



Central Valley Regional Water Quality Control Board

4 March 2022

Alan Hersh
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McClellan, CA 95652

NOTICE OF APPLICABILITY FOR COVERAGE UNDER GENERAL ORDER R5-2020-0048, WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION OF THE WESTERN PLACER COUNTY HABITAT CONSERVATION PROGRAM / NATURAL COMMUNITIES CONSERVATION PLAN PROGRAMMATIC GENERAL PERMIT, LDK-AREP, PLACER OWNER, LLC, PLACER VINEYARDS INFRASTRUCTURE SEGMENT P PROJECT (WDID NO. 5A31CR00534-009), PLACER COUNTY

On 4 January 2022, LDK-AREP, Placer Owner Group, LLC (Applicant) filed a Notice of Intent (NOI) requesting coverage for the 12th Street and Tanwood Avenue Project (Placer Vineyards Infrastructure Segment P) under the 16 October 2021 Central Valley Regional Water Quality Control Board (Central Valley Water Board) General Order R5-2020-0048, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the Western Placer County Habitat Conservation Program / Natural Communities Conservation Plan Programmatic General Permit.

After review of the NOI and supplemental materials submitted by the Applicant, the Central Valley Water Board has determined that the Placer Vineyards Infrastructure Segment P Project (Project) qualifies for enrollment under this Programmatic Certification.

The Central Valley Water Board is certifying this Project under Programmatic Certification, WDID No. 5A31CR00534, subject to the conditions and the notification requirements described in the Programmatic Certification. This Notice of Applicability (NOA) is being issued at the request of LDK-AREP, Placer Owner Group, LLC (hereinafter Enrollee) under the Programmatic Certification pursuant to Section 3838 of the California Code of Regulations.

The Project must proceed in accordance with the requirements contained in this NOA and the Programmatic Certification. The Project is described in the NOI Form, submitted 4 January 2022, and supplemental information requesting coverage under the Programmatic Certification (Application Package). If the Project is modified from that

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

described in the Application Package, then coverage under the Programmatic Certification is no longer valid.

I. Public Notice

The State Water Resources Control Board (State Water Board) provided public notice of the application from 7 January 2022 to 28 January 2022. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The proposed Project is an approximately 6.03-acre component of the Placer Vineyards Specific Plan (PVSP) Infrastructure Project, which will include onsite infrastructure elements required for the development of the PVSP. Specifically, 375 linear feet of Market Place Drive, including associated sidewalks, will be constructed in the southern portion of the Project area (running southwest to northeast). In addition, 975 linear feet of Town Center Road including associated sidewalks, will be constructed in the Project area (running north and south). Both sections will include installation of a storm water drainage system and utilities (water and sewer).

The utility lines and storm water drainage pipes will be installed via an open trench and will be placed under the roadway or immediately adjacent to the roadway. The storm drainage pipe will vary from 15 inches to 36 inches in diameter, the sewer line will vary from 8 to 12 inches in diameter, and the water line will vary from 12 to 16 inches in diameter.

III. Project Location

Address: The Project is located West of Watt Avenue, east of Palladay Road, north of Dyer Lane, and south of Baseline Road, west of the City of Roseville, in western Placer County, California.

County: Placer County

Nearest City: Roseville

Section 2, Township 10 North, Range 5 East, MDB&M.

Section 10, Township 10 North, Range 5 East, MDB&M.

Latitude: 38.750° and Longitude: -121.406°

Maps showing the Project location are found in Attachment A of this NOA.

IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, May 2018 (Basin Plan). The plan for the region

and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/)

(http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This NOA promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

V. Description of Direct Impacts to Waters of the United States

The Project impacts addressed in this submittal include 0.020 acre of Waters of the United States, specifically a seasonal wetland swale.

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss of area and those degrading ecological conditions. Impacts to waters of the state shall not exceed quantities shown in Table 1.

Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts.

| Aquatic Resources Type | Acres | Cubic Yards | Linear Feet |
|------------------------|-------|-------------|-------------|
| Seasonal Wetland Swale | 0.020 | 32 | 257 |

VI. California Environmental Quality Act (CEQA)

On 16 July 2007, Placer County Board of Supervisors, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 1999062020) for the Project and filed a Notice of Determination (NOD) at the SCH on 26 July 2007. A Mitigation Monitoring and Reporting Program was also adopted by the Placer County Board of Supervisors on 16 July 2007. On 14 February 2012, the Placer County Board of Supervisors adopted an Addendum to the FEIR. On 11 September 2012, the Placer County Board of Supervisors adopted modifications to the Mitigation Monitoring and Reporting Program and corresponding text revisions to the FEIR. On 6 January 2015, the Placer County Board of Supervisors approved an Addendum to the FEIR. Placer County Board of Supervisors adopted Mitigation Monitoring and Reporting Program modifications and corresponding text revisions to the FEIR on 8 November 2016 and filed a NOD with the SCH on

17 November 2016. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

VII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

VIII. Fees Received

An application fee of \$2,417.00 was received on 7 January 2022. The fee amount was determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category E – Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

IX. Compensatory Mitigation

A. Compensatory Mitigation for Permanent Impacts¹

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

1. Purchase of Mitigation Credits by Enrollee 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.

2. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.020 acre of seasonal wetland swale by purchasing 0.030 vernal pool complex credits in the Placer County Conservation Program In-Lieu Fee Program.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 2. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

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

Table 2: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area.

| Aquatic Resource Type | Mitigation Type | Units | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
|-----------------------|---------------------|-------|------|---------|------|------|-------|---------|
| Vernal Pool Complex | In-Lieu Fee Program | Acres | | | | | | 0.030 |

X. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Daniel Warner at (530) 224-4848 or Daniel.Warner@waterboards.ca.gov.

Original Signed by Clint Snyder, AEO (for)

 Patrick Pulupa, Executive Officer
 Central Valley Regional Water Quality Control Board

