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**Central Valley Regional Water Quality Control Board**

18 April 2017

Clay Loomis  
4120 Douglas Blvd., Suite 306-320  
Granite Bay, CA 95746

***CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; FOLSOM HEIGHTS, LLC, FOLSOM HEIGHTS PROJECT (WDID NO. 5A34CR00673, SACRAMENTO COUNTY***

This Order responds to the 28 October 2016 application submitted by Folsom Heights, LLC (Applicant) for the Water Quality Certification of a Mixed Use Development project permanently impacting 2.83 acres/337.5 linear feet waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK-2008-00331) under Section 401 of the Clean Water Act and Waste Discharge Requirements under the Porter-Cologne Water Quality Control Act.

**WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations (CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Section 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under Section 3833 of the California Code of Regulations.
4. This Certification is no longer valid if the project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

5. All reports, notices, or other documents required by this Certification or requested by the Central Valley 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, the Applicant shall satisfy the following:

1. The Applicant 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 United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The 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 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 <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2)
Visible construction related pollutants <sup>(3)</sup>	Observations	Visual Inspections	Continuous throughout the construction period	—
Temperature	°F (or as °C)	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
pH	Standard Units	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)
Dissolved Oxygen	mg/L & % saturation	Grab <sup>(1)</sup>	Every 4 hours during in-water work	(2, 4)

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

<sup>(2)</sup> 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.

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

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

As appropriate, surface water monitoring shall occur at mid-depth. A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in

this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the 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 monitoring is conducted, the Applicant 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 Basin and San Joaquin River Basin, 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, 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.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within approximately 300 feet downstream of the Project.
- c) Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature for waters with designated COLD or WARM beneficial uses.

- d) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
  - e) Activities shall not cause dissolved oxygen to be reduced below 5.0 mg/L for waters designated with the WARM beneficial use, and 7.0 mg/L for waters designated with the COLD or SPWN beneficial uses, in surface water.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, temperature, pH, dissolved oxygen or other water quality objectives are exceeded.
  7. In-water work shall occur during periods of low flow and no precipitation.
  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. The Plan must also address the potential of responding to a spill or prevention of spills occurring within the Project site.

Raw cement, concrete (or washing), 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.

11. 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.

12. Concrete must be completely cured before coming into contact with waters of the United States. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility which is authorized to accept concrete wastes.
13. Creosote-treated wood products or any other treated wood products that are highly flammable and/or toxic to aquatic life shall not be installed in waters of the United States.
14. A method of containment must be used below the bridge(s), boardwalk(s), and/or temporary crossing(s) to prevent debris from falling into the water body as feasible.
15. If installation or relocation of dry and/or wet utility lines is anticipated, the Applicant shall develop and submit a Dry and Wet Utility Work Plan to the Central Valley Water Board Contact indicated in this Certification prior to commencement of dry and wet utility construction. The Dry and Wet Utility Plan must cover all phases of the certified project that will impact waters of the United States and shall be consistent with this Certification.

The Dry and Wet Utility Plan shall include the types of dry and wet utilities to be removed and installed, method and duration of activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the location(s) of dry and wet utility work, as related to any water of the United States, in the project area.

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):

16. An effective combination of erosion and sediment control Best Management Practices (BMPs) shall be implemented and adequately working during all phases of construction.
17. All areas disturbed by Project activities shall be protected from washout or erosion.
18. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
19. The Applicant shall submit to the Central Valley Water Board a plan for restoration of temporary 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 temporary impact area(s). This information shall include site photographs taken of the temporary impact 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 temporary impact 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.

20. 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.
21. If temporary surface water diversions and/or dewatering are anticipated, the Applicant 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.
22. 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.
23. 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.
24. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the receiving water. The Applicant 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.
25. 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, and/or permanent impacts; and/or

- d) amendments, modifications, revisions, extensions, and/or changes to the United States Army Corps of Engineers' Individual Permit, the United States Fish and Wildlife Service decision document(s), and/or the California Department of Fish and Wildlife Streambed Alteration Agreement.

