USA Properties Fund, Inc. 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. USA Properties Fund, Inc. shall perform surface water sampling:

- 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 monitoring requirements in Table 1 shall be conducted upstream out of the influence of the Project, and approximately 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.

The monitoring requirements in Table 1 shall be conducted by taking a sample of the ambient conditions before work begins in the work area, and sampling during work in the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

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

⁽¹⁾ Grab samples shall be taken at mid-depth and be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

⁽⁴⁾ A hand-held field meter may be used, provided that the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring required by this Certification shall be maintained at the Project site.

As appropriate, surface water monitoring shall occur at mid-depth. A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, USA Properties Fund, Inc. 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 monitoring is conducted, USA Properties Fund, Inc. shall submit a written statement to the Central Valley Water Board Contact indicated in the Certification stating, "No monitoring was required." with the Notice of Completion.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015 (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, or/and settleable matter, temperature, pH, and dissolved oxygen limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:
 - a) Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.
 - b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within approximately 300 feet downstream of the Project.
 - c) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within the work area
6. USA Properties Fund, Inc. shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter or other water quality objectives are exceeded.
7. 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. USA Properties Fund, Inc. 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.

8. USA Properties Fund, Inc. shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must also address the potential of responding to a spill or prevention of spills occurring within the Project site.
9. Asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering surface waters. Concrete must completely be cured before coming into contact with surface waters. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.
10. Should the methodology for dry and wet utility work include directional drilling, the Dry and Wet Utility Plan shall incorporate a Directional Drilling Plan to address potential frac-outs. The Directional Drilling Plan shall include, but not be limited to, a description of directional drilling activities, dry and wet utility routes, crossing locations and methods, and other geotechnical considerations (i.e., surficial overburden deposits, clays and shales, bedrock formations, hydrogeology), and a reporting procedure should any level of discharge from a frac-out occur, regardless of the discharge size.

The Directional Drilling Plan must be stamped by a California Registered Geologist (PG) or Professional Engineer (PE).
11. An effective combination of erosion and sediment control Best Management Practices (BMPs) shall be implemented and adequately working during all phases of construction.
12. All areas disturbed by Project activities shall be protected from washout or erosion.
13. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
14. 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.
15. If temporary surface water diversions and/or dewatering are anticipated, USA Properties Fund, Inc. shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities.

The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.

16. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the State below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate **Technical Certification Condition 5 of this Certification.**
17. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
18. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the receiving water. USA Properties Fund, Inc. shall notify the Central Valley Water Board as soon as practicable of any spill of petroleum products or other organic or earthen materials with written follow up within 5 days.
19. USA Properties Fund, Inc. 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, and/or permanent impacts; and/or
 - d) amendments, modifications, revisions, extensions, and/or changes to the United States Army Corps of Engineers' Letter of Permission, the United States Fish and Wildlife Service decision document(s), and/or the California Department of Fish and Wildlife Streambed Alteration Agreement.
20. USA Properties Fund, Inc. shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement issued by the California Department of Fish and Wildlife within 14 days of issuance to the Central Valley Water Board Contact indicated in this Certification.

USA Properties Fund, Inc. shall comply with all California Department of Fish and Wildlife requirements, including but not limited to those requirements described in the Lake or Streambed Alteration Agreement.

21. USA Properties Fund, Inc. shall obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water and/or shall obtain Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land from the Central Valley Water Board.
22. The Conditions in this water quality certification are based on the information contained in the USA Properties Fund, Inc.'s application and in the attached "Project Information Sheet." If the Project, as described in the application and the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
23. USA Properties Fund, Inc. shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration 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.
24. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under the applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with water quality standards and other pertinent requirements incorporated into this certification.
 - a) If USA Properties Fund, Inc. or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, USA Properties Fund, Inc. is subject to civil monetary liabilities, for each day of violation, or criminal liability.
 - b) In response to a suspected violation of any condition of this certification, Central Valley Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Water Code, § 1051, 13165, 13267 and 13383) In response to any violation of the conditions of this certification, the Central Valley Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
 - c) USA Properties Fund, Inc. 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.

25. USA Properties Fund, Inc. shall provide evidence of all on-site and off-site compensatory mitigation requirements, including, but not limited to, the purchase of mitigation credits or payment of in-lieu fees or any combination as required by the California Department of Fish and Wildlife prior to commencing construction to the Central Valley Water Board.