3/4/22

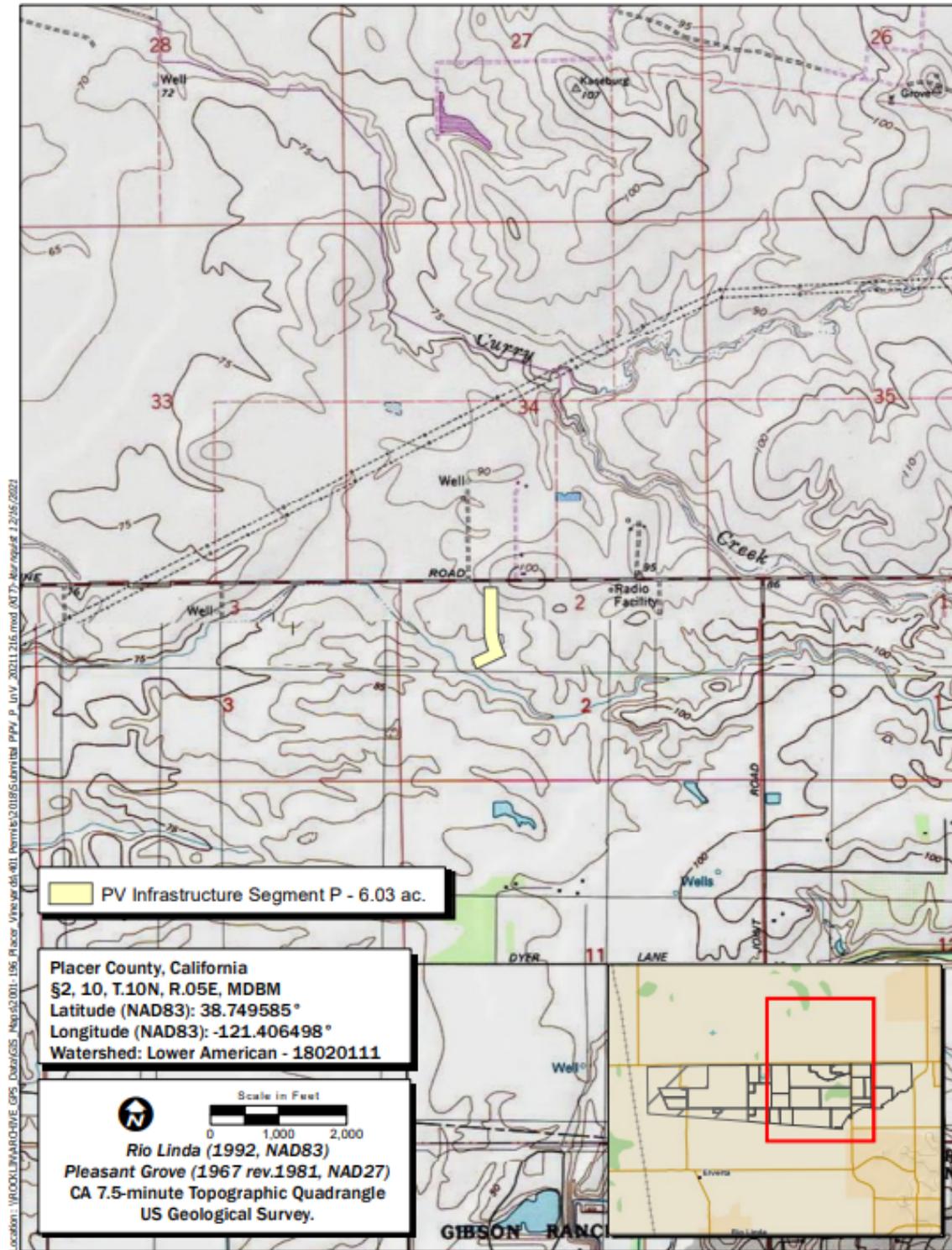
 Date

Enclosure: 16 October 2021 Central Valley Regional Water Quality Control Board's General Order R5-2020-0048, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the Western Placer County Habitat Conservation Plan Programmatic General Permit issued to the United States Army Corps of Engineers (WDID No. 5A31CR00534).

Attachments: Attachment A - Project Maps
 Attachment B - Receiving Water, Impact, and Mitigation Information
 Attachment C - CEQA

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Figure 1. Project Location Map.



Location: \\WOODLIVAR\HOME\GIS_Data\GIS_Naps\2001-196_Placer_Vineyards\401_Permit\2018\5_Submittal_PPV_P_UVY_2021\1216.mxd (NT7-Murphy) 12/16/2021

Map Date: 12/16/2021
Service Layer Credits: Copyright © 2013 National Geographic Society, i-cubed
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Figure 2. Project Area