- 26. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including, but not limited, to those requirements described in Lake or Streambed Alteration Agreement No. 1600-2012-0198-R2
- 27. The Applicant shall comply with all United States Fish and Wildlife Service requirements, including, but not limited to, those requirements described in Letter of Concurrence (81420-2010-F-0620-I), provided to the United States Army Corps of Engineers, dated 2 April 2014.

The Applicant shall comply with all United States Fish and Wildlife Service requirements, including, but not limited to, those requirements described in the Letter of Concurrence.

- 28. The Applicant 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.
- 29. The Conditions in this water quality certification are based on the information contained in the Applicant'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.
- 30. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report and Subsequent Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.
- 31. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under the applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with water quality standards and other pertinent requirements incorporated into this certification.
  - a) If the Applicant or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, the Applicant 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, Section 1051, 13165, 13267 and 13383) In response to any violation of the conditions of this certification, the Central Valley Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
  - c) The 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.
32. Prior to commencing construction, the Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with a Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, the purchase of mitigation credits as required by the United States Army Corps of Engineers.

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.

33. 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 the Applicant 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.

#### **NOTIFICATIONS AND REPORTS:**

34. The Applicant shall notify the Central Valley Water Board within 7 days of the project completion.
35. The Applicant 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
36. 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](mailto: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. 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, 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, 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 (SWPPP) must be prepared during the project planning and design phases and before construction;
  - b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
3. 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:

- 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. The Applicant 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:**

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

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

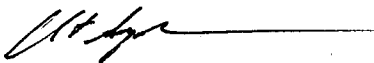
City of Folsom City Council is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Folsom Heights Project pursuant to Section 21000 et seq. of the Public Resources Code. City of Folsom City Council certified the Environmental Impact Report and Subsequent Environmental Impact Report on 14 June 2011 and 11 December 2012, respectively. The City of Folsom City Council filed a Notice of Determination with the State Clearinghouse on 15 June 2011 and 13 December 2012 (SCH No. 2008092051).

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order certifying that any discharge from the Applicant's, Folsom Heights Project (WDID No. 5A34CR00673) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 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, the Applicant'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 Basin and San Joaquin River Basin, Fourth Edition, revised April 2016* (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 Section 13320 and California Code of Regulations, Title 23, Section 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](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.



(for) PAMELA C. CREEDON  
Executive Officer

DW: ab

Enclosures: Water Quality Order No. 2003-0017 DWQ (Applicant Only)

cc w/

encl.:

Nicole Vogt, U.S. Army Corp of Engineers, Sacramento  
California Department of Fish and Wildlife, Region 2, Rancho Cordova  
U.S. Fish and Wildlife Service, Sacramento  
Mr. Bill Jennings, CALSPA, Stockton  
Lourdes Gonzalez-Peralta, ECORP Consulting, Inc. Rocklin

cc w/o encl.

by email:

Joe Morgan, U.S. EPA, Region 9, San Francisco  
Bill Orme, SWRCB, Certification Unit, Sacramento

## PROJECT INFORMATION

**Application Date:** 28 October 2016

**Application Deemed Complete:** 1 December 2016

**Applicant:** Clay Loomis  
Folsom Heights, LLC  
4120 Douglas Blvd., Suite 306-320  
Granite Bay, CA 95746

**Applicant Representative:** Lourdes Gonzalez-Peralta  
ECORP Consulting, Inc.  
2525 Warren Drive  
Rocklin, CA 95677

**Project Name:** Folsom Heights Project

**Application Number:** WDID No. 5A34CR00673

**Type of Project:** Residential Development.

**Timeframe of Project Implementation:** 1 June 2018 through 15 October 2020

**Project Location:** Sections 10 & 15, Township 9 North, Range 8 East  
Latitude: 38.641° and Longitude: -121.086°

**County:** Sacramento County

**Receiving Water(s) (hydrologic unit):** Unnamed seasonal wetland swales, seeps, marsh, and an intermittent drainage which is tributary to Carson Creek and the Cosumnes River, San Joaquin Hydrologic Basin, Middle Sierra Hydrologic Unit No. 532.22, Upper Deer Creek HSA

