
Central Valley Regional Water Quality Control Board

11 January 2022

Rick Langdon
BHT II Northern Cal 1, LLC
5441 W. Oakridge Avenue
Visalia, CA 93291

ORDER AMENDING CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER; BHT II NORTHERN CAL 1, LLC, PLACER VINEYARDS PROPERTY 7 DEVELOPMENT (INFRASTRUCTURE SEGMENT R) PROJECT (WDID NO. 5A31CR00484A2), PLACER COUNTY

This Order responds to the 12 November 2021 request for an amendment of the Placer Vineyards Property 7 Development (Infrastructure Segment R) Project Section 401 Water Quality Certification (WDID No. 5A31CR00484). The original Water Quality Certification (Certification) was issued on 25 June 2019. An amendment (WDID No. 5A31CR00484A1) was issued on 30 January 2020. The requested amendment is hereby approved, and the original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

BHT II Northern Cal 1, LLC (hereinafter Permittee) are requesting an amendment to the Section 401 Water Quality Certification and Order to revise the mitigation type and quantity per the Placer County Conservation Program requirements. Therefore, Section XIV.K.3; Table 7; Table 8; Table 9; and Attachment B, Table 3 and Table 4 are amended in underline format below.

XIV.K Compensatory Mitigation for Permanent Impacts¹

- 1. Compensatory Mitigation Plan:** The Permittee shall provide compensatory mitigation for impacts to waters of the United States and waters of the state in accordance with Clean Water Act Section 404 Mitigation Strategy (Mitigation Strategy) for the Placer Vineyards Specific Plan (PVSP) dated 22 September 2015 and incorporated herein by reference. Any deviations from, or revisions to, the Mitigation Strategy for PVSP must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.
- 2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation.**
 - a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in water work.
 - b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.
- 3. Total Required Compensatory Mitigation**
 - a. Total Required Compensatory Mitigation for Phase R1.1**
 - i. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.087 acre of drainage canal by purchasing 0.131 acre of seasonal wetland credits from the Placer County Conservation Program In-Lieu Fee Program.
 - ii. The Permittee is required to provide compensatory mitigation for the authorized impact to 6.786 acres of seasonal wetlands (Includes direct impacts of 4.367 acres from Infrastructure Segment Phase R1.1, 1.651 acres of overlap impacts from Infrastructure Segment N and 0.768 acre overlap impacts from Infrastructure Segment E) by purchasing 10.179 acres of vernal pool complex credits from the Placer County Conservation Program In-Lieu Fee Program.
 - iii. The Permittee is required to provide compensatory mitigation for the authorized impact to 1.121 acres of seasonal wetland swale by

¹ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

purchasing 1.682 acres of vernal pool complex credits from the Placer County Conservation Program In-Lieu Fee Program (WPC ILF).

- iv. The Permittee is required to provide compensatory mitigation for the authorized impact to 1.108 acres of vernal pools by purchasing 1.662 acres of vernal pool credits from the Placer County Conservation Program In-Lieu Fee Program.
- v. Total required Project compensatory mitigation information for permanent physical loss of area for Phase R1.1 is summarized in Table 7. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 7. Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area for Phase R1.1

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Seasonal Wetland	In-Lieu Fee Program	Acres						<u>0.131</u>
Vernal Pool	In-Lieu Fee Program	Acres						<u>1.662</u>
Vernal Pool Complex	In-Lieu Fee Program	Acres						<u>11.861</u>

b. Total Required Compensatory Mitigation for Phase R1.2

- i. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.075 acre of drainage canal by purchasing 0.112 seasonal wetland credits from the Placer County Conservation Program In-Lieu Fee Program.
- ii. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.740 acre of intermittent drainage by purchasing 1.125 riverine/riparian complex credits from the Placer County Conservation Program In-Lieu Fee Program.
- iii. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.419 acre of pond by purchasing 0.628 lacustrine credits from the Placer County Conservation Program In-Lieu Fee Program.
- iv. The Permittee is required to provide compensatory mitigation for the authorized impact to 3.220 acres of seasonal wetlands

(Includes direct impacts of 2.452 acres from Infrastructure Segment R1.2 and 0.768 acre overlap impacts from Infrastructure Segment E) by purchasing 4.830 vernal pool complex credits from the Placer County Conservation Program In-Lieu Fee Program.

- v. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.811 acre of seasonal wetland swale by purchasing 1.216 vernal pool complex credits from the Placer County Conservation Program In-Lieu Fee Program.
- vi. Total required Project compensatory mitigation information for permanent physical loss of area for Phase R1.2 is summarized in Table 8. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 8: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area for Phase R1.2

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Lacustrine	In-Lieu Fee Program	Acres						<u>0.628</u>
<u>Riverine/Riparian Complex</u>	In-Lieu Fee Program	Acres						<u>1.125</u>
Seasonal Wetland	In-Lieu Fee Program	Acres						<u>0.112</u>
Vernal Pool Complex	In-Lieu Fee Program	Acres						<u>6.046</u>

c. Total Required Compensatory Mitigation for Phase R1.3

- i. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.175 acre of seasonal wetland swale by purchasing 0.263 vernal pool complex credits from the Placer County Conservation Program In-Lieu Fee Program.
- ii. Total required Project compensatory mitigation information for permanent physical loss of area for Phase R1.3 is summarized in Table 9. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 9: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area for Phase R1.3

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Vernal Pool Complex	In-Lieu Fee Program	Acres						<u>0.263</u>

Attachment B

Compensatory Mitigation Information

The following table(s) show individual compensatory mitigation information and location.

In-Lieu Fee Compensatory Mitigation Information

Table 3: In-Lieu Fee Program

In-Lieu Fee Program Name:	<u>Placer County Conservation Program (PCCP) In-Lieu Fee Program</u>
Website:	www.placerconservation.com (https://placerconservation.com)
In-Lieu Fee Program Contact Name:	Gregg McKenzie <u>or</u> Theresa Johnson
Phone:	530-745-3075 <u>or</u> (530) 745-3129
Email:	GAMckenz@placer.ca.gov <u>or</u> tjohnson@placer.ca.gov
Mitigation Location - County:	Placer County
Latitude:	<u>To Be Determined</u>
Longitude:	<u>To Be Determined</u>

Table 4: In-Lieu Fee Program Credit Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Lacustrine	<u>0.628</u>		Not Yet Purchased
<u>Riverine/Riparian</u>	<u>1.125</u>		Not Yet Purchased
Seasonal Wetland	<u>0.243</u>		Not Yet Purchased
Vernal Pool	<u>1.662</u>		Not Yet Purchased
Vernal Pool Complex	<u>18.170</u>		Not Yet Purchased

CENTRAL VALLEY WATER BOARD CONTACT:

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364 Knollcrest Drive, Suite 205
Redding, CA 96002
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(530) 224-4848

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act Section 401 Water Quality Certification and Order for Placer Vineyards Property 7 Development (Infrastructure Segment R) Project (WDID No. 5A31CR00484A2). All other conditions and provisions of the original Water Quality Certification 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 Clint Snyder, AEO (for)
PATRICK PULUPA, Executive Officer
Central Valley Regional Water Quality Control Board

1/11/22
Date

DLW: db

cc

via email: U.S. EPA, Region 9, San Francisco
Water Quality Certification Program, SWRCB, Sacramento
Kaitlyn A. Pascus, USACE, Sacramento
Kent MacDiarmid, The MacDiarmid Company
Hal Freeman, ECORP Consulting, Inc., Rocklin