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

26. Staff of the Central Valley Water Board has prepared total maximum daily load (TMDL) allocations that, once approved, would limit methylmercury in storm water discharges to the Sacramento-San Joaquin Delta. The Central Valley Water Board has scheduled these proposed allocations to be considered for adoption. When the Central Valley Water Board adopts the TMDL and once approved by the Environmental Protection Agency, the discharge of methylmercury may be limited from the proposed project. The purpose of this condition is to provide notice to USA Properties Fund, Inc. that methylmercury discharge limitations and monitoring requirements may apply to this project in the future and also to provide notice of the Central Valley Water Board's TMDL process and that elements of the planned construction may be subject to a TMDL allocation.

27. USA Properties Fund, Inc. shall provide the Central Valley Water Board Contact indicated in this Certification a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the project has been carried out in accordance with the project description in the Certification and in any amendments approved. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation

STORM WATER QUALITY CONDITIONS:

USA Properties Fund, Inc. shall also satisfy the following additional storm water quality conditions:

1. USA Properties Fund, Inc. 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, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
2. During the construction phase, USA Properties Fund, Inc. must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:

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

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

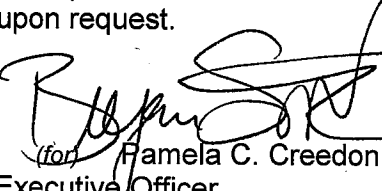
George Day, Senior Water Resource Control Engineer, Central Valley Regional Water Quality Control Board, 364 Knollcrest Drive, Suite 205, Redding, California 96002
gday@waterboards.ca.gov, (530) 224-4859

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from USA Properties, Inc., Broadstone Parkway Apartments Project (WDID# 5A34CR00660) 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 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 conditions of this Certification, USA Properties Fund, Inc.'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*, Fourth Edition, revised June 2015 (Basin Plan).

Any person aggrieved by this action may petition the State Water Quality Control Board to review the action in accordance with California Water Code § 13320 and California Code of Regulations, Title 23, § 2050 and following. The State Water Quality Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Quality Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.


(for) Pamela C. Creedon
Executive Officer

DLW:sjs

Enclosure: Water Quality Order No. 2003-0017 DWQ

cc w/o
enclosures: Ms. Mary Pakenham-Walsh, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Wildlife, Region 2, Rancho Cordova
U.S. Fish and Wildlife Service, Sacramento
Mr. Bill Jennings, CALSPA, Stockton
Taraneh Emam, ECORP Consulting, Inc., Rocklin

cc w/o
Enclosures
by email: U.S. EPA, Region 9, San Francisco
Mr. Bill Orme, SWRCB, Certification Unit, Sacramento

PROJECT INFORMATION

Application Date: 26 April 2016

Application Deemed Complete: 31 May 2016

Applicant: Milo Terzich
USA Properties Fund, Inc.
3200 Douglas Boulevard, Suite 200
Roseville, CA 95661

Project Name: Broadway Parkway Apartments Project.

Application Number: WDID No. 5A34CR00660

U.S. Army Corps File Number: SPK-2016-00086

Type of Project: Residential Development.

Project Location: Section 8, Township 9 North, Range 8 East
Latitude: 38.654° and Longitude: -121.119°

County: Sacramento County

Receiving Water(s) (hydrologic unit): Unnamed drainage and wetlands, tributary to Lake Natoma, via Alder Creek. American River Hydrologic Unit No.514.23 – Folsom Reservoir HSA

Water Body Type: Streambed and Wetlands

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised June 2015 (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); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

Project Description (purpose/goal): The Broadway Parkway Apartments Project is located south of Broadstone Parkway between East Bidwell Street and Cavitt Drive within the City of Folsom, Sacramento County, California

The Project purpose is to develop a minimum 300-unit multi-family residential community, including extremely low income housing units, in the southeastern portion of the City of Folsom. The Project site must be designated for multifamily residential uses and be of sufficient size to make feasible the affordable housing requirements of the City of Folsom.

The proposed Project consists of a 304-unit multifamily residential community in the City of Folsom. The Project includes a number of indoor and outdoor recreational amenities for residents including an outdoor swimming pool, a spa, a barbeque area, pet grooming facilities, a bicycle maintenance area, a fitness center, meeting rooms, a community kitchen, and a mail room. Vehicle access to and from the proposed Project site will be provided by two new driveways located directly off of Broadstone Parkway. The primary Project driveway on Broadstone Parkway will provide full access and is aligned with the existing traffic signal situated at the Broadstone Marketplace Shopping Center entrance. The secondary Project driveway is located approximately 350 feet northeast of the primary Project driveway on Broadstone Parkway and will be restricted to right turns in, and right turns out. Pedestrian circulation is accommodated by a combination of existing sidewalks, new sidewalks, and interior walkways. Bicycle circulation is provided by existing bicycle lanes along frontage of Broadstone Parkway and Cavitt Drive. The Project includes a total of 526 parking spaces including 71 garage parking spaces, 233 carport parking spaces, and 222 uncovered parking spaces. Additional site improvements include underground utilities, retaining walls, a monument sign, curbs, gutters, site lighting, and site landscaping.