2017-243.01 Placer Vineyards Infrastructure

Figure 2. Project Vicinity and Context Map

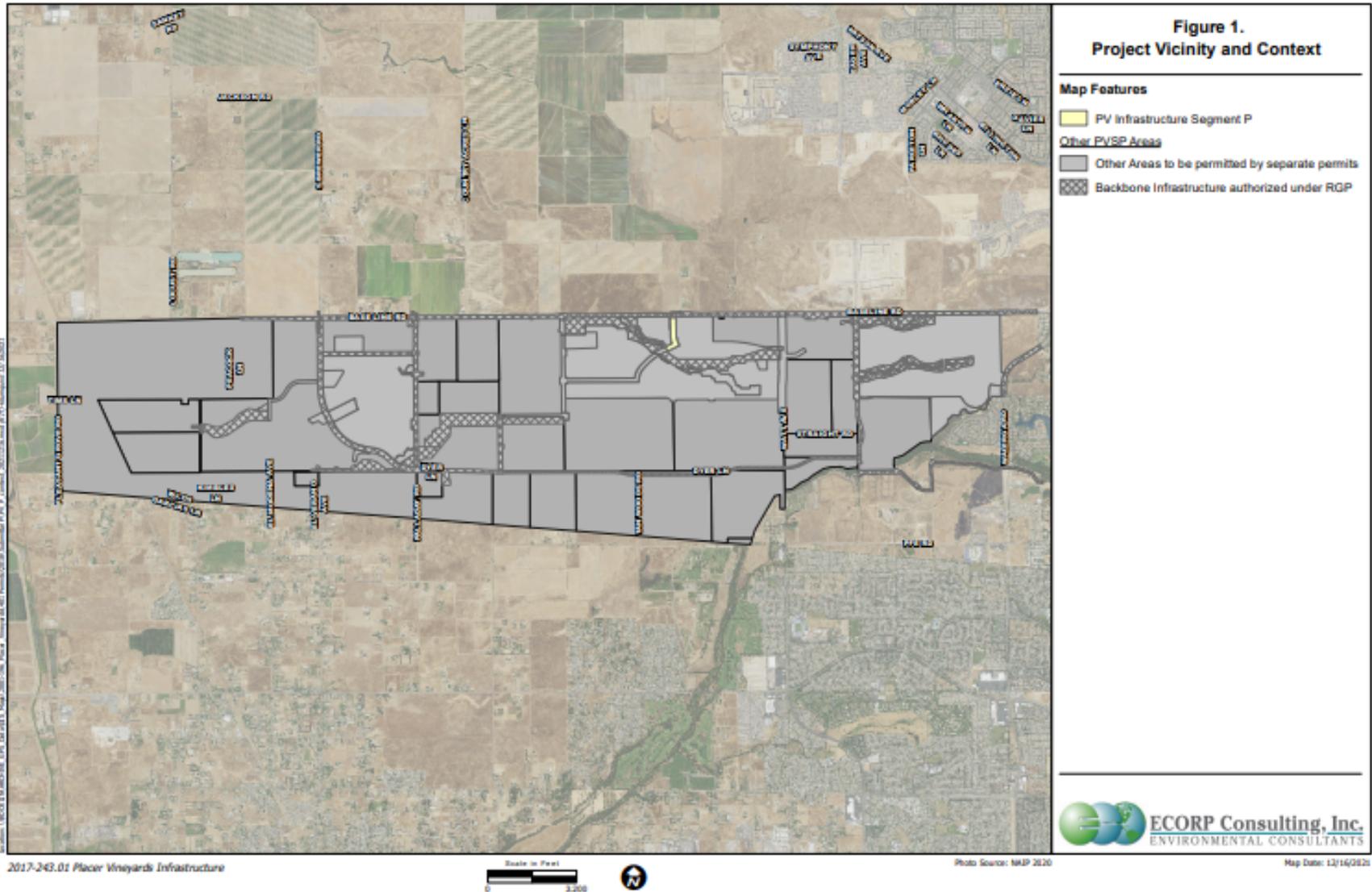
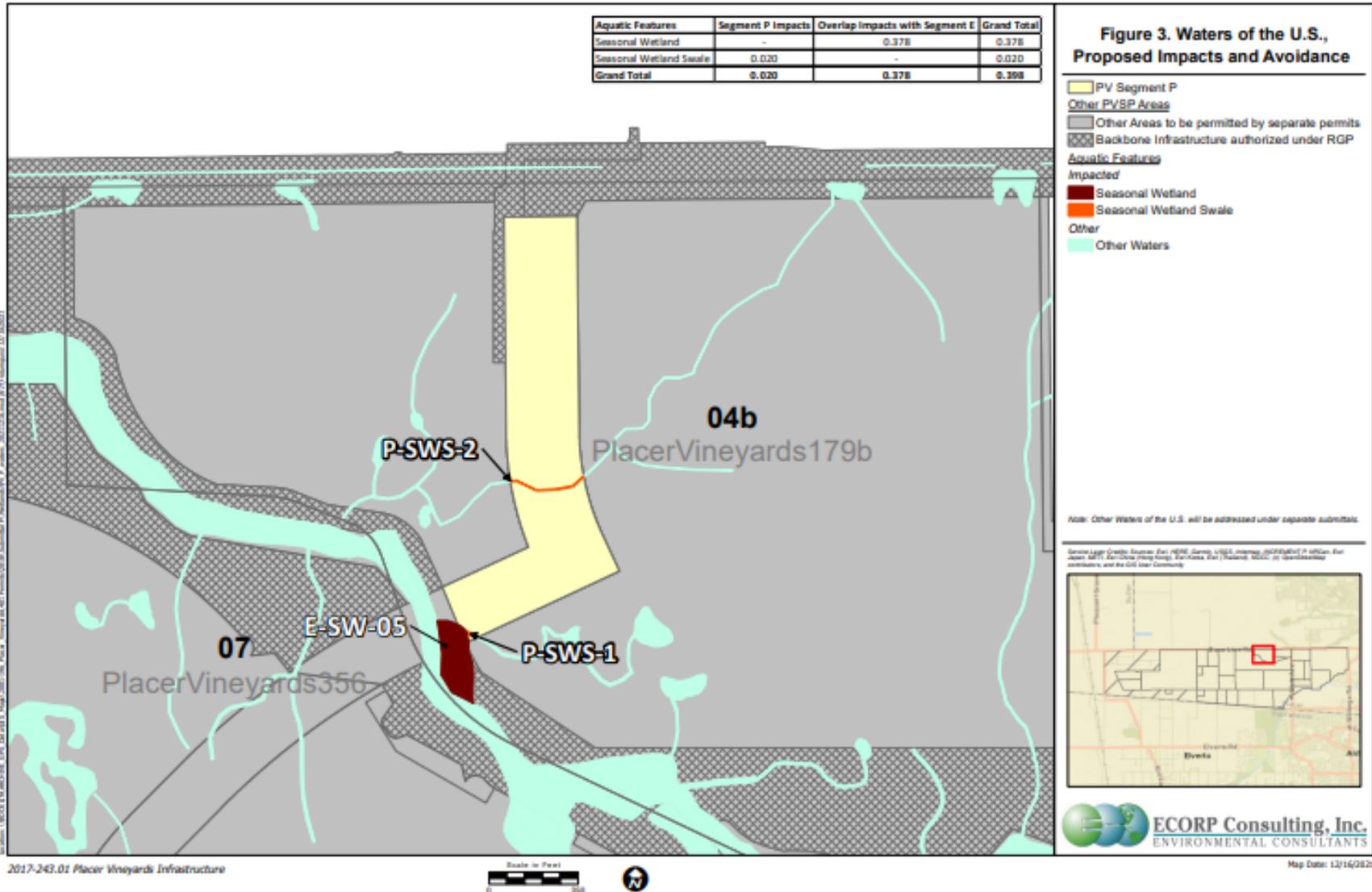


