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## Central Valley Regional Water Quality Control Board

27 June 2018

Jason Belles  
Winn Communities  
3001 I Street, Suite 300  
Sacramento, CA 95816

**CERTIFIED MAIL**  
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### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; WINN COMMUNITIES, MURPHY GLEN ESTATES PROJECT (WDID#5B34CR00061A2), SACRAMENTO COUNTY**

This Order responds to the 15 January 2018 request for an amendment of the Murphy Glen Estates Project (Project) Section 401 Water Quality Certification (WDID#5B34CR00061). The original Water Quality Certification (Certification) was issued on 28 October 2014 and amended on 7 September 2017. The requested second amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

#### **AMENDMENT:**

The amendment revises the Certification to correspond to the revised impacts and compensatory mitigation for the Project negotiated between Winn Communities and the United States Army Corps of Engineers.

The Project Information Sheet is amended as shown below in underline/strikeout format.

**Project Description (purpose/goal):** The Murphy Glen Estates Project consists of constructing a housing subdivision and associated infrastructure on a 40-acre parcel located in the North Vineyard Station Specific Plan (Plan) Area, in Sacramento County.

The purpose of the project is to create a small, low-density, single-family subdivision as well as a high-density component that is proximate to local and regional job centers and existing infrastructure in a manner that is consistent with Sacramento County's urban growth policies requiring compact urban form.

Direct and indirect impacts to waters of the United States include ~~2.343~~ 2.37

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

acres of wetlands, ~~2.146~~ 2.15 acres of vernal pools, and ~~0.087~~ 0.09 acre of roadside ditch (stream channel), for a total of ~~4.576~~ 4.60 acres of permanent impacts. Additionally, ~~0.630~~ 0.64 acres (~~0.472~~ 0.47 acre of vernal pools and ~~0.158~~ 0.17 acre of wetlands) waters of the United States will be permanently impacted indirectly by development of the project. All of the direct and indirect impacts will be from mass grading of the Project site in preparation of the development.

**Table 2: 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
Stream Channel	-	-	-	<del>0.087</del> <u>0.09</u>	-	-	-	-	-
Vernal Pool	-	-	-	<del>2.146</del> <u>2.15</u>	-	-	<del>0.472</del> <u>0.47</u>	-	-
Wetland	-	-	-	<del>2.343</del> <u>2.37</u>	-	-	<del>0.158</del> <u>0.17</u>	-	-
<b>Total Impacts</b>	-	-	-	<del>4.576</del> <u>4.60</u>	-	-	<del>0.630</del> <u>0.64</u>	-	-

**Fill/Excavation Area** Project implementation will permanently impact 4.576 acres of wetland and temporarily impact 0.630 acres of wetland.

**Compensatory Mitigation:** Winn Communities will purchase ~~4.386~~ 0.88 acres of vernal pool ~~wetland~~ creation credits, and ~~9.368~~ 5.10 acres of vernal pool preservation ~~habitat creation~~ credits from Toad Hill Ranch Mitigation Bank, and ~~0.820~~ acre of wetland creation credits from a United States Fish and Wildlife Service and United States Army Corps of Engineers approved Mitigation Bank or In-Lieu Fee Program create an on-site 0.65-acre seasonal wetland swale, for the unavoidable impacts to waters of the United States.

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

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Vernal Pool <u>Wetland</u>	-	X	-	4.386 0.88	-	X	-	-	-	-	-
Vernal Pool	-	X	-	9.368 5.10	-	-	-	-	-	X	-
Wetland <u>Swale</u>	-	X	X	0.820 0.65	-	X	-	-	-	-	-
<b>TOTAL</b>				<b>14.554 6.63</b>							

**APPLICATION FEE RECEIVED:**

Fees in the amount of \$1,500.00 were received on 25 January 2018 for this amendment. Total fees of \$34,291.00 for the original Certification were submitted to the Central Valley Regional Water Quality Control Board. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:**

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**PUBLIC NOTICE:**

The Central Valley Water Board provided public notice of the amendment pursuant to California Code of Regulations, title 23, section 3858 from 26 January 2018 to 16 February 2018. The Central Valley Water Board did not receive any comments during the comment period.

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Murphy Glen Estates Project (WDID#5B34CR00061A2). 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:*

Patrick Pulupa  
Executive Officer

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

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