The existing drainage ditch within the Project site will be replaced by an underground pipe with water treatment facilities. Upstream and downstream of the Project site, the drainage is currently conveyed by pipe; therefore, the conversion to pipe within the Project site is not anticipated to adversely affect water quality. Work within the Waters of the U.S. will be conducted during the dry season. Perennial water may be present within the drainage ditch (but not the seasonal wetlands or vernal pool). If flowing water is present, an earthen berm will create an interim pending area where runoff will discharge downstream through a combination of temporary storm drain(s) and an earthen swale. The temporary storm drain and swale shall convey runoff downstream and around the area of proposed drainage pipe construction connecting to the existing storm drain improvements that cross under Broadstone Parkway.

The project will permanently impact 0.649 acre(s)/716 linear feet of waters of the United States.

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

Proposed Mitigation to Address Concerns: USA Properties, Inc. 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. USA Properties, Inc. will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill/Excavation Area: Approximately 1,047 cubic yards of native soil will be placed into 0.649 acres of waters of the United States.

Dredge Volume: N/A.

California Integrated Water Quality System Impact Data: The Project will permanently impact 0.649 acre(s)/716 linear feet of wetland/streambed/vernal pool from fill activities.

Table 1: Impacts from Fill and/or Excavation Activities

Fill Type	Permanent			Temporary		
	Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
Wetlands						
Wetlands Total	0.140	NA	--	--	NA	--
Vernal Pool						
Vernal Pools Total	0.216	NA	--	--	NA	--
Stream Channel						
Stream Total	0.293	716	--	--	--	--
Total Impacts	0.649	716	--	--	--	--

Notes

NA Not Applicable

United States Army Corps of Engineers Permit Type: Request for Authorization under Minor Impact Letter of Permission submitted 9 April 2016. The Project was previously permitted as a component of the Larger Broadstone Unit 3 project and authorized under Nationwide Permit #26 (USACE Regulatory No. 199300468 issued 25 September 1996).

Department of Fish and Wildlife Lake or Streambed Alteration Agreement: USA Properties, Inc. applied for a Lake or Streambed Alteration Agreement on 2 November 2015. California Department of Fish and Wildlife issued a Lake or Streambed Alteration Agreement 1600-2015-0263-R2 on 4 February 2016

Possible Listed Species: Federally-threatened Vernal Pool Fairy Shrimp (VPFS; *Branchinecta lynchi*), Vernal Pool Tadpole Shrimp (VPTS; *Lepidurus packardii*).

Status of CEQA Compliance: The City of Folsom is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Broadstone Parkway Apartments Project pursuant to § 21000 et seq. of the Public Resources Code. The City of Folsom approved the Negative Declaration on 16 December 2015. The City of Folsom filed a Notice of Determination with the State Clearinghouse on 17 December 2015 (State Clearinghouse Number 2015062009).

Compensatory Mitigation: As required by the California Department of Fish and Wildlife, the USA Properties, Inc. will purchase 0.580 acres of floodplain riparian habitat credits at a 1:1 ratio from the Cosumnes Floodplain Mitigation Bank (or another USACE- and CDFW-approved bank) for impacts to 0.580 acres of ditches and associated riparian vegetation.

For impacts to 0.140 acre of seasonal wetland, the USA Properties, Inc. is proposing to purchase seasonal wetland and vernal pool creation credits at a 1:1 ratio minus the amount of past mitigation that was completed for the Broadstone Unit 3 project impacts on-site. For impacts to 0.216 acre of vernal pool, USA Properties, Inc. is proposing to purchase seasonal

wetland and vernal pool creation credits at a 1:1 ratio. Seasonal wetland and vernal pool compensation credits will be purchased from the Locust Road Mitigation Bank (or another USACE-approved bank).

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

Application Fee Provided: An application fee of \$600.00 was submitted on 26 April 2016 and an additional fee of \$9,066.00 was submitted on 25 May 2016. A total fee of \$9,666.00 has 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.