Figure 3. Impacts Location Map.



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Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Waters Information

| Site ID | Waterbody Name | Impacted Aquatic Resource Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant | California Rapid Assessment Method (CRAM) ID |
|------------------------|--------------------------------------|--------------------------------|------------------------------|------------------|-----------------------------------------------------------|------------------------|----------------------------------------------|
| Seasonal Wetland Swale | Unnamed tributary to Steelhead Creek | Wetland | 519.22 | Sacramento River | MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV | Not Applicable | Not Applicable |

Individual Direct Impact Locations

The following table show individual impacts.

Table 2: Individual Permanent Fill/Excavation Impact Information

| Impact Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation? | Acres | Cubic Yards | Linear Feet |
|------------------------|----------|-----------|---------------------------------------|-------|-------------|-------------|
| Seasonal Wetland Swale | 38.750 | -121.406 | No | 0.020 | 32 | 257 |

Compensatory Mitigation Information

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

In-Lieu Fee Compensatory Mitigation Information

Table 3: In-Lieu Fee Program

| | |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| In-Lieu Fee Program Name: | Placer County Conservation Program (PCCP) In-Lieu Fee Program |
| Website: | www.placerconservation.com (https://placerconservation.com) |
| In-Lieu Fee Program Contact Name: | Gregg McKenzie or Theresa Johnson |
| Phone: | (530) 745-3074 or (530) 745-3129 |
| Email: | gammckenz@placer.ca.gov or tjohnson@placer.ca.gov |
| In-Lieu Fee Program Location - County: | Placer County |
| Latitude: | To Be Determined |
| Longitude: | To Be Determined |

Table 4: Mitigation Type Information

| Aquatic Resource Credit Type | Acres | Linear Feet | Number of Credits Purchased |
|------------------------------|-------|-------------|-----------------------------|
| Vernal Pool Complex | 0.030 | | Not Yet Purchased |

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A. Environmental Review

On 16 July 2007, Placer County Board of Supervisors, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 1999062020) for the Placer Vineyards Specific Plan and filed a Notice of Determination (NOD) at the SCH on 26 July 2007. A Mitigation Monitoring and Reporting Program was also adopted by the Placer County Board of Supervisors on 16 July 2007. On 14 February 2012, the Placer County Board of Supervisors adopted an Addendum to the FEIR. On 11 September 2012, the Placer County Board of Supervisors adopted modifications to the Mitigation Monitoring and Reporting Program and corresponding text revisions to the FEIR. On 6 January 2015, the Placer County Board of Supervisors approved an Addendum to the FEIR. Placer County Board of Supervisors adopted Mitigation Monitoring and Reporting Program modifications and corresponding text revisions to the FEIR on 8 November 2016 and filed a NOD with the SCH on 17 November 2016.