**Water Body Type:** Wetland, Streambed, Riparian

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin, 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); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); 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](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

**303(d) List of Water Quality Limited Segments:** Unnamed seasonal wetland swales, seeps, marsh, and an intermittent drainage which is tributary to Carson Creek are the receiving waters for the Folsom Heights Project. The unnamed seasonal wetland swales, seeps, marsh, and an intermittent drainage are not listed on the 303(d) list. This project does not impact an already

impaired water body. The most recent list of approved water quality limited segments is found at: [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml)

**Project Description (purpose/goal):** The Folsom Heights Project is located south of U.S. 50, west of the El Dorado County Line, north of White Rock Road, and east of Scott Road in Sacramento County, California.

The Folsom Heights Project (Project) involves the development of a mixed-use community in Eastern Sacramento County, California, within the Folsom Plan Area Specific Plan (FPASP). Project components include Single-Family, Single-Family High-Density, General Commercial, and Preserve/Open Space. The project will permanently impact 2.83 acre(s)/337.52 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:** The Applicant will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The Applicant 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 13,130 cubic yards of reinforced concrete pipe, native soil, crushed rock, and riprap will be placed into 2.830 acres of waters of the United States.

**Dredge Volume:** N/A

**California Integrated Water Quality System Impact Data:** The Project will permanently impact 2.83 acre/ 337.52 linear feet of wetland/stream bed from fill/excavation activities.

**Table 1: Impacts from Fill and/or Excavation Activities**

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Seasonal Wetland				1.168					
Wetland Seep				1.413					
Marsh				0.155					
Riparian Zone				0.005					
Streambed				0.089		337.52			
<b>Total</b>				<b>2.830</b>		<b>337.52</b>			

Notes

NA Not Applicable

**United States Army Corps of Engineers File Number:** SPK-2008-00331

**United States Army Corps of Engineers Permit Type:** Individual Permit application submitted to the United States Army Corps of Engineers 14 October 2016.

**California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:** A Section 1602 Master Streambed Alteration Agreement (No. 1600-2012-0198-R2) was obtained for the Folsom Specific Plan Area (FPASP). The Project will comply with the original Section 1602 Master Streambed Alteration Agreement received from the California Department of Fish and Wildlife (CDFW) for all construction activities that would occur in the bed and bank of CDFW jurisdictional features within the Project area.

As outlined in the Master Streambed Alteration Agreement, the Project Applicant will submit a Sub-notification Form to CDFW 60 days prior to the commencement of construction to notify CDFW of the Project.

**Possible Listed Species:** No federally-threatened, endangered species, or California Department of Fish & Wildlife (CDFW) species of special concern were listed in the CEQA document or the Section 401 Application.

**Status of CEQA Compliance:** The City of Folsom City Council certified the Environmental Impact Report and Subsequent Environmental Impact Report on 14 June 2011 and 11 December 2012, respectively. The City of Folsom City Council filed a Notice of Determination with the State Clearinghouse on 15 June 2011 and 13 December 2012 (SCH No. 2008092051).

**Compensatory Mitigation:** Prior to commencing construction, the Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. As required by the United States Army Corps of Engineers, the Applicant will purchase floodplain riparian re-establishment credits from the Cosumnes Floodplain Mitigation Bank at a ratio of 1:1 to compensate for 0.089-acres of intermittent drainage. Floodplain mosaic re-establishment credits will be purchased for 1.168-acres of seasonal wetland impacts at a ratio of 1:1. In addition, to compensate for the impact to 1.413-acres of seep, the Applicant will purchase floodplain mosaic re-establishment credits at a ratio of 3:1. Evidence of mitigation includes, but is not limited to, the purchase of mitigation credits, payment of in-lieu fees, recordation of a perpetual conservation easement grant or any combination.

**Application Fee Provided:** Total fees of \$16,040.00 have been submitted to the Central Valley Water Board as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.