The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that Placer County's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Placer County addresses the Project's water resource impacts. (California Code of Regulations, Title 14, section 15096, subd. (f).) The environmental document includes the Mitigation Monitoring and Reporting Program (MMRP) developed by Placer County for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, Title 14, section 15091, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: [County of Placer - Placer Vineyards Specific Plan - Environmental Impact Report](https://www.placer.ca.gov/3566/Environmental-Impact-Report) (<https://www.placer.ca.gov/3566/Environmental-Impact-Report>).

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

C. Findings

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

- (1) Findings regarding impacts that will be mitigated to a less than significant level. (Public Resources Code, section 21081, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (a)(1).)

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

a.i. Significant Effects:

Water Quality Impact 4.3.4-1 (FEIR Water Quality Section):

Surface water quality in the Specific Plan area could be degraded following site development by the introduction of urban pollutants including vehicle oils and greases, heavy metals on roads, parking lots, and driveways, fertilizers and pesticides used on site landscaping, and toxic compounds released from auto maintenance areas into surface runoff.

Given the extent of proposed development and roadway improvements, the overall potential for generation of urban pollutants, and because drainage from the Specific Plan area is ultimately conveyed into a potable water source, this is a **potentially significant impact**.

a.ii. Facts in Support of Finding:

Mitigation Measures 4.3.4-1a–1g identified in the FEIR implemented by the developers will incorporate a source control approach to managing storm water into the design of the project (low impact development) and will employ a variety of integrated BMPs to reduce storm water runoff.

Through implementation of contemporary techniques for treatment and control of runoff, the direct water quality impacts of the project can be mitigated to a **less than significant level**.

b.i. Significant Effects:

Water Quality Impact 4.3.4-2 (FEIR Water Quality Section):

Construction during both wet and dry weather will affect water quality with increased sedimentation, operation and maintenance of construction vehicles and storage of materials that could release contamination to surface waters.

This increase in sediment loads and turbidity in local drains would be considered a **significant short term water quality impact**.

b.ii. Facts in Support of Finding:

Mitigation Measures 4.3.4-2a–2c identified in the FEIR would reduce the impact of short-term surface water quality degradation that would occur during development of the Specific Plan area to a **less than significant level**.

c.i. Significant Effects:

Water Quality Impact 4.3.4-3 (FEIR Water Quality Section):

Improvements to drainage swales and channels could result in the removal of existing vegetation. Loss of vegetation could result in increased bank erosion, higher water velocities and water quality degradation.

Although it is planned that major swales and drainage channels on the site be retained, loss of vegetation within and adjacent to existing swales and channels will occur due to project construction. This is considered a **potentially significant impact**.

c.ii. Facts in Support of Finding:

Mitigation Measures 4.3.4-3a–3b identified in the FEIR will reduce the potentially-significant impact of vegetation loss that will occur during and after drainage improvements within the Specific Plan area to a **less than significant level**.

d.i. Significant Effects:

Water Quality Impact 4.3.4-4 (FEIR Water Quality Section):

Groundwater quality in the Specific Plan area could be degraded during and after construction by the introduction of construction pollutants and urban pollutants, including vehicle oils and greases; heavy metals on roads, parking lots, and driveways; fertilizers and pesticides used on site landscaping; and toxic compounds released from auto maintenance areas. This is a **potentially significant impact**.

d.ii. Facts in Support of Finding:

All existing groundwater wells within the Specific Plan area shall be abandoned and sealed or be inspected and, if found to be improperly sealed, properly sealed, or destroyed and replaced, in accordance with Placer County Environmental Health Division Standards. Mitigation Measures 4.3.4-4 identified in the FEIR will reduce impacts related to contamination of wells and groundwater to a **less than significant level**.

e.i. Significant Effects:

Water Quality Impact 4.3.4-7 (FEIR Water Quality Section):

Construction of off-site infrastructure can affect water quality causing increased sedimentation, operation and maintenance of construction vehicles,

and storage of materials that could release contamination to surface waters. This increase in sediment loads and turbidity in local drains would be considered a **significant short term water quality impact**.

e.ii. Facts in Support of Finding:

Mitigation Measures 4.3.4-7a–7c identified in the FEIR would reduce the significant impact of short-term surface water quality degradation that could occur during the development of off-site infrastructure in Placer County to a **less than significant level**. Mitigation Measures 4.3.4-7a–7c require in part a Storm Water Pollution Prevention Plan (SWPPP); an NPDES Stormwater Construction General Permit; submittal of an erosion control plan, for review and approval, to Placer County Department of Public Works consistent with the County's Grading, Erosion and Sediment Control Ordinance; and BMPs for construction to be developed in accordance with the *California Stormwater Quality Association Stormwater Best Management Practice Handbook for Construction and New Development/Redevelopment*.

f.i. Significant Effects:

Water Quality Impact 4.3.4-9 (FEIR Water Quality Section):

The Specific Plan could contribute to cumulative degradation of Dry Creek water quality, including additional erosion and sedimentation due to increased effluent discharge from the DCWWTP [Dry Creek Wastewater Treatment Plant]. The following effects on water quality, erosion and sedimentation are cumulatively less than significant and no mitigation is required: mercury loading, changes in pH, nutrient loading, change in taste or creation of odors, velocity, bank scour, and turbidity. The following effects are **cumulatively considerable and significant** but can be mitigated to a less than significant level by application of mitigation measures set forth in the 1996 WWTP Master Plan EIR [City of Roseville, 1996]: temperature change, introduction of trace metals and organics, and changes in dissolved oxygen.

f.ii. Facts in Support of Finding:

Mitigation Measures 4.3.4-9a–9c identified in the FEIR would reduce impacts related to temperature change, introduction of trace metals and organics, and changes in dissolved oxygen to a **less than significant level**.

g.i. Significant Effects:

Biological Resources Impact 4.4-12 (FEIR Biological Resources Section):

Development could result in the loss of riparian habitat and disturbance of drainages. Impacts could occur in off-site infrastructure areas. Indirect impacts to riparian corridors could negatively affect species dependent upon riparian habitat, even though riparian vegetation is not directly impacted; however, project setbacks and project design elements should reduce such

impacts to a less than significant level. This impact would be considered **significant**.

g.ii. Facts in Support of Finding:

Implementation of the proposed Specific Plan would ensure that on-site riparian areas that are to be retained (such as streams) would be protected from damage or disturbance by construction and that there would be “no net loss” of riparian habitat within these areas. In the event a stream crossing cannot be avoided, implementation of Mitigation Measures 4.4-12a–12b would reduce potential impacts on streams and riparian habitat to a **less than significant level**.

h.i. Significant Effects:

Geology and Soils Impact 4.5-4 (FEIR Geology and Soils Section):

Construction activities resulting in ground disturbance (topographic alteration) could create a moderate potential for ground instability and erosion. Erosion is anticipated to occur in disturbed soil areas. Soil stockpiles could be susceptible to erosion and soil loss. These impacts are considered to be **potentially significant**.

h.ii. Facts in Support of Finding:

Mitigation Measures 4.5-4a-4f identified in the FEIR will reduce the magnitude of topographic alteration impacts to a **less than significant level**.

i.i. Significant Effects:

Geology and Soils Impact 4.5-5 (FEIR Geology and Soils Section):

Construction activities related to off-site infrastructure resulting in ground disturbance (topographic alteration) could create a potential for ground instability and soil erosion. Impacts related to ground disturbance that could result from trench/pipeline construction within the off-site utility corridors, roadway widening, or expansion of wastewater treatment plant-related facilities are similar to those for proposed utility improvements and construction within the Specific Plan area. These impacts could be **potentially significant**.

i.ii. Facts in Support of Finding:

Implementation of Mitigation Measure 4.5-4a-4f identified in the FEIR, and compliance with mitigation measures 4.5-5a–5e identified in the FEIR and described in the Roseville Regional Wastewater Treatment Service Area Master EIR and the Sacramento Regional Wastewater Treatment Plant 2020 Master Plan EIR will reduce impacts to a **less than significant level**.

- (2) Findings regarding mitigation measures which are the responsibility of another agency. (Public Resources Code, section 21081, subd. (a)(2); California Code of Regulations, title 14, section 15091, subd. (a)(2)).

There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the Central Valley Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- (3) Findings regarding significant water quality or supply impacts being authorized due to specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers that cannot feasibly be mitigated to a less than significant level. (Public Resources Code, section 21081, subd. (a)(3); California Code of Regulations, title 14, section 15091, subd. (a)(3).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

a.i. Significant Effects:

Water Quality Impact 4.3.4-8 (FEIR Water Quality Section):

Surface water quality in the Specific Plan area could be degraded following site development by the introduction of urban pollutants including vehicle oils and greases, heavy metals on roads, parking lots, and driveways, fertilizers and pesticides used on site landscaping, and toxic compounds released from auto maintenance areas into surface runoff. This potential long-term water quality degradation is considered a **cumulatively considerable significant impact**.

a.ii. Facts in Support of Finding:

Mitigation Measures 4.3.4-1a–1e identified in the FEIR will reduce the impact of cumulative long-term surface water quality degradation that would occur after the development of improvements in the Specific Plan area. However, because Placer County cannot assure that pollutant levels will be reduced to pre-development levels on an area-wide basis, long-term impacts **will remain significant, cumulative and unavoidable**.

b.i. Significant Effects:

Biological Resources Impact 4.4-1 (FEIR Biological Resources Section):

Development will remove the majority of open space in the Specific Plan area.

b.ii. Facts in Support of Finding:

While the loss of open space will be substantially lessened by mitigation measures 4.4-1a–1j as identified in the FEIR, the impact will **remain significant and unavoidable**.

c.i. Significant Effects:

Biological Resources Impact 4.4-11 (FEIR Biological Resources Section):

Development would fill jurisdictional and non-jurisdictional wetlands, and other jurisdictional waters of the U.S. The loss of jurisdictional and non-jurisdictional wetlands would be **considered significant**.

c.ii. Facts in Support of Finding:

Mitigation Measures 4.4-11a–11b identified in the FEIR would substantially lessen potential impacts on wetlands. To the extent that replacement, re-creation or restoration of wetlands may be approved, this impact would be reduced; however, because the mitigation measure does not guarantee preservation on-site within the Specific Plan area, this impact must remain **significant**.

d.i. Significant Effects:

Biological Resources Impact 4.4-26 (FEIR Biological Resources Section):

Installation and maintenance of infrastructure within the off-site infrastructure areas could fill jurisdictional and non-jurisdictional wetlands and other jurisdictional waters of the U.S. The loss of both jurisdictional and non-jurisdictional wetlands would be **considered significant**.

d.ii. Facts in Support of Finding:

Mitigation measure 4.4-26 as identified in the FEIR would substantially lessen the loss or disturbance of wetlands. However, some of the project infrastructure improvements would be located in and under the jurisdiction of Sutter County, Sacramento County and/or the City of Roseville, and Placer County cannot compel these jurisdictions to adopt or implement mitigation measures. For this reason and because the mitigation does not guarantee preservation of jurisdictional waters within Placer County, the potential impact on wetlands will **remain significant and unavoidable**.

e.i. Significant Effects:

Biological Resources Impact 4.4-27 (FEIR Biological Resources Section):

Installation and maintenance of infrastructure within the off-site infrastructure areas could result in the loss of riparian habitat and disturbance of drainages.

Utility lines will cross streams or other drainages (e.g., Dry Creek); however, project proponents will use jack and bore construction techniques in order to avoid any direct impact to these features. Impacts would, however, occur due to widening associated with the Watt Avenue bridge, including disturbance of stream channels and loss of 0.54 acres of riparian habitat. This impact would be **considered significant**.

e.ii. Facts in Support of Finding:

Mitigation measure 4.4-27 as identified in the FEIR would lessen the impacts to riparian habitat. However, some of the project infrastructure improvements would be located in and under the jurisdiction of Sutter County, Sacramento County and/or the City of Roseville, and Placer County cannot compel these jurisdictions to adopt or implement mitigation measures. For this reason, the potential impact on riparian areas will **remain significant and unavoidable**.

D. Statement of Overriding Considerations

The Placer County Board of Supervisors FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Public Resources Code, section 21081, subd (b); California Code of Regulations, Title 14, section 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Placer Vineyards Specific Plan are disclosed in the FEIR, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts within the Central Valley Water Board's jurisdiction are discussed in subsection C above.

The Central Valley Water Board has independently reviewed and considered the Lead Agency's documentation and findings. The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic and social benefits of implementing the Project—including local job growth and employment opportunities—outweigh the significant and unavoidable impacts to water resources identified above.

E. Determination

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the Placer County Board of Supervisors and has reached its own conclusion to approve this Project.

DISTRIBUTION LIST

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